

**SUPREME COURT OF KENTUCKY**  
**ORAL ARGUMENT CALENDAR**

**WEDNESDAY, OCTOBER 15, 2025**

**THE UNIVERSITY OF KENTUCKY**  
**J. DAVID ROSENBERG COLLEGE OF LAW**

10:00 a.m. MINOVA USA, INC. V. TOM JOLLY (2024-SC-0169-DG)

**APPELLANT BRIEF**

**APPELLEE BRIEF**

**REPLY BRIEF**

**AMICUS BRIEF (KENTUCKY JUSTICE ASSOCIATION)**

**AMICUS BRIEF (KENTUCKY DEFENSE COUNSEL, INC.)**

Workers' Compensation. Up-the-Ladder Employer. Contractor. Immunity. KRS 342.610(2). Issues presented include whether a company is a "contractor" pursuant to KRS 342.610(2) and an immune "employer" pursuant to KRS 342.690(1); if so, is the employer is immune from recovery outside the Workers' Compensation Act.

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Discretionary Review Granted: August 14, 2024

Trial Court(s): Scott Circuit Court

Presiding Judge(s): Hon. Kathryn Gabhart

Counsel for Appellant,  
*Minova USA, Inc.:*

Robert E. Stopher  
Robert D. Bobrow  
*Boehl Stopher & Graves,  
LLP*

Counsel for Appellee,  
*Tom Jolly:*

James J. Varellas  
Sandra M. Varellas  
D. Todd Varellas  
*Varellas & Varellas PLLC*

Kevin C. Burke  
Jamie K. Neal  
*Burke Neal PLLC*

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**WEDNESDAY, OCTOBER 15, 2025**  
**(CONTINUED)**

~~11:00 a.m. ORAL ARGUMENT CANCELLED DUE TO SETTLEMENT AS OF 10/10  
MARCIE LYNN TROUTT AS ADMINISTRATRIX OF THE ESTATE OF  
MADELYNN NOEL TROUTT AND INDIVIDUALLY, ET AL. V. THE BAIL  
PROJECT, INC., ET AL.  
(2024-SC-0311-DG)~~

~~[APPELLANT BRIEF](#)~~

~~[APPELLEE BRIEF](#)~~

~~[REPLY BRIEF](#)~~

~~[AMICUS BRIEF \(KADCL AND DPA\)](#)~~

~~[AMICUS BRIEF \(ACLU OF KY AND KY CENTER FOR ECO. POLICY\)](#)~~

~~Tort Law. Negligence. Duty of Care. Charitable Bail Organization. Issues presented include whether a charitable bail organization has: (1) a duty to investigate a criminal defendant's circumstances before posting his/her bail; and/or (2) a duty to monitor the defendant's conduct following his/her release.~~

~~**Goodwine, J., not sitting**~~

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~~Discretionary Review Granted: \_\_\_\_\_ December 12, 2024~~

~~Trial Court(s): \_\_\_\_\_ Jefferson Circuit Court~~

~~Presiding Judge(s): \_\_\_\_\_ Hon. Ann Bailey Smith~~

~~Counsel for Appellant,  
*Marcie Lynn Troutt as  
Administratrix of the  
Estate of Madelynn  
Noel Troutt and  
Individually, et al.:*~~

~~\_\_\_\_\_ Vincent E. Johnson~~

~~\_\_\_\_\_ *Siebert & Johnson, PLLC*~~

~~Counsel for Appellees,  
*The Bail Project, Inc.,  
et al.:*~~

~~\_\_\_\_\_ Nathan A. Lennon~~

~~\_\_\_\_\_ Robert A. Ott~~

~~\_\_\_\_\_ *Reminger Co LPA*~~

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**WEDNESDAY, OCTOBER 15, 2025**  
**(CONTINUE)**

11:00 a.m. **TYRONE ANTOINNE HARTSFIELD V. COMMONWEALTH OF KENTUCKY**  
**(2024-SC-0044-DG)**

**[APPELLANT BRIEF](#)**  
**[APPELLEE BRIEF](#)**  
**[REPLY BRIEF](#)**

Criminal Law. Evidence. Admissibility. Police Body Camera Footage. Issues presented include whether body camera footage from a police officer who responded to the scene of an alleged rape and strangulation is admissible at trial when the footage shows the officer telling a colleague that he did not believe the victim's story.

