

**Kentucky Supreme Court**  
**Cases of Note**  
**March-April, 2016**

Note: To open hyperlink, take one of the following steps:

1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

**Note: No Court in April.**

**INSURANCE**

**State Farm Mutual Automobile Insurance Company v. Lonnie Dale Riggs**

**2013-SC-000555-DG March 17, 2016**

Opinion of the Court by Chief Justice Minton. All sitting. Minton, C.J.; Cunningham, Hughes, JJ., concur. Noble, J., concurs by separate opinion. Keller, J., dissents by separate opinion in which Venters and Wright, JJ., join. Riggs was injured in an automobile accident and sued the adverse driver for negligence. He settled the claim for the driver’s automobile-liability-insurance policy limits. Before dismissing the suit, Riggs asserted a claim against his own automobile liability insurer, State Farm, for underinsured motorist benefits (UIM). Riggs filed his UIM claim three years to the day after the date of the automobile accident. State Farm denied UIM liability because Riggs’s insurance policy contained a limitation provision that gave Riggs two years from the date of the accident or date of the last basic reparation benefit (BRB) payment, whichever occurred later, within which to make a UIM claim. The trial court granted summary judgment for State Farm but the Court of Appeals reversed, holding that the State Farm policy provision limiting the time for making the UIM claim was void because it was unreasonable. The Supreme Court reversed the Court of Appeals and reinstated the judgment of the trial court, holding that State Farm’s limitation provision was reasonable. The Court noted that the provision tracked nearly verbatim the two-year statute of limitations for tort claims found in Kentucky’s Motor Vehicle Reparations Act (KMVRA) and that two years was not an unreasonable period of time for an insured to discover whether a tortfeasor is underinsured or uninsured.

**TORTS**

**Sheila Patton, as Administratrix of the Estate of Stephen Lawrence Patton v. David Bickford, et al.**

**2013-SC-000560-DG March 17, 2016**

Opinion of the Court by Chief Justice Minton. All sitting. Minton, C.J.; Hughes, Keller, Noble, Venters, and Wright, JJ., concur. Cunningham, J., concurs in result only. Stephen Patton was an eighth-grader at Allen Central Middle School (ACMS) when he committed suicide, allegedly because he was bullied at school. His estate filed suit against various teachers and administrators claiming they 8 knew, or should have known, that Stephen was being bullied. The trial court granted summary judgment in favor of the defendants, ruling that they were entitled to the protection of qualified official immunity and that Patton’s suicide was an intervening cause interrupting any potential liability by the teachers and administrators. The Court of Appeals upheld the summary judgment solely on the intervening cause issue. But the Court of Appeals disagreed with the trial court’s ruling on qualified official immunity, holding that neither the administrators nor the teachers were immune from liability because their duties were ministerial in nature. The Supreme Court affirmed the Court of Appeals’ result on different grounds. The Court agreed that the trial court erred when it ruled that the teachers were cloaked with qualified immunity but disagreed with the Court of

Appeals regarding the administrators, holding that they were protected by qualified immunity and entitled to summary judgment on those grounds. Despite finding that the teachers were not immune from suit, the Court ultimately concluded that the trial court did not err by granting summary judgment because the Estate presented no credible evidence that Patton was bullied because the teachers were negligent either in their duty to supervise their pupils or their duty to handle bullying reports appropriately. As a result, the Court found no reason to address the issue of whether Patton's act of suicide was an intervening cause.

## **WORKERS COMPENSATION**

**Michelle Rahla v. Medical Center at Bowling Green, et al.**

**[2014-SC-000236-WC](#) March 17, 2016**

Opinion of the Court by Chief Justice Minton. All sitting; all concur. Rahla sought workers' compensation benefits from injuries she allegedly sustained during the course of a pre-employment medical screening. As condition precedent to finalizing her employment with the Medical Center, Rahla submitted to a physical examination where she was asked to lift small to moderate amounts of weight. She experienced neck pain after the evaluation, and missed a considerable amount of work receiving treatment. Ultimately, the Medical Center terminated her employment. The Court held that her claim could not proceed because she was not considered "employed" under the statutory scheme at the time of the injury. The workers' compensation statute and Kentucky precedent unambiguously define "employed" for purposes of coverage under the statute. Because Rahla did not materially contribute to the Medical Center's business at the time of the examination and she could not reasonably expect compensation for undergoing the examination, she cannot be considered "employed" by the Medical Center at the time of her injury.