

SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR

WEDNESDAY, SEPTEMBER 18, 2024

9:00 a.m. **COMMONWEALTH OF KENTUCKY V. DONNA WARFIELD
(2023-SC-0188-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

State Constitutional Law. Kentucky Constitution Section 115. Right to Appeal. Fugitive Disentitlement Doctrine. Issues include whether the right to appeal guaranteed by the Kentucky Constitution applies to an absconded defendant or, instead, whether the Fugitive Disentitlement Doctrine applies.

Discretionary Review Granted:

June 7, 2023

Trial Court(s):

Boone Circuit Court

Presiding Judge(s):

Hon. James R. Schrand

Counsel for Appellant,
*Commonwealth of
Kentucky:*

Melissa A. Pile
Assistant Solicitor General

Counsel for Appellee,
Donna Warfield:

Kathleen Schmidt
Adam Meyer
Assistant Public Advocates

ALL ARGUMENTS WILL BE STREAMED ONLINE AT

WWW.KET.ORG/SUPREMECOURT

WEDNESDAY, SEPTEMBER 18, 2024
(CONTINUED)

10:00 a.m. **JAMES JAVONTE CRITE V. COMMONWEALTH OF KENTUCKY**
(2022-SC-0541-DG)

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

Criminal Law. Fourth Amendment. Search and Seizure. Landlord/Tenant. Community Caretaking. Issues include whether the police violated a tenant's Fourth Amendment rights when: (1) the schizophrenic tenant, a convicted felon, ripped wiring from his apartment walls while he was off his medication; (2) the landlord, who the tenant's brother asked to repair the damage, requested that the police meet her and the electrician at the apartment due to safety concerns; and (3) at the landlord's insistence, the police sweep the apartment for hidden threats and discover an AR-style rifle in plain view.

Discretionary Review Granted:	April 19, 2023
Trial Court(s):	Daviess Circuit Court
Presiding Judge(s):	Hon. James A. Wethington

Counsel for Appellant, <i>James Javonte Crite:</i>	Kathleen Schmidt <i>Assistant Public Advocate</i>
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Counsel for Appellee, <i>Commonwealth of Kentucky:</i>	Elizabeth Hedges <i>Assistant Solicitor General</i>
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WEDNESDAY, SEPTEMBER 18, 2024
(CONTINUED)

11:00 a.m. **SUSAN SHEEHY V. HENRY VOLENTINE, INDIVIDUALLY, ET AL.**
(2023-SC-0129-DG)

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

Torts. Qualified Official Immunity. Police Chase. Issues involve whether the pertinent pursuit policy of the sheriff's office impacts the ministerial versus discretionary duties aspect of sovereign immunity analysis.

Discretionary Review Granted:	August 16, 2023
Trial Court(s):	Hardin Circuit Court
Presiding Judge(s):	Hon. John D. Simcoe

Counsel for Appellant,
Susan Sheehy:

Adrian Mendiondo
Morgan & Morgan
Kentucky PLLC

Counsel for Appellees,
Henry Volentine
Individually, et al.:

R. Keith Bond
Coleman Lochmiller & Bond

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THURSDAY, SEPTEMBER 19, 2024

9:00 a.m. **WOOSTER MOTOR WAYS, INC., ET AL. V. MICHAEL GONTERMAN,
ET AL.
(2023-SC-0062-DG)**

APPELLANT BRIEF (WOOSTER MOTOR WAYS, INC., ET AL.)
APPELLANT BRIEF (EC DELIVERY, LLC AND JAMES BAUMHOWER)
APPELLANT BRIEF (KENTUCKY FARM BUREAU)
APPELLEE BRIEF (MICHAEL AND JEANA GONTERMAN)
REPLY BRIEF (WOOSTER MOTORWAYS INC., ET AL.)
REPLY BRIEF (EC DELIVERY, LLC AND JAMES BAUMHOWER)
REPLY BRIEF (KENTUCKY FARM BUREAU)
AMICUS BRIEF (KENTUCKY STATE LODGE FOP)
AMICUS BRIEF (KENTUCKY DEFENSE COUNSEL, INC)
AMICUS BRIEF (KENTUCKY JUSTICE ASSOCIATION)

Torts. Firefighter's Rule. Questions include whether the Firefighter's Rule applies to bar recovery when a police officer is injured by an unrelated traffic hazard when responding to a first, separate traffic hazard.

Discretionary Review Granted: August 16, 2023
Trial Court(s): Henry Circuit Court
Presiding Judge(s): Hon. Jerry Crosby, II

Counsel for Appellant,
Wooster Motor Ways, Inc.
and Teddy Seery:

Mary Katherine Brashear
Christina R.L. Norris
Goldberg Simpson, LLC

Counsel for Appellant,
EC Delivery, LLC
and James Baumhower:

Lynsie Gaddis Rust
Andrew Bokeno
*Wilson Elser Moskowitz
Edelman & Dicker, LLP*

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Counsel for Appellant,
*Kentucky Farm Bureau
Mutual Insurance Company:*

James M. Crawford
Jake A. Thompson
Crawford & Baxter, P.S.C.

*Counsel for Appellee,
Michael & Jeana
Gonterman:*

Tyler Thompson
Liz Shepherd
Chad Propst
Marshall Rowland
*Dolt, Thompson, Shepherd
And Conway, PSC*

Edward Bourne
Courtney Bourne
Bourne Law Office, PSC

*Counsel for Appellee,
Kentucky Self-Insured Auto
Program State Risk &
Insurance Services Division:*

James G. Womack
*Embry Merritt Womack &
Nance, PLLC*

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THURSDAY, SEPTEMBER 19, 2024

(CONTINUED)

**10:00 a.m. STATE AUTO PROPERTY & CASUALTY COMPANY, ET AL. V.
GREENVILLE CUMBERLAND PRESBYTERIAN CHURCH
(2023-SC-0220-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS BRIEF \(KENTUCKY DEFENSE COUNCIL\)](#)

Contracts. Insurance. Collapse. Questions include the definition of the term collapse under the policy and whether this Court should reconsider its interpretation of the term.

Discretionary Review Granted: August 16, 2023
Trial Court(s): Muhlenberg Circuit Court
Presiding Judge(s): Hon. Brian Wiggins

Counsel for Appellants,
*State Auto Property &
Casualty Company &
Greenville Insurance, Inc.:* James P. Nolan II
Matthew Craven
Perry Adanick
Rolfes Henry Co., LPA

Counsel for Appellee,
*Greenville Cumberland
Presbyterian Church:* M. Austin Mehr
Bartley Hagerman
*Mehr Fairbanks Trial
Lawyers PLLC*

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