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Discretionary Review Granted: June 5, 2024

Trial Court(s): Fayette Circuit Court

Presiding Judge(s): Hon. Julie M. Goodman

Counsel for Appellant,  
*Tyrone Antoine Hartsfield:*

Emily Rhorer  
Kathleen Schmidt  
*Department of Public  
Advocacy*

Counsel for Appellee,  
*Commonwealth of Kentucky:*

Melissa Pile  
*Office of the Attorney  
General*

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**THURSDAY, OCTOBER 16, 2025**

**THE UNIVERSITY OF KENTUCKY**  
**J. DAVID ROSENBERG COLLEGE OF LAW**

10:00 a.m. **JONATHAN SHELL, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, ET AL. V. ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL. (2024-SC-0254-DG)**

**AND**

**ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR, ET AL. V. JONATHAN SHELL, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, ET AL. (2024-SC-0256-DG)**

**[APPELLANT/CROSS-APPELLEE BRIEF \(JONATHAN SHELL, ET AL.\)](#)**  
**[COMBINED APPELLEE/CROSS-APPELLANT BRIEF \(ANDY BESHEAR, ET AL.\)](#)**  
**[COMBINED REPLY/CROSS-APPELLEE\(S\) BRIEF \(JONATHAN SHELL, ET AL.\)](#)**  
**[REPLY BRIEF \(GOVERNOR ANDY BESHEAR, ET AL.\)](#)**  
**[AMICUS BRIEF \(DENIS FLEMING, JR.\)](#)**

State Constitutional Law. Executive Branch. Governor. Commissioner of Agriculture. Ky. Const. §§ 27, 28, 69, and 81. Separation of Powers. State Fair Board. Appointment Power. Removal Power. Supreme Executive. Issues presented include: (1) whether the Governor's role as "supreme executive who must take care that the laws are faithfully executed" requires that he have appointive power for the majority of the State Fair Board members and removal for cause power over all members; or (2) whether the General Assembly has the prerogative to withhold executive powers from the Governor by assigning them to the Commissioner of Agriculture.

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Discretionary Review Granted: February 13, 2025

Trial Court(s): Jefferson Circuit Court

Presiding Judge(s): Hon. Mary M. Shaw

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Counsel for Appellant/Cross-Appellee,  
*Jonathan Shell, in his  
Official Capacity as  
Commissioner of the  
Department of  
Agriculture:*

Heather Becker  
*Kentucky Department of  
Agriculture*

Counsel for Appellant/Cross-Appellee,  
*Commonwealth of  
Kentucky, ex rel.  
Attorney General  
Russell Coleman:*

Matthew F. Kuhn  
John H. Heyburn  
Jacob M. Abrahamson  
*Office of the  
Kentucky Attorney  
General*

Counsel for Appellant/Cross-Appellee,  
*Dr. Mark Lynn, in his  
Official Capacity as  
Chairman of the  
State Fair Board:*

Ellen Benzing  
*Kentucky State Fair Board*

Counsel for Appellant/Cross-Appellee,  
*David W. Osborne, in his  
Official Capacity as a  
Member of the State  
Fair Board and Speaker  
of the Kentucky House  
Of Representatives:*

D. Eric Lycan  
*Office of the Speaker of the  
House*

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Counsel for Appellant/Cross-Appellee,  
*Bertram R. Stivers, II, in his  
Official Capacity as a  
Member of the State  
Fair Board and President  
of the Kentucky State  
Senate:*

