



Supreme Court of Kentucky

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

John D. Minton, Jr.
Chief Justice of Kentucky

www.courts.ky.gov

Contact: Susan Stokley Clary, Supreme Court Clerk
502-564-5444, susanc@kycourts.net

For Immediate Release

Supreme Court of Kentucky to hear arguments Sept. 19-21 in Frankfort **Proceedings are open to the public**

FRANKFORT, Ky., Sept. 10, 2018 – The [Supreme Court of Kentucky](#) will convene Sept. 19-21 in Frankfort to hear oral arguments. 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](#) 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. 19, 2018

9 AM

2017-SC-000329-DG

AMERICAN GENERAL LIFE INSURANCE COMPANY, ET AL. V. DRB CAPITAL, LLC, ET AL.

[View Case Briefs](#)

“Anti-assignment Provisions in Settlement Agreements. KRS 454.430. The issue is whether an anti-assignment provision in a settlement agreement was enforceable to prohibit the assignment of annuity payments to a third party.”

Discretionary Review granted 10/25/2017
Boyd Circuit Court, Judge C. David Hagerman

Attorneys for Appellants: Michael Farrell, Samantha Thomas-Bush and Amy B. Boyea
Attorney for DRB Capital, LLC: Matthew Beatty Demarcus
Attorney for Ray Thomas, Jr.: Charles Thomas Ezzell

10 AM

2017-SC-000440-DG

**JEWISH HOSPITAL & ST. MARY'S HEALTHCARE, D/B/A JEWISH HOSPITAL
MEDICAL CENTER SOUTH V. DARRELL HOUSE, CO-GUARDIAN OF KAYLEN
ALEXANDER, A MINOR, ET AL.**

[View Case Briefs](#)

“Evidence. Directed Verdict at Close of Plaintiff’s Case-in-Chief. Empty Chair Defendant. The issue in this case is whether the Court of Appeals correctly determined that a trial court should never grant a directed verdict against an empty-chair defendant at the close of the plaintiff’s case-in-chief.”

Discretionary Review granted 12/7/2017
Bullitt Circuit Court, Judge Rodney D. Burress

Attorneys for Appellant: William Kennedy Simpson and Joseph Wright
Attorneys for Appellees: Ronald Wilt, James David Ballinger and Stephen Klausing, Jr.

11 AM

2017-SC-000189-DG

DON HENSLEY V. KEITH A. GADD, ET AL.

2017-SC-000431-DG

KEITH A GADD, ET AL. V. DON HENSLEY

[View Case Briefs](#)

“Property. Deed Restrictions. Short-term rental of property. Harassment. The issue in the motion for discretionary review is whether the language of the deed regarding its use as a single-family residence permitted short term rentals of this lake property or whether it constituted the operation of a business which violated certain deed restrictions. The issue on the cross motion for discretionary review is whether the surrounding homeowners in seeking to enforce deed restrictions on this property had a “legitimate purpose” when making complaints against the owner and others using the property, or whether their complaints about their use constituted harassment.”

Discretionary Review granted 8/16/2017 and 10/25/2017
Garrard Circuit Court, Judge C. Hunter Daugherty

Attorney for Don Hensley: Frederick Short
Attorneys for Keith A. Gadd and JHT Properties, LLC: Carroll Morris Redford, III and Elizabeth C. Woodford

THURSDAY, SEPT. 20, 2018

10 AM

2018-SC-000419-TGE and 2018-SC-000421-TGE

MATTHEW G. BEVIN, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, ET AL. V. COMMONWEALTH OF KENTUCKY EX REL. ANDY BESHEAR, ATTORNEY GENERAL, ET AL.

[View Case Briefs](#)

“Constitutionality of Senate Bill 151.”

Franklin Circuit Court, Judge Phillip J. Shepherd

Attorneys for Appellants: Mark Stephen Pitt, Stephen Chad Meredith and Matthew Kuhn

Attorneys for Commonwealth of Kentucky Ex Rel. Andy Beshear, Attorney General: Andy Beshear, John Michael Brown, La Tasha Arnae Buckner, Steven Travis Mayo and Marc Farris

Attorneys for Andy Beshear, in his official capacity as Attorney General of the Commonwealth of Kentucky: Andy Beshear, John Michael Brown, La Tasha Arnae Buckner, Steven Travis Mayo, Samuel Robert Flynn and Marc Farris

Attorneys for Kentucky Education Association: Jeffrey Scott Walther and Victoria Frances Dickson

Attorneys for Kentucky State Lodge Fraternal Order of Police: David Lindsay Leightty and Alison M. Messex

Attorneys for Bertram Robert Stivers II, in his official capacity as President of the Kentucky Senate: David E. Fleenor and R. Vaughn Murphy

Attorney for David W. Osborne, in his official capacity as Speaker Pro Tempore of the Kentucky House of Representatives: David Eric Lycan

Attorney for the Board of Trustees of the Teachers’ Retirement System of the State of Kentucky: Robert B. Barnes

Attorneys for the Board of Trustees of the Kentucky Retirement Systems: Mark C. Blackwell, Katherine I. Rupinen and Joseph Patrick Bowman

FRIDAY, SEPT. 21, 2018

9 AM

2017-SC-000587-DG

CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY, ON BEHALF OF THE MINOR CHILDREN, E.S. AND K.S. V. R.S., ET AL.

[View Case Briefs](#)

“Sex Offender. Unsupervised Custody and Visitation with Minor Children. Dependency, Neglect and Abuse. The issue is whether a convicted sex offender may ever have custody of his own children without supervision. Also, may the court impose requirements of supervision without current allegations of abuse against the parent with a past history of sexual abuse against a minor family member?”

Discretionary Review granted 2/7/2018
Clark Circuit Court, Judge Nora J. Shepherd

Attorney for Appellant: Brian Neal Thomas
Attorney for Appellee: Dodd Douglas Dixon

10 AM

2017-SC-000483-DG

COMMONWEALTH OF KENTUCKY V. JAMES E. RIKER, JR.

[View Case Briefs](#)

“Criminal Law. DUI. Independent Blood Testing. Issues involve whether an individual arrested for DUI is deprived of due process by an independent blood testing facility requirement of prepayment of a \$450 fee for such testing after submission to intoxilyzer testing.”

Discretionary Review granted 2/7/2018
Fayette Circuit Court, Judge T. Bruce Bell and Judge Pamela Goodwine

Attorney for Appellant: Carlos Aundra Ross
Attorney for Appellee: John Lindsay Tackett

###