

March 2022

Oral Argument Calendar

March 2022 Motion Panel

Judge Donna Dixon, Presiding Judge

**Judge Glenn Acree and
Judge Jacqueline Caldwell,
Associates Judges**

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, March 08, 2022

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

11:00 AM (EST)	COMMONWEALTH OF KENTUCKY, KENTUCKY HERITAGE LAND CONSERVATION FUND BOARD V. EAST KENTUCKY POWER COOPERATIVE, INC. ET. AL.
LIVESTREAMED	2020-CA-0882
	Presiding Judge: HON. IRV MAZE
	Associate Judges: HON. GLENN E. ACREE and HON. SUSANNE M. CETRULO
	BULLITT County, HON. RODNEY BURRESS
	Attorneys for Appellant: Kathleen Marie Gland Saunier and Timothy Joseph Mayer
	Attorneys for Appellees: Clay Anthony Barkley, Randal Alan Strobo, Thomas Joseph FitzGerald, Mark Terrell Hurst, Mary Ellen Wimberly, Monica Hobson Braun, Steven Brian Loy and David Trevor Royse

1:00 PM (EST)	G. A. A. SR, ET AL VS CABINET FOR HEALTH AND FAMILY SERVICES COMMONWEALTH OF KENTUCKY, ET AL
	2020-CA-0842; 2020-CA-0854; 2020-CA-0863; AND 2020-CA-0868
	Presiding Judge: HON. IRV MAZE
	Associate Judges: HON. JACQUELINE M. CALDWELL and HON. SUSANNE M. CETRULO
	FAYETTE County, HON. JEFFREY C. MOSS
	Attorney for Appellants: Gayle Elizabeth Slaughter and Clay Thomas Duvall
	Attorney for Appellees: Robert Paul Stith and Tiffany Lorraine Yahr

2:00 PM (EST)	PAUL RAYMOND ET. AL. V. JAMES EBERLE ET. AL.
LIVESTREAMED	2021-CA-0042
	Presiding Judge: HON. SUSANNE M. CETRULO
	Associate Judges: HON. JACQUELINE M. CALDWELL and HON. IRV MAZE
	SHELBY County, HON. S. MARIE HELLARD
	Attorneys for Appellants: Clifford Hobson Ashburner, Daniel Joseph O'Gara and Philip Edward Cecil
	Attorney for Appellees: Katherine Houston Whitten

Tuesday, March 15, 2022

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

1:00 PM
(EST) **S. W. VS S. W. M., ET AL**

2020-CA-0307; 2020-CA-0525; 2020-CA-1096

PJ: HON. PAMELA R. GOODWINE, HON. GLENN E. ACREE, HON. LARRY E. THOMPSON

Civil/Criminal - Discretionary review granted to interpret proper application of Casey's Law.

BOONE County, HON. JAMES R. SCHRAND, II

Attorneys for Appellants: Timothy G Arnold; Ezra Nathaniel Dike

Attorneys for Appellees: Matthew Franklin Kuhn, Andrew Michael Boyer, Martin Lando Hatfield, DANIEL J. CAMERON, Robert Douglas Neace, Joseph Daniel Thompson, Matthew Daniel Doane, Clinton J Elliott, Darren William Ford and James Stephen Smith

2:15 PM
(EST) **DAVID CIOCHETTY ET. AL. V. FOUNTAIN TRACE HOMEOWNERS' ASSOCIATION, INC.**

LIVESTREAMED [2021-CA-0171](#); [2021-CA-0177](#); [2021-CA-0243](#)

PJ: HON. PAMELA R. GOODWINE, HON. JACQUELINE M. CALDWELL, HON. JAMES H. LAMBERT

Civil - Whether trial court erred in granting summary judgment in favor of Appellee (Commercial Lessor).

