



## Supreme Court of Kentucky

Chambers, State Capitol  
Frankfort, Kentucky 40601  
502-564-4162

**John D. Minton, Jr.**  
Chief Justice of Kentucky

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*For Immediate Release*

### Supreme Court of Kentucky to hear arguments Sept. 14-15 in Frankfort **Proceedings are open to the public**

FRANKFORT, Ky., Sept. 12, 2016 – The [Supreme Court of Kentucky](#) will hear oral arguments Sept. 14-15, 2016, in Frankfort. Proceedings are open to the public and will take place in the Supreme Court Courtroom on the second floor of the state Capitol at 700 Capitol Ave. in Frankfort.

The public may also observe oral arguments via the [Supreme Court live stream](#) on the Kentucky Court of Justice website. Oral arguments are available online as they occur in real time and are not available as archives.

The Supreme Court is the state court of last resort and the final interpreter of Kentucky law. [Seven justices \(bios\)](#) sit on the Supreme Court and all seven justices rule on appeals that come before the court. The justices are elected from seven appellate districts and serve eight-year terms. A chief justice, chosen for a four-year term by fellow justices, is the administrative head of the state's court system and is responsible for its operation. The Supreme Court may order a ruling or opinion to be published, which means that the ruling becomes the case law governing all similar cases in the future in Kentucky.

WEDNESDAY, SEPT. 14, 2016

**9 AM**

2015-SC-000461-DG

**LOUISVILLE GAS AND ELECTRIC COMPANY V. KENTUCKY WATERWAYS ALLIANCE, ET AL.**

2015-SC-000462-DG

**COMMONWEALTH OF KENTUCKY, ENERGY AND ENVIRONMENT CABINET V. KENTUCKY WATERWAYS ALLIANCE, ET AL.**

[View Case Briefs](#)

Summary: “Clean Water Act. Best Practice Judgment (BPJ) Analysis. The first issue is whether the Cabinet was required, as a matter of law, to impose best practice judgment (BPJ) analysis, in addition to effluent limitation guidelines (ELG) when issuing a permit to LG&E

for the discharge of its wastewaters into the Ohio River when the Cabinet’s initial interpretation of the provisions governing the issuance of this permit did not require the Cabinet to do so. The second issue was whether the reviewing court should defer to the Cabinet’s interpretation of the provisions and regulations governing the issuance of a permit for the discharge of wastewaters.”

Discretionary Review granted 2-10-2016  
Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Louisville Gas and Electric Company: Sheryl G. Snyder, John Clarence Bender, Jason Patrick Renzelmann and Richard Clayton Larkin

Attorney for Kentucky Waterways Alliance, Sierra Club, Valley Watch and Save the Valley: Joe Francis Childers, Jr.

Attorneys for Commonwealth of Kentucky, Energy and Environment Cabinet: Christopher R. Fitzpatrick and Anna Fletcher

**10 AM**

2015-SC-000244-DG

**KENTUCKY RIVER FOOTHILLS DEVELOPMENT COUNCIL, INC. V. CATHY PHIRMAN, ADMINISTRATRIX OF THE ESTATE OF MELISSA STEFFEN, ET AL**

[View Case Briefs](#)

Summary: “Governmental Immunity. Negligence. Comair Analysis. Issues include whether Kentucky River, the Community Action Agency for four counties, is entitled to governmental immunity from a wrongful death claim.”

Discretionary Review granted 2-10-2016  
Madison Circuit Court, Judge William G. Clouse, Jr.

Attorneys for Appellant: Daniel Barry Stiliz, Robert Coleman Stiliz, III, Adrian M. Mendiondo and Kimberly Jean O’Donnell

Attorneys for Appellees: James T. Gilbert, Douglas Loy Hoots and Gregory Michael Funfsinn

THURSDAY, SEPT. 15, 2016

**9 AM**

2015-SC-000178-DG

**KENTUCKY CATV ASSOCIATION, INC., D/B/A KENTUCKY CABLE TELECOMMUNICATIONS ASSOCIATION, INC. V. CITY OF FLORENCE, KENTUCKY, ET AL.**

2015-SC-000181-DG

**LORI HUDSON FLANERY, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE FINANCE AND ADMINISTRATION CABINET, COMMONWEALTH OF KENTUCKY, ET AL. V. CITY OF FLORENCE, KENTUCKY, ET AL.**

[View Case Briefs](#)

Summary: “Taxation. Kentucky Constitution. Telecommunications. Franchise Fees. KRS 136.660. Issues include whether the Telecommunications Tax, which bars localities from collecting franchise fees from telecommunications service providers, violates Sections 163 and 164 of the Kentucky Constitution.”

Discretionary Review granted 2-10-2016  
Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Kentucky CATV Association, Inc., D/B/A Kentucky Cable  
Telecommunications Association, Inc.: Jackson W. White, Douglas Frank Brent, Timothy Joseph Eifler, Eric S. Tresh and Maria M. Todorova  
Attorney for Lori Hudson Flanery, In her official capacity as Secretary of the Finance and Administration Cabinet and Thomas B. Miller, In his official capacity as Commissioner of the Department of Revenue: Bethany G. Atkins  
Attorneys for Appellees: Barbara B. Edelman, David James Treacy and Haley Trogden McCauley

**10 AM**

2015-SC-000180-DG

**DARRYL M. SAMUELS V. COMMONWEALTH OF KENTUCKY**

[View Case Briefs](#)

Summary: “Criminal Law. Attorneys. Conflict of Interest. The issues presented are (1) whether it is a conflict of interest for a criminal attorney in a local DPA office to represent a defendant in a case where another criminal attorney in the same DPA office represents the victim of that defendant’s actions on other criminal charges; and (2) whether it is reversible error for the trial court to conclude that there was no conflict of interest and to proceed to trial with the DPA attorney representing the defendant, who has refused to waive the conflict of interest.”

Discretionary Review granted 10-21-2015  
McCracken Circuit Court, Judge Craig Z. Clymer

Attorney for Appellant: Brandon Neil Jewell  
Attorney for Appellee: Leilani K.M. Martin

**11 AM**

2015-SC-000581-DG

**GARRARD COUNTY, KENTUCKY, ET AL. V. KEVIN MIDDLETON**

[View Case Briefs](#)

Summary: “KRS 441.245(3). Authority of Fiscal Court. Establishment of Jailers’ Salary. The issue in this case is whether a fiscal court may decrease the salary of a jailer who does not operate a full service jail, from term to term pursuant to KRS 441.245(3).”

Discretionary Review granted 3-9-2016

Garrard Circuit Court, Judge C. Hunter Daugherty

Attorneys for Appellants: Jonathan L. Gay and Litany Loren Webster

Attorneys for Appellee: James Paul Long, Jr. and Gerry L. Calvert, II

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