

**SUPREME COURT OF KENTUCKY  
DISCRETIONARY REVIEW GRANTED  
(Pending Cases Only)**

Last Updated: 11/20/25

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 8/16/2023**

Professional Home Health Care v. Commonwealth of Kentucky, Cabinet for Health and Family Services, et al., 2023-SC-0226-DG

Administrative Law. Medicaid. Home and Community Based Waiver. Safety Net Provider. 907 KAR 1:170. Issues include whether the Cabinet overpaid PHHC, a safety net provider, for case management services when: (1) the HCBW regulation includes case management services in the list of reimbursable services; (2) the safety net regulation does not include case management services in the list of services eligible for enhanced reimbursement; (3) a Cabinet employee incorrectly informed PHHC that case management services were covered by the safety net regulation; and (4) the Cabinet paid PHHC over \$1 million in enhanced reimbursements for case management services.

Oral Argument Held: March 12, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 12/6/2023**

Douglas Hodge v. Kentucky Parole Board, 2023-SC-0091-DG

Criminal Law. Parole revocation. Kentucky Parole Board. Administrative Law Judge. Due Process. Questions include whether Hodge's due process rights were violated when both his hearings as to parole revocation were held before an Administrative Law Judge (rather than by the Parole Board).

Oral Argument Held: June 11, 2025

Kentucky Parole Board v. Timothy Shane, 2023-SC-0364-DG

Criminal Law. Parole revocation. Kentucky Parole Board. Administrative Law Judge. Due Process. KRS 439.440. Questions include whether Shane's due process rights were violated when both his hearings as to parole revocation were held before an Administrative Law Judge (rather than by the Parole Board) and whether KRS 439.440 mandates the Parole Board conduct the final revocation hearing.

Oral Argument Held: June 11, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 2/7/2024**

Blackstone Alternative Asset Mgmt. v. KY Public Pension Authority, 2023-SC-0354-DG  
Government. Retirement Systems. Contract. Ripeness. Issues include: (1) whether proceedings in a separate but related case (that is now dismissed) rendered Blackstone's claims against KPPA unripe; and (2) whether the contracts between Blackstone and KPPA require Blackstone to prove that it acted in good faith as a prerequisite to recovering for KPPA's alleged breach of contract.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 3/6/2024**

Torian v. City of Paducah, 2023-SC-0395-DG

Local Governments. Firefighters. Residence Requirements. Emergency Medical Services Providers. KRS 311A.027. Issues include: (1) whether KRS 311A.027, which prohibits publicly funded emergency medical service first response providers from imposing residence requirement upon employees, applies to firefighters employed by the City of Paducah; and (2) assuming the statute applies, whether KRS 311A.027's "on call" exception, which allows employers to impose response-time requirements on employees who are off duty but on call to respond to work, allows the City to impose a 45-minute response-time requirement upon Paducah firefighters.

Goodwine, J., not sitting.

Oral Argument Held: August 6, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 3/6/2024**

Coleman, Attorney General v. Jefferson County Board of Education, et al., 2023-SC-0498-DG

Declaratory Judgment. Special and Local Legislation. Equal Protection. Standing. Necessary Party. CR 19.01. Issues include: (1) whether certain provisions of Senate Bill 1, codified at KRS 160.370, violate the Kentucky Constitution's prohibition against special and local legislation under the test set forth in *Calloway County Sheriff's Department v. Woodall*, 607 S.W.3d 557 (Ky. 2020); (2) whether the Jefferson County Board of Education had standing to bring suit; and (3) whether the Superintendent was a necessary party.

Petition for Rehearing Granted: April 24, 2025

Oral Argument Held: August 6, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 4/12/2024**

Colemon v. Westport Insurance, 2023-SC-0497-DG

Local Governments. Contracts. Insurance. Injury Policy. Wrongful Incarceration. Issues include whether the injury resulting from wrongful conviction occurs solely at the time of conviction or is ongoing throughout the individual's wrongful incarceration.

