

September 2023

ORAL ARGUMENT CALENDAR

Motion Panel

Judge James H. Lambert, Presiding Judge

Judge Sara W. Combs and
Judge Jacqueline M. Caldwell,
Associate Judges

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, September 05, 2023

Location: KENTON COUNTY JUDICIAL CENTER, 230 MADISON AVE.,
COVINGTON, KY

**1:00PM
(EST)**

CITY OF NEWPORT, KENTUCKY, ET. AL. V. WESTPORT INSURANCE COMPANY

[2022-CA-0384](#); [2022-CA-0415](#)

Presiding Judge: HON. KELLY MARK EASTON

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

Civil: Appeal of summary judgment granted to insurance company. City claims insurance company should defend and indemnify city for alleged violation of civil rights/malicious prosecution suit against city. Accused was wrongfully convicted and incarcerated for 28 years. The issue is when “personal injury” coverage applies – does injury occur when the accused was wrongfully charged, or does injury continue during the period the accused was incarcerated.

CAMPBELL County, HON. JULIE REINHART WARD

Attorneys for Appellant: Amy Robinson Staples, Elliot Slosar, and Jason Charles Kuhlman

Attorneys for Appellee: Adam Fleischer, Kevin Harris, Ryan Daniel Nafziger, and William Baxter Orberson, JR.

Wednesday, September 20, 2023

Location: SARA WALTER COMBS COURTROOM, KENTUCKY COURT OF APPEALS, 360 DEMOCRAT DRIVE, FRANKFORT, KY

10:00AM (EST) JAMES ROBERT BURDEN, JR. V. COMMONWEALTH OF KENTUCKY

[2022-CA-0739](#)

Presiding Judge: HON. JACQUELINE M. CALDWELL

Associate Judges: HON. SARA W. COMBS and HON. ANNETTE C. KAREM

Should evidence be released for DNA testing post-conviction.

DAVIESS County, HON. LISA P. JONES

Attorneys for Appellant: Miranda Jo Hellman and Samuel N. Potter

Attorney for Appellee: Christopher Henry

11:00AM (EST) DANIEL CAMERON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY V. JEFFERSON COUNTY BOARD OF EDUCATION ET. AL.

[2022-CA-0964](#)

Presiding Judge: HON. ANNETTE C. KAREM

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. SARA W. COMBS

Question of constitutionality of SB1.

JEFFERSON County, HON. CHARLES L. CUNNINGHAM, JR.

Attorneys for Appellant: Heather Lynn Becker, Jenna Marie Lorence, Aaron John Silletto, Christopher L Thacker, Marc Edwin Manley, Matthew Franklin Kuhn, and Victor Bruce Maddox

Attorneys for Appellee: Todd Gregory Allen, Ashley Taylor Smith Lant, David Brandeis Tachau, Amy Denise Cabbage, Sheryl Glenn Snyder, and Katherine Lacy Crosby

Wednesday, September 27, 2023

Location: FAYETTE COUNTY CIRCUIT COURTHOUSE, 120 NORTH LIMESTONE, LEXINGTON, KY

11:00AM
(EST)

LEXINGTON ALZHEIMER'S INVESTORS, LLC D/B/A THE LANTERN AT MORNING POINTE ALZHEIMER'S CENTER OF EXCELLENCE ET. AL. V. SANDRA NORRIS, AS ADMINISTRATIX OF THE ESTATE OF RAYFORD CHARLES NORRIS

[2022-CA-0965](#)

Presiding Judge: HON. LARRY E. THOMPSON

Associate Judges: HON. PAMELA R. GOODWINE and HON. JEFF S. TAYLOR

A nursing home appeals from an order denying a motion to compel arbitration. The issue is does a mandatory arbitration agreement constitute a healthcare decision allowing a spouse to bind her incapacitated partner to the arbitration agreement.

FAYETTE County, HON. KIMBERLY N. BUNNELL

Attorneys for Appellant: Corey Jacob Taylor, Emily Weaver Newman, and Paul Alan Dzenitis

Attorney for Appellee: Tyler Sutton Stewart

1:15PM
(EST)

HAROLD EDWARD HALL V. RICHARD VERNON HORNING

[2022-CA-0995](#); [2022-CA-1163](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON

2022-CA-0995: Whether circuit court erred by granting a motion to dismiss for failure to state a claim upon which relief could be granted.

2022-CA-1163: Whether circuit court erred by denying request to impose CR 11 sanctions on appellees.

JEFFERSON County, AUDRA J. ECKERLE AND HON. MARY M. SHAW

Attorneys for Appellant: Christopher George Stewart and David Bradley Mour

Attorneys for Appellee: Andrew Hornung, Esq. and Richard Hornung, Esq.

2:00PM
(EST)

KENTUCKY GROUP SELF-INSURANCE GUARANTY FUND V. SHARON P. CLARK, COMMISSIONER OF THE KENTUCKY DEPARTMENT OF INSURANCE, IN HER CAPACITY AS REHABILITATOR/LIQUIDATOR OF AIK COMP

[2022-CA-1122](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON

Whether circuit court erred by ordering the liquidation of AIK Comp., a workers' compensation self-insurance fund, and by assigning AIK's approximate \$9 million in outstanding workers' compensation liabilities to KY Group Self-Insurance Guaranty Fund.

FRANKLIN County, HON. THOMAS D. WINGATE

Attorneys for Appellant: Hayden Alexander Holbrook and John Edward Hanley, II

Attorneys for Appellee: Paul Christopher Harnice and Sarah Jackson Bishop