**January 2022**

**Oral Argument**

**Calendar**

**January 2022**

**Motion Panel**

**Judge Jeff Taylor, Presiding Judge**

**Chief Judge Denise Clayton and Judge Kelly Thompson,**

**Associates Judges**

Contact person for Oral Arguments

Natasha Coates – (502) 573-7920

**Kentucky Court of Appeals**

**Oral Argument Calendar**

| **Tuesday, January 18, 2022** | |
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| Location: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT, KY | |
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| 1:00 PM (EST) | **THIRTEEN STREET DEVELOPMENT, LLC, ET AL VS AM&W, INC., ET AL** |
|  | [2019-CA-1601](https://appellatepublic.kycourts.net/case/23263635464626413186942d8e0f9b8670b23f36ae719734c31e1597a9f3edca) |
|  | **Presiding Judge: HON. JEFF S. TAYLOR**  **Associates Judges: HON. JACQUELINE M. CALDWELL and J. CHRISTOPHER McNEILL** |
|  | **WARREN County, HON. STEVE ALAN WILSON** |
|  | Attorney for Appellants: Dandridge Bailey Walton |
|  | Attorney for Appellees: Matthew James Baker |
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| **Tuesday, January 25, 2022** | |
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| Location: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVE., SHEPHERDSVILLE, KY | |
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| 1:00 PM (EST) | **COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. LATANYA BATIE ET. AL.** |
|  | [2021-CA-0580](https://appellatepublic.kycourts.net/case/01cc9ecdb9bdfe723d9c28d666e3f08222e07b3af100ab8ac379ac6812a95a60) |
|  | **Presiding Judge: HON. GLENN E. ACREE**  **Associated Judges: HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON** |
|  | ​Family, equitable estoppel, standing, administrative law; Whether the Circuit Court properly applied equitable estoppel to a state agency's standing defense. |
|  | **BOYD County, HON. JOHN F VINCENT** |
|  | Attorney for Appellant: Matthew Forrest Perdue |
|  | Attorney for Appellees: Tracy Denise Frye, Thomas Wade Lavender, II, and Sharon Easthom Rowsey |
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| 2:00 PM (EST) | **ELIZABETH HARAC, INDIVIDUALLY V. NORTON HOSPITALS INC., D/B/A NORTON HOSPITIAL ET. AL.** |
|  | [2020-CA-0922](https://appellatepublic.kycourts.net/case/5033e48b79416a9875ce7bbb19ced87525a425fd57ab0f1f85b44648e97e1f92) |
|  | **Presiding Judge: HON. LARRY E. THOMPSON**  **Associate Judges: HON. PAMELA R. GOODWINE and HON. KELLY THOMPSON** |
|  | The trial court granted summary judgment in favor of the defendants in a medical negligence action, invoking judicial estoppel against the Plaintiff, Elizabeth  "Beth" Harac, who had failed to schedule the claim as an asset in an intervening bankruptcy, and imposing defendants' proposed remedy by which any sums beyond those necessary to satisfy her creditors would be refunded to defendants. Ms. Harac submits that the trail court erred by concluding that it was required to invoke the equitable doctrine of judicial estoppel without regard to her prompt remedial actions and her subjective good faith, that its ruling is an unfair windfall to defendants, and that the Indiana bankruptcy court where the initial omission occurred was the proper forum to have considered and applied the doctrine of judicial estoppel to the facts. |
|  | **JEFFERSON County, HON. ANNIE O'CONNELL** |
|  | Attorney for Appellant: Tommy Jack Smith |
|  | Attorneys for Appellees: Patricia Colleen Le Meur, Joseph M Effinger, Matthew Allan Piekarski, Ronald Mason Wilt, Thomas Andrew Howell, Amy Latrese Cooper, Ashley Butler and Beth Hendrickson McMasters |
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| 2:45 PM (EST) | **TOM SWEARINGEN INDIVIDUALLY AND ON BEHALF OF ALL SIMILARLY SITUATED VS HAGYARD DAVIDSON MCGEE ASSOCIATES, PLLC, ET AL** |
|  | [2020-CA-0456](https://appellatepublic.kycourts.net/case/45cb9729bbfd1cfb44f4343a1b5c14d35985ddfa14b518fdd88e20dc5a2ef332) |
|  | **Presiding Judge: HON. KELLY THOMPSON**  **Associate Judges: HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON** |
|  | **FAYETTE County, HON. JULIE M. GOODMAN** |
|  | Attorneys for Appellant: Mason L Miller and William Charles Rambicure |
|  | Attorneys for Appellees: William Craig Robertson, Michael Patrick Casey, Thomas Walcutt Miller, Sheryl Glenn Snyder, Keith Moorman and Nolan Miller Jackson |
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| **Thursday, January 27, 2022** | |
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| Location: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT, KY | |
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| 10:30AM (EST) | **JEWELL B. MASON VS KATHY MASON 2019-CA-1603, JEWELL B. MASON V. KATHY MASON 2021-CA-0061** |
|  | [2019-CA-1603](https://appellatepublic.kycourts.net/case/43b011d2b1383080d07aee38f1bd720dbba38032626bc7d8f6724076cbd42cc6), [2021-CA-0061](https://appellatepublic.kycourts.net/case/74ae81c89460904a8ea04759160d1e7b2c17f658d15be583db8661da2614c8a0) |
|  | **Presiding Judge: HON. JEFF S. TAYLOR**  **Associate Judges: HON. GLENN E. ACREE and HON. SUSANNE M. CETRULO** |
|  | ​Whether circuit court erred in its award of permanent maintenance; whether circuit court erred in its charaterization of certain real property as marital or nonmarital. |
|  | **CALDWELL County, HON. CLARENCE A. WOODALL, III** |
|  | Attorney for Appellant: Lisa Ann Derenard |
|  | Attorney for Appellee: Jennifer Sacharnoski Nelson |
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| 11:15AM (EST) | **ERMC SUPPORT SERVICES, LLC ET. AL. V. GALLS, LLC** |
|  | [2020-CA-1631](https://appellatepublic.kycourts.net/case/712ba6fb574614f421ad687d35d333927742e4540289fae1d2631fd680e4e232) |
|  | **Presidiing Judge: HON. JEFF S. TAYLOR**  **Associates Judges: HON. GLENN E. ACREE and HON. SUSANNE M. CETRULO** |
|  | ​Whether circuit court erred by granting summary judgment in favor of appellee. |
|  | **FAYETTE County, HON. ERNESTO SCORSONE** |
|  | Attorneys for Appellants: James Garvin Womack and Sami Charles Oudeh |
|  | Attorney for Appellee: Kristeena Louise Johnson |
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| 1:30PM (EST) | **LAURA JOHNS ET. AL. V. KENTUCKY PAROLE BOARD** |
|  | [2020-CA-1151](https://appellatepublic.kycourts.net/case/fda90d28ea91106e5bc4181da38823568ef8973e1b803509ae18538c2c7dd410) |
|  | **Presiding Judge: HON. GLENN E. ACREE**  **Associate Judges: HON. SUSANNE M. CETRULO and HON. JEFF S. TAYLOR** |
|  | Criminal; Administrative Agency, Parole: Whether the Circuit Court erred by denying Appellant's request to be reinstated into supervised parole after a state administrative agency failed to provide a hearing within the statutorily required 30 days. |
|  | **FRANKLIN County, HON. THOMAS D. WINGATE** |
|  | Attorney for Appellant: Timothy G Arnold |
|  | Attorney for Appellee: Allison Rene Brown and Angela Turner Dunham |
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