Oral Argument Scheduled: September 10, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 4/12/2024  
(CONTINUED)**

Schneider Electric v. Williams, 2023-SC-0436-DG; and  
Union Carbide v. Schneider Electric, 2023-SC-0440-DG  
Tort. Negligence. Products Liability. Asbestos. Take-Home Exposure. During the mid-1960s to late-1970s, did an employer that used asbestos-containing molding compound to create its products have a duty to prevent employees' household members from being exposed to asbestos fibers taken home in employees' clothing? Did the manufacturer of the asbestos-containing molding compounds used by the employer owe a duty to prevent employees' household members from being exposed to asbestos fibers taken home in employees' clothing?

Goodwine and Nickell, JJ., not sitting.

Oral Argument Scheduled: December 10, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 6/5/2024**

Hartsfield v. Commonwealth, 2024-SC-0044-DG  
Criminal Law. Evidence. Admissibility. Police Body Camera Footage. Issues include whether body camera footage from a police officer who responded to the scene of an alleged rape and strangulation is admissible at trial when the footage shows the officer telling a colleague that he did not believe the victim's story.

Oral Argument Held: October 16, 2025

Missionaries of Saint John the Baptist, Inc. v. Frederic, 2024-SC-0006-DG  
Zoning Ordinance. Conditional Use Permit. Free Exercise of Religion. Religious Land Use and Institutionalized Persons Act (RLUIPA). Issues include: (1) whether the conditional use permit and setback variance granted by the City of Park Hills Board of Adjustment were impermissible under the city's zoning ordinance; (2) the correct standard in evaluating RLUIPA cases in Kentucky; and (3) whether denial of the proposed construction of a grotto constitutes a "substantial burden" on religious exercise under RLUIPA.

Oral Argument Held: August 6, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 6/5/2024  
(CONTINUED)**

Held v. Hitachi Automotive Systems Americas, Inc., 2024-SC-0043-DG  
Class Action. Employment Law. Kentucky Wages and Hours Act ("KWA"), KRS 337.010 *et seq.* Issues include: (1) proper "salary basis" analysis for KWA claims given recent decision in *Helix Energy Sols. Grp., Inc. v. Hewitt*, 598 U.S. 39 (2023), which addresses virtually identical provisions contained in the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*; (2) whether employees are exempt from the overtime mandate of KRS 337.285(1); and (3) the burden of proof under the KWA.

Goodwine, J., not sitting.

Oral Argument Scheduled: December 10, 2025

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 8/14/2024**

Daniel Boone Fund, LLC v. Commonwealth, 2024-SC-0093-DG;  
PAAMCO Prisma, LLC v. Commonwealth, 2024-SC-0095-DG; and  
Blackstone Alternative Asset Management L.P. v. Commonwealth, 2024-SC-0096-DG  
State Government. Public Pensions. Immunity. Contracts. State Constitutional Law.  
§§ 50 and 177. Indemnity Clause. Issues include: (1) whether the Kentucky Public  
Pension Authority is immune from contract claims filed in another state's courts; and (2)  
whether the indemnity clauses in the contracts between KPPA and three alternative  
investment companies violate the constitutional provisions prohibiting state government  
from binding the Commonwealth to pay a debt from future general revenue and from  
extending credit.

KKR & Co., Inc. v. Commonwealth, 2024-SC-0094-DG  
Evidence. Judicial Notice. KRE 201. Personal Jurisdiction. Did the circuit court act  
within its authority when it: (1) conducted its own extensive internet research into KKR &  
Co.'s connections to the Commonwealth; and (2) based on that research, issued an  
order ruling against KKR & Co. without providing the company notice and an opportunity  
to contest the "judicially noticed" internet facts?

Minova USA, Inc. v. Jolly, 2024-SC-0169-DG  
Workers' Compensation. Up-the-Ladder Employer. Contractor. Immunity. KRS  
342.610(2). Issues include whether a company is a "contractor" pursuant to KRS  
342.610(2) and immune "employer" pursuant to 342.690(1); if so, the employer is  
immune from recovery outside the Workers' Compensation Act.

