

**Kentucky Supreme Court**  
**Cases of Note**  
**July-[August](#), 2014**

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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 July**

**NEGLIGENCE**

**Jeffrey T. Caniff v. CSX Transportation, Inc.**

**[2012-SC-000750-DG](#) August 21, 2014**

Opinion of the Court by Justice Scott. Cunningham, Keller, Noble, and Venters, JJ., concur. Minton, C.J., dissents by separate opinion in which Abramson, J., joins. Appellant, Jeffrey T. Caniff, sought discretionary review by the Supreme Court of the opinion of the Court of Appeals which affirmed the trial court’s order granting Appellee’s, CSX Transportation, Inc., motion for summary judgment due to Caniff’s failure to obtain an expert witness. The Supreme Court granted discretionary review and reversed and remanded the case to the trial court, holding that the trial court abused its discretion by granting summary judgment pursuant to Caniff’s failure to obtain an expert witness, as there were material facts at issue in the case. The Court held that while it would have been within the trial court’s discretion to allow an expert to testify, it was not within its discretion to require an expert in order for Caniff’s case to survive a motion for summary judgment, as the issues were within the common knowledge and experience of the jury.

**WORKERS COMPENSATION**

**Jackson W. Watts, Party in Interest and Loretta Langford v. Danville Housing Authority; Honorable J. Langford Overfield, Administrative Law Judge; and Workers’ Compensation Board**

**[2013-SC-000346](#) August 21, 2014**

Opinion of the Court. All sitting; all concur. Watts, an attorney, filed this appeal to argue that an interlocutory proceeding in a workers’ compensation case, specifically a medical fee dispute, should be considered separate from a claim for income benefits and therefore not subject to the statutory cap on attorney fees provided in KRS 342.320(2)(a). The ALJ, Workers’ Compensation Board, and Court of Appeals all held that an interlocutory award was a part of the “original claim,” and thus subject to the cap on attorney fees. The Supreme Court affirmed. An interlocutory order is entered as a means to adjudicate a claimant’s case and ultimately obtain a final judgment. It is a part of the claimant’s original claim, i.e. their petition to receive redress for a work-related injury. Thus, Watts was not entitled to receive additional attorney fees for the interlocutory award entered in this matter which would exceed the statutory cap in KRS 342.320(2)(a).