

July 2022

Oral Argument Calendar

July 2020

Motion Panel

Chief Judge Denise Clayton, Presiding Judge;
Judge Pamela Goodwine and
Judge Kelly Thompson, Associate Judges

Contact number for Oral Arguments
Frankfort – Natasha Coates (502) 573-7920

Kentucky Court of Appeals

Oral Argument Calendar

Thursday, July 21, 2022

Location: VIA VIDEO CONFERENCE, E-MAIL WILL BE SENT AT A LATER DATE,
FRANKFORT, KY

10:00 AM **BRUCE SHUMAKE V. SANDRA MILLER**
(EST)

[2021-CA-0616](#)

PJ: HON. IRV MAZE, HON. ALLISON E. JONES, HON. JEFF S. TAYLOR

Appeal from award of summary judgment in favor of Miller (landlord) in a slip & fall/premises liability. Issue is whether Miller knew or should have known of the defect in the rental property.

JEFFERSON County

Attorneys for Appellants: Brian Scott Brownfield, Josephine Layne Buckner, Kelly Jo Brownfield and Sarah Jane Mandlehr Dufour

Attorney for Appellees: Robert Leo Steinmetz

Tuesday, July 12, 2022

Location: HANCOCK COUNTY JUSTICE CENTER, 310 HAWESVILLE SCHOOL ROAD, HAWESVILLE, KY

1:00 PM
(CST)

DONNA MOLYNEAUX V. CITY OF BARDSTOWN

[2021-CA-0045](#)

Presiding Judge: HON. KELLY THOMPSON

Associate Judges: HON. DONNA L. DIXON and HON. ALLISON E. JONES

Appeal from historic district zoning case alleging that the denial of their application for a certificate of appropriateness with conditions constituted an effective denial of the application and was arbitrary.

NELSON County, HON. CHARLES C. SIMMS III

Attorney for Appellant: Jason Paul Floyd

Attorney for Appellee: Audrey Leeann Haydon

Tuesday, July 19, 2022

Location: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KY

1:30 PM (EST) JAMES LEWIS ERWIN V. JUSTICE AND PUBLIC SAFETY CABINET

****LIVE STREAM**** [2021-CA-0662](#)

Presiding Judge: HON. SUSANNE M. CETRULO

Associate Judges: HON. JAMES H. LAMBERT and J. CHRISTOPHER McNEILL

OLDHAM County, HON. JERRY CROSBY II

Attorneys for Appellant: Thomas R Coffey, Jamie Kristin Neal and Kevin Crosby Burke

Attorneys for Appellee: Joshua Christian Newton, Leah Cooper Boggs and Robyn Renee Bender

2:30 PM (EST) JOI DENISE ROBY ET. AL. V. CHURCHILL DOWNS, INC. ET. AL.

[2021-CA-0766](#)

Presiding Judge: J. CHRISTOPHER McNEILL

Associate Judges: HON. SUSANNE M. CETRULO and HON. JAMES H. LAMBERT

Appeal of a Summary Judgment which may be different under *Keeneland Ass'n, Inc. v. Prather*, 627 S. W. 3d 878, 880 (Ky. 2021)

JEFFERSON County, HON. JUDITH E MCDONALD-BURKMAN

Attorneys for Appellants: Anthony George Galasso, JR., Linda Helen Clare and Larry Duane Ashlock

Attorneys for Appellees: Neil Patrick Baine, PERRY ADANICK, John F Parker, JR. and Katherine Tipton Watts

Tuesday, July 26, 2022

Location: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KY

11:00 AM
(EST)

**GARY JOY, INDIVIDUALLY AS SOLE SHAREHOLDER OF JOY & ASSOCIATES, INC.
ET. AL. V. LOWELL WAINWRIGHT ET. AL.**

[2021-CA-0380](#)

Presiding Judge: HON. PAMELA R. GOODWINE

Associate Judges: HON. DENISE G. CLAYTON and HON. SARA W. COMBS

Civil - Whether trial court erred in granting summary judgment in favor of appellees.
(Underlying claim - Wrongful use of civil proceeding - Separate lawsuit - Directed
verdict entered by trial court)

JEFFERSON County, HON. AUDRA J. ECKERLE

Attorneys for Appellants: Glenn Alan Cohen and Lynn M Watson

Attorneys for Appellees: Andrea Renee Hunt, Joseph Allan Cobb, David Joseph Kellerman, Dennis David
Murrell, Donald Killian Brown and Jeri Barclay Poppe

Tuesday, July 26, 2022

Location: MEADE COUNTY COURTHOUSE, 516 HILLCREST DRIVE,
BRANDENBURG, KY

11:00 AM **SETH PAYNE VS DANNY JO SWIFT**
(EST)

[2020-CA-0839](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON

Whether circuit court erred by denying qualified official immunity to claims asserted against Payne in his individual capacity.

GRAYSON County, HON. KENNETH H GOFF, II

Attorneys for Appellant: Kristen Nicole Worak and Stacey Ann Blankenship

Attorneys for Appellee: Gary Steve Logsdon and Timothy Linden Stevenson

1:00 PM **SEAN MARTIN V. COMMONWEALTH OF KENTUCKY**
(EST)

[2020-CA-1474 and 2020-CA-1584](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON

2020-CA-1474 - Whether circuit court erred by denying Martin's motion for directed verdict on the criminal mischief offense; whether court erred in its instructions to the jury on the criminal mischief charge; whether circuit court erred by failing to answer question from the jury; and whether circuit court erred by admitting irrelevant evidence of Martin's recent court history.

2020-CA-1584 - Whether circuit court erred in its imposition of restitution which violated Martin's due process and whether circuit court erred by determining that the damages were a direct result of crimes Martin committed.

JEFFERSON County, HON. OLU A. STEVENS

Attorneys for SEAN MARTIN (Appellant): Jazmin Paige Smith, Joshua Michael Reho, Leo Gerard Smith and Christopher Barrett Thurman

Attorney for COMMONWEALTH OF KENTUCKY (Appellee): Joseph A Beckett