Oral Argument Held: October 15, 2025

Kentucky Department of Fish and Wildlife Resources Commission v. Kentucky Open  
Government Coalition, Inc., 2023-SC-0524-DG; and  
Kentucky Open Government Coalition, Inc. v. Kentucky Department of Fish and Wildlife  
Resources Commission, 2024-SC-0275-DG

Open Records Act. Public Records. Private Accounts. Private Devices. Issues  
include: (1) whether records concerning public business sent or received by public  
officials and employees are exempt from disclosure under the Open Records Act when  
they were sent, received, or stored on a nongovernmental email account or electronic  
device such as a personal cell phone; (2) whether there is any distinction between  
emails and text messages concerning public business sent from, received by, or stored  
on nongovernmental systems; (3) whether, on remand, the Commission should get  
another chance to meet its burden concerning the unreasonableness of requiring  
government employees to search their private cell phones for text messages related to  
public work; and, (4) whether the Fish and Wildlife Commission willfully violated the  
Open Records Act.

Oral Argument Held: September 10, 2025

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 8/16/2024**

Brock v. Hinkel, 2024-SC-0154-DG

Negligence. Summary Judgment. Qualified Official Immunity. Issues include (1) whether EMS workers were entitled to qualified official immunity; and (2) the extent to which a causation analysis factors into the ministerial versus discretionary determination.

Oral Argument Scheduled: December 10, 2025

### **DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 8/14/2024**

Jackson v. Mayfield KY OPCO, LLC d/b/a Mayfield Health and Rehabilitation,  
2024-SC-0180-DG

COVID-19 Immunity. Gross Negligence. Issues include whether the trial court granted summary judgment prematurely, thus preventing party from developing evidence of gross negligence, which would obviate application of immunity statute.

Goodwine, J., not sitting.

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 10/16/2024**

Harris v. Commonwealth, 2024-SC-0263-DG

Criminal Law. Equal Protection. Jury Selection. Peremptory Strikes. *Batson*. Issues include whether the Commonwealth engaged in purposeful discrimination when: (1) it used a peremptory strike to remove the sole black juror from the panel; (2) the stated race-neutral reason for the strike was provided by the law enforcement representative, a corrections officer; and (3) the corrections officer testified that the black juror stared at him during *voir dire* and had the same name as a former inmate housed in the corrections officer's jail.

Diagnostic X-Ray Physicians v. Lloyd, 2024-SC-0216-DG;

Slone v. Lloyd, 2024-SC-0224-DG

Medical Malpractice. Retained Foreign Objects. Expert Testimony. Standard of Care. Res Ipsa Loquitur Doctrine. Summary Judgment. Issues include (1) whether a medical expert must know and establish the applicable standard of care to survive summary judgment and (2) whether the plaintiff was required to present expert testimony based on the *res ipsa loquitor* doctrine and its two exceptions to the expert witness requirement.

Goodwine, J., not sitting.

Damron v. Commonwealth, 2024-SC-0300-DG

Criminal Law. Driving Under the Influence. Blood Test. Implied-Consent Warning. Issues include whether a driver suspected of DUI voluntarily consented to a blood test when: (1) at the accident scene, the driver agreed to undergo a blood test without being given the implied-consent warning; and (2) later at the hospital, the driver again agreed to the blood test after an officer gave the implied-consent warning informing the driver that she would be subject to harsher penalties if she declined the blood test.

J.S. v. Commonwealth, 2024-SC-0308-DG

Criminal Law. Expungement. Felony. Misdemeanor. KRS 446.110. Issues include whether an amendment to a criminal statute downgrading a crime from a felony to a misdemeanor may be considered for purposes of expungement such that a crime that was a felony at the time of its commission may be considered for misdemeanor expungement if it has since been downgraded.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 12/11/2024**

Commonwealth v. H.M., 2024-SC-0271-DG;

H.M. v. Commonwealth, 2024-SC-0273-DG

Involuntary Commitment. KRS Chapter 202C. Insanity Defense. Demonstrated History of Criminal Behavior. Issues include: (1) whether the circuit court correctly found that the respondent, who was delusional at the time of the crime, could conform his conduct to the requirements of law because he owned a baseball bat for months before using it to kill his caretaker; and (2) whether the crime that prompted the commitment proceedings is sufficient to prove a demonstrated history of criminal behavior, one of the necessary elements for commitment.

Goodwine, J., not sitting.

Oral Argument Scheduled: December 11, 2025

King-Crete Drilling, Inc. v. Whitley County Fiscal Court, 2024-SC-0232-DG

Contracts. Sovereign Immunity. Breach of Contract. Counties. Statutory Waiver. KRS 45A.245(1). Issues include whether: (1) counties enjoy sovereign immunity from suits for breach of contract; or (2) such immunity has been waived.

