

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 25, 2022

Location: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVE.,
SHEPHERDSVILLE, KY

2:00 PM
(EST)

**ELIZABETH HARAC, INDIVIDUALLY V. NORTON HOSPITALS INC., D/B/A NORTON
HOSPITAL ET. AL.**

[2020-CA-0922](#)

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 trial 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

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](#)

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

Tuesday, January 25, 2022

Location: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVE.,
SHEPHERDSVILLE, KY

3:30 PM **CASEY KUFFNER, ADMINISTRATOR OT THE ESTATE OF LONNIE BAKER ET. AL. V.**
(EST) **SAINT JOSEPH HEALTH SYSTEM, INC. D/B/A SAINT JOSEPH EAST**

[2021-CA-0168](#)

Presiding Judge: HON. KELLY THOMPSON

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

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellants: Cory Michael Erdmann and Joe Christian Savage

Attorneys for Appellees: Jeffery Todd Barnett and Kimberly Goetz DeSimone

Thursday, January 27, 2022

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

10:30AM **JEWELL B. MASON VS KATHY MASON 2019-CA-1603, JEWELL B. MASON V. KATHY MASON 2021-CA-0061**
(EST)

[2019-CA-1603](#), [2021-CA-0061](#)

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 characterization 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

11:15AM **ERMC SUPPORT SERVICES, LLC ET. AL. V. GALLS, LLC**
(EST)

[2020-CA-1631](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate 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

1:30PM **LAURA JOHNS ET. AL. V. KENTUCKY PAROLE BOARD**
(EST)

[2020-CA-1151](#)

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