

SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR

WEDNESDAY, OCTOBER 12, 2022

**(SPECIAL LOCATION: SHELBYVILLE CONFERENCE & WELCOME CENTER)**

1:00 p.m. COMMONWEALTH OF KENTUCKY EX REL. ATTORNEY GENERAL DANIEL CAMERON V. HOLLY M. JOHNSON, IN HER OFFICIAL CAPACITY AS SECRETARY OF KENTUCKY FINANCE AND ADMINISTRATION CABINET, ET AL.  
(2021-SC-0518, -0519, -0520, -0522-TG)  
[APPELLANT'S BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)  
[APPELLANTS' BRIEF \(AKIA MCNEARY AND NANCY DEATON\)](#)  
[APPELLEES' BRIEF \(COUNCIL FOR BETTER EDUCATION, ET AL.\)](#)  
[REPLY BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)  
[REPLY BRIEF \(AKIA MCNEARY AND NANCY DEATON\)](#)  
[AMICUS CURIAE BRIEF \(PUBLIC FUNDS PUBLIC SCHOOLS, ET AL.\)](#)  
[AMICUS CURIAE BRIEF \(EDCHOICE KENTUCKY\)](#)  
[AMICUS CURIAE BRIEF \(THE KENTUCKY CENTER FOR ECONOMIC POLICY, ET AL.\)](#)  
[AMICUS CURIAE BRIEF \(FAYETTE COUNTY PUBLIC SCHOOLS\)](#)

Constitutional Law. Education Law. Tax. Special Legislation. Issues addressed include the constitutionality of certain provisions of House Bill 563, which created entities called "Account Granting Organizations," which are permitted to fund certain education expenses, such as private school tuition and fees, for eligible students using a taxpayer credit program.

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Oral Argument Granted: September 9, 2022  
Trial Court(s): Franklin Circuit Court  
Presiding Judge(s): Hon. Phillip J. Shepherd

Counsel for Appellants: Matthew F. Kuhn  
Brett R. Nolan  
Alexander Y. Magera  
Office of the Solicitor General  
Office of the Attorney General

*Counsel for Commonwealth of Kentucky  
ex rel. Attorney General Daniel Cameron*

ALL ARGUMENTS WILL BE STREAMED ONLINE AT  
[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT).

Counsel for Appellants:  
(Continued)

Matthew D. Doane  
Doane & Elliott, P.S.C.

-and-

Joshua A. House  
Benjamin A. Field  
Michael Bindas  
Institute for Justice

*Counsel for Akia McNeary and Nancy Deaton*

Counsel for Appellees:

Virginia Hamilton Snell  
Byron E. Leet  
Mitzi D. Wyrick  
Sean G. Williamson  
Wyatt, Tarrant & Combs, LLP

*Counsel for Better Education, Frankfort Independent School Board, and Warren County School Board*

Jeffrey S. Walther  
John K. Wood  
Walther, Gay & Mack, PLC

-and-

Alice O'Brien  
Kristen Hollar  
National Education Association

*Counsel for Michelle Grimes Jones, Katherine Walker-Payne, and Chris Rasheed*

SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR

THURSDAY, OCTOBER 13, 2022

**(LOCATION: SUPREME COURT COURTROOM IN FRANKFORT)**

10:00 a.m. ROBERT STIVERS, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE KENTUCKY SENATE, ET AL. V. ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL.

(2021-SC-0139-TG)

[APPELLANTS' BRIEF](#)

[APPELLEES' BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)

Legislative Immunity. KRS 418.075(4). Issues presented include whether legislative immunity acts as an absolute shield immunizing members of the legislative branch from suit when the plaintiff is a member of the executive branch of government arguing that a violation of the separation of powers principle has occurred.

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Oral Argument Granted:

September 6, 2022

Trial Court(s):

Franklin Circuit Court

Presiding Judge(s):

Hon. Phillip J. Shepherd

Counsel for Appellants:

David F. Fleenor

*Counsel for the Senate President*

D. Eric Lycan

*Counsel for Speaker of the House*

Gregory A. Woosley

*Counsel for Legislative Research  
Commission*

-and-

Paul E. Salamanca

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[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT).

Counsel for Appellees:

S. Travis Mayo  
Taylor Payne  
Marc Farris  
Laura C. Tipton

*Counsel for the Governor*

Wesley W. Duke  
David T. Lovely

*Counsel for Secretary Friedlander*

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SUPREME COURT OF KENTUCKY  
ORAL ARGUMENT CALENDAR

THURSDAY, OCTOBER 13, 2022  
(CONTINUED)

**(LOCATION: SUPREME COURT COURTROOM IN FRANKFORT)**

11:00 a.m. HUGHES V. UPS SUPPLY CHAIN SOLUTIONS, INC.  
(2021-SC-0444-DG)  
APPELLANTS' BRIEF  
APPELLEES' BRIEF  
REPLY BRIEF  
AMICUS BRIEF (INT. BROTHERHOOD OF TEAMSTERS LOCAL 783)  
AMICUS BRIEF (KENTUCKY EQUAL JUSTICE CENTER)  
AMICUS BRIEF (KENTUCKY JUSTICE ASSOCIATION)  
AMICUS BRIEF (INT. BROTHERHOOD OF ELECTRICAL WORKERS  
LOCAL UNION 369)  
AMICUS BRIEF (CHAMBER OF COMMERCE OF THE U.S., ET AL.)  
AMICUS BRIEF (AIRLINES FOR AMERICA)

Employment Law. Kentucky Wages and Hours Act. Fair Labor Standards Act. Portal-to-Portal Act. Issues include whether Kentucky employers are required to pay employees for time spent undergoing employer-required pre-shift and/or post-shift security screenings when: (1) the U.S. Supreme Court's opinion in *Integrity Staffing Solutions, Inc. v. Busk* holds that employers are not required to pay employees for screening time under federal law, the Portal-to-Portal Act, which was added to the Fair Labor Standards Act in 1947; and (2) the Kentucky General Assembly did not enact the federal Portal-to-Portal Act when it adopted the state's version of the Fair Labor Standards Act, the Kentucky Wages and Hours Act, in 1974.

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Discretionary Review Granted: April 20, 2022  
Trial Court(s): Jefferson Circuit Court  
Presiding Judge(s): Hon. Mitchell Perry

Counsel for Appellants: Andrew J. Horne  
Horne Law Office

-and-

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[WWW.KET.ORG/SUPREMECOURT](http://WWW.KET.ORG/SUPREMECOURT).

Michael D. Grabhorn  
Andrew M. Grabhorn  
Grabhorn Law

*Counsel for Marion Hughes, Raymond S. Batts, James A. Crume, Terri A. Rogers, and Phillip L. Western*

Counsel for Appellees:

John C. Roach  
Randsdell, Roach & Royse, PLLC

-and-

C. Laurence Woods III  
Kyle D. Robinson  
Frost Brown Todd LLC

-and-

Joseph R. Palomare  
Samuel B. Goldstein  
Morrison & Foerster, LLP

*Counsel for UPS Supply Chain Solutions, Inc. and United Parcel Service, Inc.*