Goodwine, J., not sitting.

HMB Professional Engineers, Inc. v. Ives, 2024-SC-0284-DG;

HDR Engineering, Inc. v. Ives, 2024-SC-0289-DG;

WSP USA Inc. v. Ives, 2024-SC-0291-DG;

HMB Professional Engineers, Inc. v. Copley, 2024-SC-0295-DG

Torts. Negligence. Automobile Accident. Highway Design. National Highway System. Issues include whether remedies otherwise available pursuant to Kentucky tort law are preempted by federal laws concerning highway design.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 2/13/2025**

Beshear v. Coleman, 2024-SC-0228-DG

State Constitutional Law. Executive Branch. Governor. Ky. Const. §§ 27, 28, 69, and 81. Separation of Powers. Executive Branch Ethics Commission. Appointment Power. Removal Power. Supreme Executive. Issues include: (1) whether the Governor's duties as the "supreme executive who must take care that the laws are faithfully executed" require he have appointive power for the majority of the Executive Branch Ethics Commission members and removal for cause power over all members; or (2) whether the General Assembly has the prerogative of withholding executive powers

from the Governor by assigning them to the constitutional officers who are not amenable to his supervision and control?

Oral Argument Held: October 16, 2025

Shell v. Beshear, 2024-SC-0254-DG; and

Beshear v. Shell, 2024-SC-0256-DG

State Constitutional Law. Executive Branch. Governor. Commissioner of Agriculture. Ky. Const. §§ 27, 28, 69, and 81. Separation of Powers. State Fair Board.

Appointment Power. Removal Power. Supreme Executive. Issues include: (1) whether the Governor's duties as the "supreme executive who must take care that the laws are faithfully executed" require he have appointive power for the majority of the State Fair Board members and removal for cause power over all members; or (2) whether the General Assembly has the prerogative of withholding executive powers from the Governor by assigning them to the Commissioner of Agriculture?

Oral Argument Held: October 16, 2025

Emery Law Office v. Franklin, 2024-SC-0306-DG

Contracts. Employment Law. Contingency Fee. Quantum Meruit. SCR 3.130(5.6).

Can a law firm have a "break-up" provision in its employment agreement to avoid a quantum meruit analysis when an employee lawyer leaves the firm with contingency-fee clients or does such a clause violate SCR 3.130(5.6)?

Burton v. Kentucky State Police, 2024-SC-0309-DG

Kentucky Whistleblower Act. Jury Instructions. Preservation. Waiver. CR 51(3).

Issues include whether Kentucky State Police waived its objection to the jury instructions by stating that it had no objection to the final version of the jury instructions or whether it preserved its objection by tendering *prima facie* case instructions that differed from the final version.

Commonwealth v. Elmore, 2024-SC-0347-DG

Sovereign Immunity. Discovery. Non-party requests. Does sovereign immunity act as a bar to courts ordering the non-party Commonwealth to submit documents in response to discovery requests?

Gonzalez Alvarez v. Allstate, 2024-SC-0348-DG

Auto Insurance. Basic Reparation Benefits. Examination Under Oath. Order of Discovery. KRS 304.39-280. Unlawful Solicitation of Accident Victims. KRS 367.4082. Issues include: (1) whether a BRB claimant must answer the insurance company's questions during an EUO regarding her alleged unlawful solicitation by a chiropractor; and (2) if the BRB claimant refuses to answer questions regarding solicitation during her EUO, whether the insurance company can obtain an order of discovery requiring the claimant to disclose how she selected her medical provider without first requesting the claimant's medical records.



### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 2/13/2025**

Moberly v. Erie Insurance Exchange, et al., 2024-SC-0389-DG

Insurance. Liability Policy. Exclusion. Pollution. Is an insurance exclusion regarding pollution ambiguous as applied to the inadvertent leakage of gasoline from a gas station storage tank?

### **DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 2/13/2025**

Jones v. Commonwealth, 2024-SC-0399-DG

Bail. RCr 4.00. Kentucky Constitution § 16. RCr 4.02(1). KRS Chapter 431. Issues include: (1) whether the phrase “capital offense” in Kentucky Constitution § 16 means an offense for which death is a possible punishment, or any offense which has merely been labeled by the legislature as “capital”; (2) whether an indigent defendant has a right to counsel in an appeal filed by the Commonwealth and if so, where counsel is not appointed through no fault of the defendant, what is the remedy; and relatedly, (3) what, if any, steps should an appellate court take to ensure that the right to counsel is not violated in this context.

