



Supreme Court of Kentucky

Chambers, State Capitol
Frankfort, Kentucky 40601
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John D. Minton, Jr.
Chief Justice of Kentucky

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For Immediate Release

Supreme Court of Kentucky to hear arguments March 15-17 in Frankfort Proceedings are open to the public

FRANKFORT, Ky., March 8, 2017 – The [Supreme Court of Kentucky](#) will convene March 15-17 in Frankfort to hear oral arguments in civil and criminal cases. 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, MARCH 15, 2017

9 AM

2016-SC-000213-DG

MAJESTIC OAKS HOMEOWNERS ASSOCIATION, INC. V. MAJESTIC OAKS FARMS, INC., ET AL.

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“Easements. Expiration of easement. The issue in this case is whether the original roadway easement given to the developer of property was extinguished automatically after conveyance of developer's lots and after conveyance of the common areas to the homeowners' association, such that the developer was denied access to another property owned by the developer via roadways in the original development.”

Discretionary Review granted 8/17/2016
Shelby Circuit Court, Judge Charles R. Hickman

Attorneys for Appellant: William M. Lear, Jr., John C. Robinson, Brad Keeton and Matthew Kuhn

Attorneys for Joseph and Ashlyn O'Brien: John B. Baughman and Austin Hays

Attorney for Majestic Oaks Farms, Inc.: Paul Anton Zimlich

(Justice VanMeter recused)

10 AM

2015-SC-000470-DG

GREGORY TRAIT V. COMMONWEALTH OF KENTUCKY

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“Criminal Law. 4th Amendment. Traffic Stop. License Plate Reader. Issues include whether the police have reasonable suspicion to conduct a traffic stop based solely on a license plate reader alert indicating that the owner of a vehicle has a pending warrant.”

Discretionary Review granted 6/8/2016

Boone Circuit Court, Judge Anthony Frohlich

Attorney for Appellant: Steven Joseph Megerle

Attorney for Appellee: Jennifer Kathleen Wright-Hatfield

(Justice VanMeter recused)

11 AM

2016-SC-000148-DG

LARRY ARMFIELD, ET AL. V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

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“Insurance. MVRA. Underinsured Motorists Coverage. Motorcycle Exclusion. Issues involve whether loss of consortium claims are barred by the UIM policy exclusion regarding bodily injuries sustained while occupying and operating a motorcycle.”

Discretionary Review granted 8/17/2016

Laurel Circuit Court, Judge Gregory Allen Lay

Attorney for Appellants: Annette Morgan-White

Attorneys for Appellee: Michael D. Risley, Bridget Leigh Dunaway and Bethany A. Breetz

(Justice VanMeter recused)

THURSDAY, MARCH 16, 2017

9 AM

2015-SC-000366-DG

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY V. RONIESHA ADAMS, F/K/A RONIESHA SANDERS, ET AL.

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“Auto Accidents. Insurance. MVRA. Examination Under Oath. Issues include whether an injured passenger is obligated to comply with a driver’s insurance policy provision requiring an examination under oath as a prerequisite to uninsured motorist or basic reparations benefits.”

Discretionary Review granted 4/27/2016
Jefferson Circuit Court, Judge Mitch Perry

Attorneys for Appellant: Raymond G. Smith, Richard W. Edwards, Jared Lee Downs, and John Lott Hardesty

Attorney for Appellees: Aaron Michael Murphy

(RESCHEDULED FROM FEBRUARY 9, 2017)

10 AM

2014-SC-000725-MR

LARRY LAMONT WHITE V. COMMONWEALTH OF KENTUCKY

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“Murder and rape. Death Penalty.”

Jefferson Circuit Court, Judge James M. Shake

Attorneys for Appellant: Susan Jackson Balliet and Erin Hoffman Yang

Attorneys for Appellee: Jeffrey Allan Cross and Emily Lucas

FRIDAY, MARCH 17, 2017

9 AM

2015-SC-000483-DG

JOHN ADAMS, M.D., ET AL. V. MARK SIETSEMA

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“Negligence. Medical Malpractice. Jail Healthcare. Expert Testimony. Issues include whether an inmate who claims that the jail’s medical director and nurse practitioner caused his illness to become life threatening by inadequately supervising and communicating with the jail’s nursing staff was required to present expert testimony to establish the standard of care for jail medical staff.”

Discretionary Review granted 8/17/2016
Hardin Circuit Court, Judge Kelly M. Easton

Attorneys for Appellants: Daniel Garland Brown and Robert Joseph Shilts
Attorneys for Appellee: Gregory Allen Belzley and Daniel Jay Canon

10 AM

2015-SC-000204-DG

SUPERIOR STEEL, INC., ET AL. V. THE ASCENT AT ROEBLING'S BRIDGE, LLC., ET AL.

“Contracts. Unjust Enrichment. Implied Contract. Attorney Fees. The issues are (1) whether a project owner who directs that extra work be performed on the project, and where the owner receives the benefit of that extra work, may a subcontractor, who performed the extra work but does not have a contract with the owner recover on a claim for the cost of the extra work under the theory of unjust enrichment; (2) whether the subcontractor may recover against the general contractor for the extra work performed on the theory of implied contract as a matter of law; (3) whether the Court of Appeals erred in vacating a judgment in favor of the subcontractor on its contract claim with the general contractor for the extra work performed; and (4) whether the subcontractor who had no contract with the owner or the general contractor is entitled to attorney fees.”

Discretionary Review granted 10/21/2015

2015-SC-000635-DG

DUGAN & MEYERS CONSTRUCTION COMPANY V. THE ASCENT AT ROEBLING'S BRIDGE, LLC, ET AL.

2015-SC-000636-DG

THE ASCENT AT ROEBLING'S BRIDGE, LLC, ET AL. V. SUPERIOR STEEL, INC., ET AL.

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“Contracts. Indemnity. Extra Work. Attorney Fees. Unjust Enrichment. Jury Instructions. These cross-motions for discretionary review seek review of those portions of the Court of Appeals' decision which granted the general contractor indemnity against the owner and construction manager, and their insurer for amounts owed by the general contractor to the subcontractors for extra work performed and for attorney fees awarded. In addition, review is sought of the Court of Appeals' decision which vacated the jury verdict and judgment in favor of the construction manager against the general contractor. Review is also sought of the jury instructions under which the trial court found unjust enrichment against the owner of the property.”

Discretionary Review Granted 4/27/2016

Kenton Circuit Court, Judge Gregory M. Bartlett

Attorneys for Superior Steel and Ben Hur Construction: Griffin Terry Sumner, John Kendrick Wells, IV and Donald Scott Gurney

Attorneys for The Ascent at Roebling's Bridge, LLC: Mark T. Hayden and John Nalbandian
Attorney for Corporex Development & Construction Management, LLC and Westchester Fire Insurance Company: Mark T. Hayden

Attorneys for Dugan & Meyers Construction Company: Thomas J. Kirkwood, Kimberly Ellen Ramundo and Heather Hawkins

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