David Fleenor  
R. Vaughn Murphy  
Jean Bird  
*Office of the Senate  
President*

Counsel for Appellee/Cross-Appellant,  
*Andy Beshear, in his  
Official Capacity as  
Governor:*

Mitchel T. Denham  
*McBrayer, PLLC*

S. Travis Mayo  
*Office of the Governor*

Counsel for Appellee/Cross-Appellant,  
*Secretary Lindy Casebier,  
in his Official Capacities as  
Secretary of the Kentucky  
Tourism, Arts, and Heritage  
Cabinet, and as a Member of  
The State Fair Board:*

Mitchel T. Denham  
*McBrayer, PLLC*

Sarah Grider Cronan  
*Kentucky Tourism, Arts &  
Heritage Cabinet*

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**THURSDAY, OCTOBER 16, 2025**  
**(CONTINUED)**

11:00 a.m. **ANDY BESHEAR, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, ET AL. V. RUSSELL COLEMAN, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY, ET AL.**  
**(2024-SC-0228-DG)**

**APPELLANT BRIEF**  
**APPELLEE BRIEF (CONSTITUTIONAL OFFICERS)**  
**APPELLEE BRIEF (EXECUTIVE BRANCH ETHICS COMMISSION)**  
**REPLY BRIEF**

State Constitutional Law. Executive Branch. Governor. Ky. Const. §§ 27, 28, 69, and 81. Separation of Powers. Executive Branch Ethics Commission. Appointment Power. Removal Power. Supreme Executive. Issues include: (1) whether the Governor's role as the "supreme executive who must take care that the laws are faithfully executed" requires that he have appointive power for the majority of the Executive Branch Ethics Commission members and removal for cause power over all members; or (2) whether the General Assembly has the prerogative to withhold executive powers from the Governor by assigning them to the constitutional officers who are not amenable to his supervision and control.

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Discretionary Review Granted: February 13, 2025  
Trial Court(s): Jefferson Circuit Court  
Presiding Judge(s): Hon. A.C. McKay Chauvin

Counsel for Appellant,  
*Governor Andy Beshear; in  
His Official Capacity as Governor  
of the Commonwealth of Kentucky:* Mitchel T. Denham  
*McBrayer, PLLC*

S. Travis Mayo  
Taylor Payne  
Laura C. Tipton  
*Office of the  
Governor*

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**THURSDAY, OCTOBER 16, 2025**  
**(CONTINUED)**

Counsel for Appellant,  
*David Karem, in his Official  
Capacity as a Member of  
the Executive Ethics  
Commission:*

Mitchel T. Denham  
*McBrayer, PLLC*

Counsel for Appellee,  
*Russell Coleman, in his  
Official Capacity as  
Attorney General of the  
Commonwealth of  
Kentucky:*

Matthew F. Kuhn  
John H. Heyburn  
Jacob M. Abrahamson  
*Office of the Kentucky  
Attorney General*

Counsel for Appellee,  
*Michael Adams, in his  
Official Capacity as  
Kentucky Secretary  
Of State:*

Jennifer Scutchfield  
Michael R Wilson  
*Office of Secretary of State*

Counsel for Appellee,  
*Allison Ball, in her  
Official Capacity as  
State Auditor of  
Public Accounts:*

Alexander Y. Magera  
Savannah G. Baker  
Jeremy J. Sylvester  
*Office of the Kentucky  
Auditor of Public Accounts*

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Counsel for Appellee,  
*Mark Metcalf, in his  
Official Capacity as  
Kentucky State  
Treasurer:*

Sam P. Burchett  
*Robert L. Gullette, III  
Office of the State Treasurer*

Counsel for Appellee,  
*Jonathan Shell, in his  
Official Capacity as  
Commissioner of the  
Department of Agriculture:*

Heather Becker  
*Kentucky Department of  
Agriculture*

Counsel for Appellee,  
*Executive Branch  
Ethics Commission:*

Susan Stokley Clary  
*Executive Director*

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