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 10/16/2024 AND CROSS-MOTIONS GRANTED WITH ORAL ARGUMENT 2/13/2025**

Millers Lane Center v. Morgan & Pottinger, 2024-SC-0268-DG;

McCrocklin v. Millers Lane Center, 2024-SC-0502-DG; and

Morgan & Pottinger v. Millers Lane Center, 2024-SC-0505-DG

Torts. Legal Malpractice. Statute of Limitations. Settlement. Bankruptcy. If attorneys commit malpractice while representing clients in a state-court case and the state-court case is settled during the clients’ bankruptcy proceedings, when do the clients’ malpractice claims accrue? Does the malpractice statute of limitations begin to run: (1) on the date of the settlement agreement’s execution; (2) on the date the bankruptcy court approved the settlement agreement; or (3) on the date the state-court case was dismissed as settled?

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 3/12/2025**

Mercy Regional EMS v. Estate of Fuson, 2024-SC-0371-DG

Torts. Loss of Parental Consortium. Statute of Limitations. Minors. KRS 413.170(1). Issues include whether KRS 413.170(1) tolls the statute of limitations for the children’s loss of parental consortium claims against an EMS provider when: (1) in 2018, the children’s father died in jail after police and EMS were called to respond to his meth-induced agitation; (2) in 2019, the children’s mother filed loss of consortium claims on behalf of the children against jail officials, the jail’s healthcare provider, and police officers; (3) in 2022, the children’s mother filed an amended complaint asserting loss of consortium claims on behalf of the children against the EMS provider; and (4) the children remained minors at the time of the 2022 amendment.



**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 3/12/2025**  
**(CONTINUED)**

Northern-Allison v. Seymour, 2024-SC-0325-DG

Torts. Excessive Force. Police Officers. Qualified Official Immunity. Procedure. Collateral Estoppel. Guilty Plea to Resisting Arrest. Issues include: (1) whether the Court of Appeals correctly resolved the case on collateral estoppel grounds when the previous appellate panel remanded the case to circuit court for consideration of qualified immunity; and (2) whether the circuit court correctly found that the police officers acted in good faith for purposes of immunity when the plaintiff testified that the officers broke his orbital bone with the butt of a gun before he began resisting arrest.

Goodwine, J., not sitting.

Allstate Property and Casualty Insurance Co. v. Jarnigan, 2024-SC-0451-DG

Motor Vehicle Reparations Act. Unfair Claims Settlement Practices Act. Bad Faith. Insurance Subrogation. Liability Claims Handling. KRS 446.070. Issues include whether Allstate improperly obtained reimbursement from State Farm by allegedly misusing its statutory subrogation right found in the MVRA and the proper remedy, if any, for such misuse.

Grand Lodge of Kentucky Free and Accepted Masons v. Taylor Mill, 2024-SC-0410-DG

Tax Law. Property. Ad Valorem Taxation. Leasehold. Use and Sales Restrictions. Fair Market Value. When the property owner is itself tax exempt and the property has substantial use and sales restrictions, how is a leasehold's fair market value calculated for purposes of ad valorem taxes?

**DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 3/12/2025**

Commonwealth v. Amboree, 2024-SC-0449-DG

Statutory Interpretation. Drug Possession Sentencing. PFO Enhancement. KRS 218A.1415(2)(a). KRS 532.110(1)(c). KRS 532.080(6)(b). KRS 532.080(8). Issues include whether consecutive sentences for Class D drug-possession crimes can exceed an aggregate of three years.

Cornett v. Commonwealth, 2024-SC-0511-DG

Criminal Law. Possession of a Controlled Substance. KRS 218A.1415. Proof of Knowledge. Is the defendant's knowledge that he or she possesses *any* controlled substance enough to satisfy the "knowingly" requirement of KRS 218A.1415 or, rather, must he or she know the identity of the particular substance possessed?

Goodwine, J., not sitting.

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 4/16/2025**

Gambrel v. Commonwealth, 2024-SC-0542-DG

Motion to Suppress Evidence. Attenuation Doctrine. Issues include whether suppression of the evidence was warranted pursuant to the attenuation doctrine.

