

UPDATED: 2/10/2017

**FEBRUARY 2017**

**ORAL ARGUMENT**

**CALENDAR**

2/10/2017

**FEBRUARY, 2017**

**February 13, 2017**

**2:30 P.M. (ET), MOTION PANEL, JUDGE C. SHEA  
NICKELL, PRESIDING JUDGE, JUDGE GLENN ACREE  
AND JUDGE ALLISON JONES, ASSOCIATES.**

**PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL  
ARGUMENTS SCHEDULED:**

**FRANKFORT – Contact Patricia Brauer or Sam Givens, Clerk - (502) 573-7920  
OWENSBORO- Contact Professor Bill Conroy – (270) 852-3235**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Monday, February 13, 2017**

**03:30 PM PJ: STUMBO, HON. JANET L.**

**NICKELL, HON. C. SHEA**

**TAYLOR, HON. JEFF S.**

**2015CA001573 JAY MORGAN v GREG FISCHER**

Did the trial court err in holding that Louisville Mayor had qualified official immunity in suit for defamation?

**CIVIL JEFFERSON COUNTY**

**HON MITCHELL PERRY**

Appellant Atty:

**MCADAM, THOMAS III**

Appellant Name:

**MORGAN, JAY**

Appellee Atty:

**FROCKT, I  
LANDRUM, J SR**

Appellee Name:

**FISCHER, GREG**

**\*\* NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Tuesday, February 14, 2017**

09:45 AM PJ: JONES, HON. ALLISON E.

COMBS, HON. SARA W.

KRAMER, HON. JOY A.

2015CA001570 AUGUST PROPERTIES, LLC v CITY OF BURGIN

Ordinance; whether the subject ordinance at issue is invalid as enacted and as applied to the Appellant. And, whether the trial court erred in not finding the subject ordinance to be arbitrary, unreasonable, and unenforceable and granting summary judgment in favor of Appellee.

MERCER COUNTY

HON DARREN W. PECKLER

Appellant Atty:

Appellant Name:

BOTTIS, NOEL

AUGUST PROPERTIES, LLC

Appellee Atty:

Appellee Name:

DRY, WANDA  
HENSLEY, J

CITY OF BURGIN

\*\* NOTE:

01:30 PM PJ: JONES, HON. ALLISON E.

COMBS, HON. SARA W.

KRAMER, HON. JOY A.

2015CA001645 SOUTHWEST CLARK NEIGHBORHOOD ASSOCIATION, INC v HENRY BRANHAM

Zoning appeal – whether the re-zoning action of the Clark County Fiscal Court was proper

CIVIL

CLARK COUNTY

HON WILLIAM G. CLOUSE

Appellant Atty:

Appellant Name:

FITZGERALD, THOMAS

SOUTHWEST CLARK NEIGHBORHOOD  
ASSOCIATION, INC

GRADDY, W. IV

RUSH, DOROTHY

STROBO, RANDAL

Appellee Atty:

Appellee Name:

NIENABER, THOMAS  
THOMAS, BRIAN

BRANHAM, HENRY

ROSENTHAL, HENRY JR

DISNEY, LARRY

ROMPF, JOHN JR

THE ALLEN COMPANY

\*\* NOTE:

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Tuesday, February 14, 2017**

**02:15 PM PJ: JONES, HON. ALLISON E.**

**COMBS, HON. SARA W.**

**KRAMER, HON. JOY A.**

**2015CA001868**

**MICHAEL POWERS v KEENELAND ASSOCIATION, INC.**

Appeal from circuit court order concluding Appellant was an independent contractor, not an employee of Appellee Keenland, thus dismissing the action

**CIVIL**

**FAYETTE COUNTY**

**HON PAMELA R GOODWINE**

Appellant Atty:

**ROSENBAUM, JOSEPH  
THOMPSON, JASON**

Appellant Name:

**POWERS, MICHAEL**

Appellee Atty:

**GRIFFITH, RICHARD  
MUYSKENS, ELIZABETH**

Appellee Name:

**KEENELAND ASSOCIATION, INC.**

**\*\* NOTE:**

**LOCATION: KENTUCKY WESLEYAN COLLEGE, ROGERS HALL, WINCHESTER  
COMMUNITY CENTER, 3000 FREDERICA STREET, OWENSBORO,**

**DATE: Wednesday, February 22, 2017**

10:30 AM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

THOMPSON, HON. KELLY

2016CA000477 THOMAS D. ROBERTSON v WESTERFIELD NATIONAL INSURANCE COMPANY

Whether circuit court erred by rendering summary judgment dismissing appellant's action for injuries suffered after being struck by an ATV.

CIVIL METCALFE COUNTY HON JOHN T. ALEXANDER

Appellant Atty:

MAIER, KURT  
ROBY, JON

Appellant Name:

ROBERTSON, THOMAS

Appellee Atty:

ADANICK, PERRY

Appellee Name:

WESTERFIELD NATIONAL INSURANCE  
COMPANY

\*\* NOTE:

01:30 PM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

THOMPSON, HON. KELLY

2014CA001483 BILLIE S. DUNAVENT v ESTATE OF RUTH ANN SEBASTIAN, ET AL.

Whether circuit court properly imposed a constructive trust upon certain real property.

CIVIL FAYETTE COUNTY HON PAMELA R GOODWINE

Appellant Atty:

GERSH, WESLEY  
TROUTMAN, JAMES

Appellant Name:

DUNAVENT, BILLIE

Appellee Atty:

COOK, WAYNE

Appellee Name:

ESTATE OF RUTH ANN SEBASTIAN, ET AL.

ARRINGTON, NORBERT

MANEY, FREDERICH

FOLEY, RICHARD  
KURTZ, JONATHAN

SEBASTIAN, ROSCOE

\*\* NOTE:

**LOCATION: KENTUCKY WESLEYAN COLLEGE, ROGERS HALL, WINCHESTER  
COMMUNITY CENTER, 3000 FEDERICA STREET, OWENSBORO,**

**DATE: Wednesday, February 22, 2017**

02:15 PM PJ: MAZE, HON. IRV

TAYLOR, HON. JEFF S.

THOMPSON, HON. KELLY

2015CA000006 TIFFANY LANDRETH v BRAKE SUPPLY COMPANY, INC.

2015CA000140

2015CA000141

Appeal from summary judgment for manufacturers of brake components sued for liability on decedent's asbestos-related death. Whether genuine issues of material fact existed as to whether decedent's work with and purchase of brake components was the cause of his illness and death; whether causation was a factual question for the jury; whether the trial court correctly applied the summary judgment standard; whether sufficient discovery occurred prior to summary judgment.

CIVIL

CALDWELL COUNTY

HON CLARENCE A. WOODALL

Appellant Atty:

IVIE, PAUL  
KELLEY, PAUL  
POPPE, HANS JR  
SATTERLEY, JOSEPH

Appellant Name:

LANDRETH, TIFFANY

Appellee Atty:

HUMMEL, JOSEPH  
RUMP, WILLIAM IV  
 TSAI, BERLIN

Appellee Name:

ARVINMERITOR, INC.

PARSONS, MATTHEW  
VANCE, PALMER II

BRAKE SUPPLY COMPANY, INC.

SANDIDGE, RIDLEY JR.

EATON CORPORATION

FULKERSON, CALVIN  
VIRGIN, KYLE

PNUEMO ABEX, LLC

\*\* NOTE: