

# November 2020

# Oral Argument Calendar

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## Motion Panel

Judge Jeff Taylor, Presiding Judge;  
Chief Judge Denise Clayton and  
Judge Kelly Thompson, Associate Judges

Contact person for Oral Argument location

Louisville – Aisha Omar (502) 595-3440

Frankfort – Natasha Coates (502) 573-7920

# Kentucky Court of Appeals

## Oral Argument Calendar

Tuesday, November 10, 2020

Location: REMOTE via VIDEO CONFERENCE

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**11:00 AM**    **LAWRENCE SMITH v. SHEILA MURPHY SMITH, ET AL**  
**(EST)**

[2019-CA-0910](#)

HON. IRV MAZE, PRESIDING JUDGE

HON. JACQUELINE M. CALDWELL and J. CHRISTOPHER MCNEILL, ASSOCIATE JUDGES

Dissolution of marriage action produced complex issues regarding 1) valuation of a machine shop and resulting tax liability and allocation, and 2) whether trial court abused its discretion in applying "industry standard" formula to value machine shop.

**WASHINGTON CIRCUIT COURT**

Attorney for Appellant: Lloyd C. Chatfield, II

Attorneys for Appellees: John Douglas Hubbard and Edward Gregory Goatley

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Tuesday, November 17, 2020

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

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**1:00 PM**    **LEGACY HEALTH SERVICES, INC., ET AL VS CHRISTOPHER JACKSON III AS**  
**(EST)**        **ADMINISTRATOR OF THE ESTATE OF CHRISTINE JACKSON,**

[2019-CA-1770](#)

HON. GLENN E. ACREE, PRESIDING JUDGE

HON. JOY A. KRAMER and HON. JEFF S. TAYLOR, ASSOCIATE JUDGES

Civil; Guardianship: Whether court appointed guardian has authority to enter into an arbitration agreement on behalf of his ward.

**FAYETTE CIRCUIT COURT**

Attorneys for Appellants: Emily Weaver Newman, Jeffrey Allan Cross, Paul Alan Dzenitis and Rebecca Rachelle Schafer

Attorneys for Appellees: Hannah Rebecca Jamison, Lisa Erickson Circeo and Megan Lynn Adkins

Tuesday, November 17, 2020

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

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**2:00 PM (EST) KATHY LITTLE INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL VS LOUISVILLE GAS AND ELECTRIC COMPANY**

[2020-CA-0137](#)

**HON. JEFF S. TAYLOR, PRESIDING JUDGE**

**HON. GLENN E. ACREE and HON. JOY A. KRAMER, ASSOCIATE JUDGES**

Whether circuit court erred by refusing to certify a class of homeowners' in class action to recover damages from LG&E for coal particulates deposited on their homes.

**JEFFERSON CIRCUIT COURT**

Attorneys for Appellants: Justin Aaron Sanders and Tad Thomas

Attorneys for Appellee: Chongyang Ge, Jason Patrick Renzelmann, John Gregory Cornett, Richard Clayton Larkin, Robert J Ehrler, JR., Sheryl Glenn Snyder, Theresa Agnes Canaday and Travis Aaron Crump

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**Tuesday, November 17, 2020**

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KENTUCKY

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**1:00 PM (EST) CLARK COUNTY ATTORNEY v. TRAVIS THOMPSON, ET AL.**

[2019-CA-1349](#)

HON. KELLY THOMPSON, PRESIDING JUDGE

HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON, ASSOCIATE JUDGES

A city of Winchester police officer was elected as a magistrate in Clark County. The question is: Are these two positions constitutionally or statutorily incompatible?

**CLARK CIRCUIT COURT**

Attorney for Appellants: Robert G Johnson

Attorneys for Appellees: William A Dykeman and Brian Neal Thomas

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**1:45 PM (EST) BRIGHTMORE HOME CARE OF KENTUCKY, LLC; ET AL. v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES; ET AL.**

[2019-CA-1409](#)

HON. LARRY E. THOMPSON, PRESIDING JUDGE

HON. PAMELA R. GOODWINE and HON. KELLY THOMPSON, ASSOCIATE JUDGES

This appeal involves a determination by the Franklin Circuit Court that the Cabinet for Health and Family Services ("Cabinet") has jurisdiction over out-of-state residents, and therefore, possesses the legal authority to issue and enforce administrative subpoenas to non-residents compelling them to appeal and testify at a Kentucky administrative Certificate of Need ("CON") hearing.

**FRANKLIN CIRCUIT COURT**

Attorney for Appellants: Holly Turner Curry

Attorneys for Appellees: Matthew Harold Kleinert and Olivia Marie Peterson

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**Tuesday, November 17, 2020**

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KENTUCKY

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**2:30 PM (EST) WAL-MART REAL ESTATE BUSINESS TRUST v. HOPKINS COUNTY COAL, LLC, ET AL.**

[2019-CA-1369](#)

**HON. LARRY E. THOMPSON, PRESIDING JUDGE**

**HON. PAMELA R. GOODWINE and HON. KELLY THOMPSON, ASSOCIATE JUDGES**

This appeal of the trial court's August 12, 2019 order addresses how and why Kentucky's discovery rule applies in this and the other property damage cases. Further, applying the discovery rule to the facts of this case, Appellant's claims of latent injuries for more than \$20 million in subsidence damages to its property in Madisonville, Kentucky, caused by Appellees' underground mining operations are not barred by the statute of limitations.

**HOPKINS CIRCUIT COURT**

Attorneys for Appellant: John Cleveland Whitfield and Natasha Camenisch Little

Attorneys for Appellees: Dana Rashay Howard; Philip Douglas Barr; Marshall Reid Hixson; William Deatherage, Jr.; William T. Gorton, III; Billy Ray Shelton; and Jeffrey Kent Phillips

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