Saddler v. Kunkel, 2024-SC-0425-DG

Interlocutory Appeal. Appellate Jurisdiction. Qualified Immunity. Summary Judgment. Issues include whether appellate courts have jurisdiction to review denials of immunity when the defendant concedes the facts most favorable to the plaintiff.

Nickell, J., not sitting.

Auto Venture Acceptance, LLC v. Blair, 2024-SC-0477-DG

Contracts. Arbitration Agreement. Transfer.

When a contract containing an arbitration agreement is assigned, does the assignor retain the right to compel arbitration or is that right divested in the transfer even though the agreement states it shall “survive any termination, payoff, or transfer”?

### **DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 4/16/2025**

Long v. Corrections, 2024-SC-0067-DG

Long v. Commonwealth, 2024-SC-0068-DG

Civil Procedure. Appeals. Service of Notice of Entry. RAP 3. Belated Appeals. Issues include whether an inmate who was not served with the circuit court’s judgment dismissing his civil case is entitled to appeal after the appeal deadline’s expiration when: (1) RAP 3 states that the clerk’s failure to serve a party with notice of the judgment’s entry does not relieve that party of the duty to appeal within the time allowed; and (2) belated appeals are limited to criminal cases.

### **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 6/11/2025**

Farmer v. Baptist, 2025-SC-0042-DG

KRS 311.616. KRS 311.6191. Breach of Contract. Tortious Interference with a Prospective Business Advantage. Issues include statutory interpretation and whether a directed verdict was warranted.

Huff v. University of Kentucky, 2024-SC-0579-DG

Medical Negligence. Governmental Immunity. Issues include whether University of Kentucky Healthcare should retain governmental immunity from medical negligence suits.

## **DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 6/11/2025**

Carey v. Heligman, 2024-SC-0257-DG;

Carey v. CSX, 2024-SC-0317-DG; and

CSX v. Carey, 2024-SC-0320-DG

Torts. Defamation. Pure Opinion. Qualified Privilege. Tortious Interference with Business Expectancies. Malice. Issues include: (1) whether CSX and its medical director defamed two chiropractors by requesting that the Railroad Retirement Board, three insurance companies, and state chiropractic licensing authorities investigate them for possible benefits fraud after CSX's medical director noticed that the chiropractors submitted an unusually high number of medical leave forms on behalf of CSX employees following CSX's announcement of layoffs at the employees' facility; and (2) whether CSX and its medical director tortiously interfered with the chiropractors' businesses by ceasing to accept medical leave forms from the chiropractors due to suspected benefits fraud.

Conley, and Thompson, JJ., not sitting.

## **DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 8/6/2025**

Walgreens v. Jefferson County PVA, 2025-SC-0015-DG

Taxation. Real Property. Leased Commercial Property. KRS 132.191. KY Constitution §§ 171 & 172. Equal Protection. Did the PVA correctly assess the value of 13 Walgreens store properties by using the income approach and the contract rate of rent paid by Walgreens to the store owners? Did the PVA's use of the contract rate of rent to calculate the value of Walgreens store properties violate equal protection when: (1) the PVA uses the market rate of rent to value other leased commercial properties; (2) Walgreens typically agrees to pay double to triple the market rate of rent to store owners; and (3) Walgreens stores across the country sell for an amount that reflects the high rent rates.

Management Registry v. Puro, 2025-SC-0032-DG

Contract. Arbitration Agreements. Retroactive Legislation. KRS 336.700. Issues include whether retroactive application of KRS 336.700, which permits employers to require employees to sign arbitration agreements as a condition of their employment, violates Puro's vested or constitutional right to access the courts for a civil bench trial.

Speedway, LLC v. SuperAsh Remainderman, LP, 2025-SC-0074-DG

Ashland, LLC v. SuperAsh Remainderman, LP, 2025-SC-0075-DG

Commercial Lease. Forcible Detainer Action. District Court Jurisdiction. KRS § 24A.120(1). *Res Judicata*. KRS 383.255(1). Issues include (1) whether district courts have jurisdiction to consider equitable defenses; (2) whether Kentucky law authorizes equitable relief for belated commercial lease renewals; and (3) whether Kentucky law recognizes the equity-based "honest mistake" defense.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 8/6/2025  
(CONTINUED)**

R.L.P. v. Commonwealth, 2025-SC-0121-DG

Involuntary Commitment. KRS Chapter 202C. Issues include whether the statute is unconstitutional, both in terms of the process it creates and its promulgation.

