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## NEWS RELEASE

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**FRANKFORT, KY:** The Kentucky Supreme Court today announced that oral arguments will be heard in Louisville Kentucky on September 10 -11, 2008. The Supreme Court sessions will be held Wednesday, September 10<sup>th</sup> and 11<sup>th</sup>, in the Allen Courtroom at the University of Louisville Brandeis School of Law.

The Justices will travel to Louisville Kentucky for oral arguments in a continuing effort to increase public awareness and understanding of the Court's function and of the legal matters which come before it. All Supreme Court sessions are open to the public.

**The Wednesday, September 10<sup>th</sup>, 2008, docket is as follows:**

- 9:00 a.m. WINES V. COMMONWEALTH OF KENTUCKY (2007-SC-81-MR)**  
"Murder, Assault second degree, Tampering with Physical Evidence, PFO second degree – 45 years. Failure to sever counts of the indictments; immunity from prosecution for those acting in self-defense – no duty to retreat; extreme emotional disturbance."  
Jefferson Circuit Court, Judge William Douglas Kemper  
For Appellant: Elizabeth McMahon  
For Appellee: Samuel J. Floyd, Jr.
- 10:00 a.m. RODGERS V. COMMONWEALTH OF KENTUCKY (2007-SC-40-MR)**  
"Manslaughter first degree and PFO second degree. Use of redacted statements to police; self-protection – no duty to retreat; formation of the petit jury; jury instructions."  
Jefferson Circuit Court, Judge William Douglas Kemper

For Appellant: Bruce P. Hackett  
For Appellee: Perry Thomas Ryan

- 11:00 a.m. BREWSTER V. COLGATE-PALMOLIVE COMPANY AND JEWISH HOSPITAL HEALTHCARE SERVICES (2006-SC-584-DG) AND (CROSS MOTION) JEWISH HOSPITAL HEALTHCARE SERVICES, INC. V. BREWSTER (2007-SC-366-DG)**  
"Asbestos Exposure. Premises Liability. Summary Judgment. Issues include whether genuine issues of material fact exist; and whether premises owner may be found to have breached a duty of care owed to construction contractor's employee who alleged exposure to asbestos on premises."  
Discretionary Review granted 05/16/2007 and 08/15/2007  
Jefferson Circuit Court, Judge Lisabeth Hughes Abramson  
For Movant/Cross Respondent: Rickie A. Johnson, Kenneth L. Sales, Joseph Donald Satterley and Paul Jason Kelley  
For Respondents/Cross Movants: Rebecca F. Schupbach, Lisa Catherine Dejaco, James M. Gary and Russell Harper Saunders  
**(Note: Justice Abramson is recused)**

**The Thursday, September 11, 2008 docket is as follows:**

- 9:00 a.m. DEVASIER, ADMINISTRATRIX V. JAMES (2007-SC-130-DG) AND (CROSS MOTION) JAMES V. DEVASIER, ADMINISTRATRIX (2007-SC-365-DG)**  
"Medical Negligence. Mental Health Professionals. Duty to Warn. Issues include the propriety of the jury instructions regarding a psychiatrist's duty to warn regarding a patient's threat of violence and whether KRS 202A.400 addresses such a duty even if the threat is not directly communicated to the psychiatrist."  
Discretionary Review granted 05/16/2007 and 08/15/2007  
Jefferson Circuit Court, Judge Thomas McDonald  
For Movant/Cross-Respondent: Paul Joseph Hershberg and Christopher A. Bates  
For Respondent/Cross Movant: Walter Gregory King and Amy Olive Wheeler
- 10:00 a.m. TENNILL V. TALAI (2007-SC-46-DG) AND (CROSS MOTION) TALAI V. TENNILL (2007-SC-673-DG)**  
"Civil Procedure. Interrogatories. Damages. Defendant defaulted as to liability, yet then participated in damages hearing. At issue is whether plaintiff, who failed to respond to interrogatories regarding the amount of damages, is prohibited from introducing evidence of unliquidated damages by Fratzke v. Murphy, 12 S.W.3d 269, 271 (Ky. 1999)."

Discretionary Review granted 09/12/2007 and 10/24/2007  
Jefferson Circuit Court, Judge Stephen K. Mershon  
For Movant/Cross Respondent: Leroy E. Sitlinger, Jr.  
For Respondent/Cross Movant: David Alfred Shearer, Jr., David Wells  
Zahniser and James M. Cawood

**11:00 a.m. COMMONWEALTH OF KENTUCKY V. CARNEAL (2006-SC-653-DG)  
AND (CROSS MOTION) CARNEAL V. COMMONWEALTH OF  
KENTUCKY (2007-SC-203-DG)**

"Criminal Law. RCr 11.42. Competency Hearings. Insanity. Issues include: (1) whether RCr 11.42 limitations period is tolled for juveniles, and (2) whether retrospective competency hearing, based on new mental evaluation, should be granted even though such a hearing had been held prior to guilty plea."

Discretionary Review granted 03/14/2007 and 05/16/2007  
McCracken Circuit Court, Judge R. Jeffrey Hines  
For Movant/Cross-Respondent: David A. Smith  
For Respondent/Cross Movant: David Hare Harshaw III and Timothy G. Arnold

**(Note: Chief Justice Minton is recused)**

The public is invited to attend the oral argument sessions. Following the final argument each day, the Justices will address questions from the audience. Questions should not relate to the cases just heard, or to other pending cases.

The state's court of last resort traditionally meets in the Capitol Building in Frankfort. The appearance in Louisville Kentucky is part of an ongoing public education program begun in 1985 when the Court traveled to Louisville to hear oral arguments, the first time a state Supreme Court session was ever held outside Frankfort. Since that time, sessions have been held in locations across the state. Further questions may be addressed to Susan Stokley Clary, Supreme Court Administrator, at (502) 564-5444.

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