



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 April 11-12 in Frankfort **Proceedings are open to the public**

FRANKFORT, Ky., April 10, 2019 – The [Supreme Court of Kentucky](#) will convene April 11-12 in Frankfort to hear an appeal from the state attorney general of a Circuit Court ruling that said the governor could reorganize state education boards when the legislature was not in session. The court will also hear civil cases that originated in Fayette, Floyd and Franklin counties, and criminal cases from Franklin, Kenton and Lawrence counties. Proceedings are open to the public and will take place at 9, 10 and 11 a.m. ET each day in the Supreme Court Courtroom on the second floor of the state Capitol at 700 Capital Ave. in Frankfort.

The public may also observe oral arguments via the [Supreme Court livestream](#) 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 has partnered with KET to broadcast the proceedings on KY KET, [KET's KY Channel](#), which is available in most of the state. KET will also [livestream the proceedings](#). To view arguments later, visit the [Supreme Court section](#) of KET's website.

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.

THURSDAY, APRIL 11, 2019

9 AM

2017-SC-000291-MR

LARA PAIGE CONLEY V. COMMONWEALTH OF KENTUCKY

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“The discretion of a trial court in requiring a defendant to obtain a mental health expert from KCPC; the confidentiality of a mental health defense expert report, specifically if provided by KCPC for defense; and the admissibility of any statements made by defendant in creating that report.”

Kenton Circuit Court, Judge Kathy Lape

Attorney for Appellant: Emily Holt Rhorer
Attorney for Appellee: Thomas Allen Van De Rostyne

10 AM

2018-SC-000224-DG

LUIS J. GONZALEZ, II, ADMINISTRATOR OF THE ESTATE OF LUIS J. GONZALEZ V. JEREMY JOHNSON, IN HIS OFFICIAL CAPACITY AS SCOTT COUNTY DEPUTY SHERIFF, ET AL.

[View Case Briefs](#)

“Torts. Fatal Police Chase Liability. Issues involve reconsideration of the viability of “per se no proximate cause” precedent dating back to Chambers v. Ideal Pure Milk Co., 245 S.W.2d 589 (Ky. 1952).”

Discretionary Review granted 9/19/2018
Fayette Circuit Court, Judge Kimberly N. Bunnell

Attorneys for Appellant: William R. Garmer, John Norman and Jerome Park Prather
Attorneys for Appellees: Daniel Barry Stiliz, Robert Coleman Stiliz, III, Lynn Sowards Zellen, and Jonathan Fannin

11 AM

2018-SC-000153-DG

ANGELA MAGGARD, M.D. V. BRUCE KINNEY, M.D.

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“Torts. Immunity. Judicial Statements Privilege. Medical Licensure. Issues include whether the judicial statements privilege immunizes a complainant for allegedly defamatory statements made to the Kentucky Board of Medical Licensure in a written grievance or during grievance related proceedings.”

Discretionary Review granted 9/19/2018
Floyd Circuit Court, Judge Johnny Ray Harris

Attorneys for Appellant: Kevin Crosby Burke, Ray Stanley Jones, II, and Jamie Kristin Neal
Attorneys for Appellee: Tamela White and Erik Legg

FRIDAY, APRIL 12, 2019

9 AM

2017-SC-000651-DG

COMMONWEALTH OF KENTUCKY V. ALGER FERGUSON

2018-SC-000151-DG

ALGER FERGUSON V. COMMONWEALTH OF KENTUCKY

[View Case Briefs](#)

“Criminal Law. RCr 11.42 Motion. Ineffective Assistance of Counsel. Pro Se Defendant. Whether the Defendant was entitled to a new trial when he and his trial counsel disagreed as to how to present his defense (suicide of the victim) to the charge of murder, resulting in the Movant seeking to represent himself at the close of the Commonwealth’s case-in-chief. Whether the failure of trial counsel to conduct a reasonable investigation of the suicide defense and to retain an expert to support it denied the Movant his right to effective assistance of counsel.”

Discretionary Review granted 3/14/2018 and 6/6/2018

Lawrence Circuit Court, Judge John David Preston

Attorney for Appellant/Cross-Appellee: Gregory C. Fuchs

Attorneys for Appellee/Cross-Appellant: Samuel N. Potter and Rachel Abigail Vinales

10 AM

2018-SC-000260-DG

DEBRA MARSHALL V. MONTAPLAST OF NORTH AMERICA, INC.

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“Wrongful Termination. Public Policy. Issues involve the propriety of terminating a factory worker’s employment for telling three co-workers that a supervisor is a registered sex offender.”

Discretionary Review granted 9/19/2018

Franklin Circuit Court, Judge Phillip J. Shepherd

Attorney for Appellant: Joshua Stephen Harp

Attorney for Appellee: Oliver Barrett Rutherford

11 AM

2017-SC-000647-TG

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

[View Case Briefs](#)

“Executive Order 2017-334 and 2017-364. KRS 12.028. Reorganization of Kentucky Education Boards.”

Franklin Circuit Court, Judge Thomas D. Wingate

Attorneys for Appellant: Andy Beshear, La Tasha Arnae Buckner, Laura Tipton, Steven Travis Mayo, Taylor Allen Payne and Matthew James

Attorneys for Matthew G. Bevin, in his official capacity as Governor of Kentucky: Mark Stephen Pitt, Stephen Chad Meredith and Matthew Kuhn

Attorneys for Hal Heiner, in his official capacity as secretary of the Kentucky Education and Workforce Development Cabinet: Bridget H. Papalia, Mark Stephen Pitt, Stephen Chad Meredith and Matthew Kuhn

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