February 2023

Oral Argument

Calendar

Motion Panel

Judge Sara Combs, Presiding Judge

Judge Annette Karem and

Chief Judge Larry Thompson,

Associate Judges

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

**Kentucky Court of Appeals**

**Oral Argument Calendar**

| **Wednesday, February 15, 2023** | |
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| Location: SARA WALTER COMBS COURTROOM, KENTUCKY COURT OF APPEALS, FRANKFORT, KY | |
|  | |
| 10:30 AM (EST) | **GREENVILLE CUMBERLAND PRESBYTERIAN CHURCH V. STATE AUTO PROPERTY & CASUALTY COMPANY ET. AL.** |
|  | [2022-CA-0409](https://appellatepublic.kycourts.net/case/706133d14ff2020c9a926e8b0eca4c9ec5765a460e548f6071ab8fa5bcc47d99) |
|  | **Presiding Judge: HON. JACQUELINE M. CALDWELL**  **Associate Judges: HON. AUDRA ECKERLE and HON. ANNETTE KAREM** |
|  | ​Civil - Appeal from summary judgment at the trial court where trial court found for the insurer based on what it believed to be controlling case law. Appellant argues facts of this case differ from the controlling precedent in regard to the "collapse" and also due to the requirement to mitigate clause in the insurance policy. |
|  | **MUHLENBERG County, HON. BRIAN WIGGINS** |
|  | Attorneys for Appellants: Bartley Kemble Hagerman and Mendel Austin Mehr |
|  | Attorneys for Appellee: James Patrick Nolan, II and Perry Adanick |
|  |  |
| 11:45 AM (EST) | **KENNETH SCOTT HIGGINS V. ELLIE SCORSONE-STOVALL** |
|  | [2022-CA-0930](https://appellatepublic.kycourts.net/case/25db72c69ddb485256db47fc791113a37c0a6a7e67d570a366dbf3f8dfb9f9a9) |
|  | **Presiding Judge: HON. JACQUELINE M. CALDWELL**  **Associate Judges: HON. AUDRA ECKERLE and HON. ANNETTE KAREM** |
|  | ​Civil - Appeal from entry of an IPO on both the merits, was stalking sufficiently proven, and Appellant also argues the court erred in not continuing hearing when Appellant was not available for court due to being hospitalized and when the court did not establish Appellant was competent before having the hearing. |
|  | **FAYETTE County, HON. LIBBY G. MESSER** |
|  | Attorney for Appellant: John Gerhart Landon |
|  | Attorney for Appellee: Christopher Allen Spedding |
|  |  |
| 12:00 PM (EST) | **DARRYL ELLERY V. COMMONWEALTH OF KENTUCKY** |
|  | [2021-CA-1513](https://appellatepublic.kycourts.net/case/1be6e11b205aed32fea160d035edc4ba29183f87dcac7b5145516c623b1a3b9f) |
|  | **Presiding Judge: HON. JACQUELINE M. CALDWELL**  **Associate Judges: HON. ANNETTE KAREM and HON. LARRY E. THOMPSON** |
|  | Criminal - Appeal from an order revoking probation and entering a sentence. Appellant asks the Court to address whether a probation violation warrant tolled the probationary period even though probation was not extended following execution of the warrant. Appellee is asking the Court to adopt the fugitive tolling statute.​ |
|  | **JEFFERSON County, HON. AUDRA ECKERLE** |
|  | Attorney for Appellant: WILLIAM ELLIS SHARP |
|  | Attorney for Appellee: Christopher Henry |
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