Oral Argument Scheduled: December 11, 2025

**DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 8/6/25**

Blakeley v. Commonwealth, 2025-SC-0110-DG

Criminal Law. RCr 8.10. Issues include whether an evidentiary hearing is required when a defendant files an RCr 8.10 motion seeking to withdraw a guilty plea on grounds that the plea was entered involuntarily.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 9/10/2025**

Everman v. Robinson, 2025-SC-0081-DG

Torts. Negligence. Government. Immunity. Sheriffs. KRS 70.040. If a deputy sheriff is shielded from a plaintiff's negligence claims by qualified immunity, can the plaintiff hold the office of sheriff vicariously liable for the deputy's alleged negligence? In other words, does KRS 70.040, which waives sheriffs' official immunity for the acts or omissions of their deputies, apply when the deputy is entitled to qualified immunity for the acts or omissions.

Commonwealth ex rel. AG Coleman v. Davis, 2025-SC-0135-DG

Commonwealth ex rel. AG Coleman v. KY Education Assoc., 2025-SC-0137-DG

Constitutional Law. Equal Protection. Standard of Review. Issues include (1) the constitutionality of the exemption contained in 2023 Senate Bill 7 which prohibits public employers from allowing payroll deductions of dues for most labor organizations but permits wage deduction for organizations representing employees in protective vocations, and (2) whether Kentucky's rational-basis test for an equal protection challenge is more stringent than its federal counterpart.

M.A. v. CHFS, 2025-SC-0171-DGE

M.A. v. CHFS, 2025-SC-0172-DGE

M.A. v. CHFS, 2025-SC-0173-DGE

Termination of Parental Rights. Due Process Right to Conflict-Free Counsel. Issues include (1) whether a parent can waive his or her due process right to counsel at a termination hearing, which is considered a critical stage of the proceedings at which the right to counsel attaches, and (2) whether an actual conflict of interest existed, in the context of a claim of ineffective assistance of counsel.

Nickell, J., not sitting.

**DISCRETIONARY REVIEW GRANTED WITHOUT ORAL ARGUMENT 10/15/2025**

Dall v. Dall, et al., 2025-SC-0077-DG

Family Law. Divorce. Division of Marital Property. KRS 403.190. Maintenance. KRS 403.200. The issues include whether the trial court abused its discretion by: (1) interpreting KRS 403.190 to create a presumption that marital property be equally divided and (2) awarding maintenance without first making findings consistent with KRS 403.200 that the party awarded maintenance lacked sufficient property to provide for his reasonable needs and was unable to support himself.

McCoy v. McCoy, 2025-SC-0142-DG

Burials. Disinterment-Reinterment. Surviving Spouse. KRS 367.93117. Can the surviving spouse disinter and reinter her deceased husband's remains when: (1) the surviving spouse agreed to have the husband buried in the family cemetery after his funeral; (2) prior to his death, the husband orally expressed his desire to be buried in the family cemetery; (3) the Office of Vital Statistics issued a permit allowing the surviving spouse to disinter the husband's remains from the family cemetery and reinter them in the cemetery of her choosing; and (4) the deceased husband's child objects to the disinterment-reinterment.

Daniels v. Daniels, 2025-SC-0188-DG

KRS 367.93117. Disinterment and Reinterment. KRS 213.076(11). Issues include (1) whether surviving spouse has the sole right to control the disposition of deceased's remains and (2) whether Kentucky follows the modern or traditional rule relating to disinterment-reinterment.

**DISCRETIONARY REVIEW GRANTED WITH ORAL ARGUMENT 10/21/2025**

Commonwealth v. Shroyer, 2025-SC-0206-DG

Criminal Law. Medical Amnesty Statute. KRS 218A.133. Motion to Dismiss. Immunity from Prosecution. Issues include (1) defining the parameters of the scope of immunity provided by the Medical Amnesty Statute and (2) clarifying what constitutes an intervening circumstance for purposes of terminating immunity protections.