

SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR

WEDNESDAY, OCTOBER 16, 2024

**10:00 a.m. COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET,
DEPARTMENT OF HIGHWAYS V. LEAH ATKINSON, ET AL.
(2023-SC-0173-DG)**

[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)

Real Property. Eminent Domain. Fair Market Value. Subsurface Minerals. Issues include whether the circuit court should have excluded the landowners' expert's testimony regarding the value of the coal-containing property because the expert used an income approach that considered the present value of potential future coal royalties.

Discretionary Review Granted:	August 16, 2023
Trial Court(s):	Floyd Circuit Court
Presiding Judge(s):	Hon. Thomas M. Smith

Counsel for Appellant,
*Kentucky Transportation
Cabinet:*

Stacy D. Elliott (Conley)
Staff Attorney

Counsel for Appellee,
*Leah Atkinson &
SAS Resources:*

John M. Williams
Melanie Kilpatrick
Williams Kilpatrick, PLLC

ALL ARGUMENTS WILL BE STREAMED ONLINE AT

WWW.KET.ORG/SUPREMECOURT

WEDNESDAY, OCTOBER 16, 2024
(CONTINUED)

**11:00 a.m. DONNA MILLER BRUENGER, ET AL. V COURTENAY ANN MILLER
(2023-SC-0156-DG)**

[APPELLANT BRIEF](#)
[APPELLEE BRIEF](#)
[REPLY BRIEF](#)

Sanctions. RAP 11(B)(3). Issues involve “costs” sanctions imposed by the Court of Appeals, including attorney’s fees, for filing a frivolous appeal.

Discretionary Review Granted:	August 16, 2023
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. A. C. McKay Chauvin

Counsel for Appellant, <i>Donna Miller Bruenger & Kirk Hoskins:</i>	Kirk Hoskins
--	--------------

Counsel for Appellee, <i>Courtney Ann Miller:</i>	Stephen P. Imhoff <i>Imhoff Law Office</i>
--	---

ALL ARGUMENTS WILL BE STREAMED ONLINE AT
WWW.KET.ORG/SUPREMECOURT.

THURSDAY, OCTOBER 17, 2024

**11:00 a.m. MOTORIST MUTUAL INSURANCE COMPANY V. FIRST SPECIALTY
INSURANCE CORP.
(2023-SC-0239-DG)**

APPELLANT BRIEF

APPELLEE BRIEF

REPLY BRIEF

Contract. Insurance. Commercial General Liability. Priority. Other-Insurance Clauses. Issues include the effect of the companies' competing other-insurance clauses. Specifically, whether First Specialty's other-insurance clause is an excess clause, which is mutually repugnant to Motorists Mutual's excess clause, or a nonstandard escape clause, which prevails over Motorists Mutual's excess clause.

Discretionary Review Granted:
Trial Court(s):
Presiding Judge(s):

September 20, 2023
Jefferson Circuit Court
Hon. Eric Joseph Haner

Counsel for Appellant,
*Motorist Mutual
Insurance Company:*

Michael D. Risley
Bethany A. Breetz
Stites & Harbison, PLLC

Michelle L. Burden
*Garvey Shearer
Nordstrom PSC*

Counsel for Appellee,
*First Specialty Insurance
Corp.:*

J. Philip Fraley
Elkins Ray, PLLC

ALL ARGUMENTS WILL BE STREAMED ONLINE AT

WWW.KET.ORG/SUPREMECOURT