WARREN County, HON. JOHN GRISE

Attorneys for Appellants: Matthew James Baker and David F. Broderick

Attorneys for Appellees: Ian Loos and Tad Travis Pardue

Wednesday, March 23, 2022

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

11:00 AM (EST) MICHAEL J. MOORE, AS THE ADMINISTRATOR OF THE ESTATE OF TIMOTHY M. MOORE V. HANK INVESTMENTS, INC. D/B/A MALABU PUB ET. AL.

LIVESTREAMED [2020-CA-1106](#) and [2020-CA-1110](#)

Presiding Judge: HON. JACQUELINE M. CALDWELL

Associate Judges: HON. IRV MAZE and J. CHRISTOPHER McNEILL

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellants: Kristeena Louise Johnson and Grahmn New Morgan

Attorneys Appellees: Daniel Errett Murner, Elizabeth Johnson Winchell, Jennifer Lacey Fiorella and Nicholas George Haming, Ann B Oldfather, Nicole Ann Bush, Robert Estes Stopher, Robert Dmitri Bobrow Brian Henry Stephenson, Bradley Jordan Atzinger, Rebecca Lynne Burroughs and Carroll Morris Redford, III

Tuesday, March 29, 2022

Location: HART COUNTY JUDICIAL CENTER, 117 EAST SOUTH STREET,
MUNFORDVILLE, KY

1:00 PM
(CST)

IOLA CAPITAL ET. AL. V. PUBLIC SERVICE COMMISSION OF KENTUCKY ET. AL.

[2020-CA-1394](#)

Presiding Judge: HON. KELLY THOMPSON

Associates Judges: HON. ALLISON E. JONES and HON. JAMES H. LAMBERT

Appellants argue irregularities in the award of a certificate of necessity for a proposed natural gas transmission line on their land. Appellants allege that Louisville Gas and Electric made no formal application, did not notify the public of its location, did not publicly disclose the route of the gas line, and did not notify the public that it was even seeking application for the pipe line.

FRANKLIN County, HON. THOMAS D. WINGATE

Attorneys for Appellants: John Davis Cox, Petersen S Thomas, Julia Dey Taylor, Randal Alan Strobo, Clay Anthony Barkley

Attorneys for Appellees: Daniel Jay Cameron, Monica Hobson Braun, Steven Brian Loy, Cornelius Jefferson Mance, John Edward Brooks Pinney, Nancy J Vinsel and Quang Dang Nguyen, John G Horne, II and Lawrence Wilson Cook, Allyson Kay Sturgeon, Kendrick Robert Riggs and Mary Ellen Wimberly

Wednesday, March 30, 2022

Location: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVE.,
ELIZABETHTOWN, KY

1:15 PM (EST) BROWN & BROWN OF KENTUCKY, INC. V. DAVID C. WALKER

[2020-CA-1265](#) and [2020-CA-1322](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. SARA W. COMBS and HON. DONNA L. DIXON

Whether appellant introduced evidence of causation sufficient to support recovery of lost profits in its breach of contract claim; whether appellant was entitled to a permanent injunction; whether appellant introduced sufficient evidence to prevail upon its claims of breach of fiduciary duty and tortious interference with contract; whether the award of attorney's fees and costs were proper.

JEFFERSON County, HON. ANGELA MCCORMICK BISIG

Attorneys for Appellants: Brent Robert Baughman and John Todd Shapiro, Benjamin Joel Lewis

Attorneys for Appellees: Michael Charles Merrick and Casey Leigh Hinkle

2:00 PM (EST) TRILOGY HEALTHCARE OF FAYETTE I, LLC D/B/A THE WILLOWS AT HAMBURG ET. AL. V. JOEL TECHAU

[2021-CA-0047](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. SARA W. COMBS and HON. DONNA L. DIXON

Whether circuit court erred by not allowing appellees' tendered jury instruction pursuant to KRS 216.515(6) upon a resident's rights claim; whether circuit court's ruling upon that jury instruction denied appellant's right to a jury trial.

FAYETTE County, HON. ERNESTO SCORSONE

Attorneys for Appellants: Edmund John Benson and Stephen Frederick Soltis

Attorneys for Appellees: Thomas Kelly Herren
