

January 2024

ORAL ARGUMENT
CALENDAR

Motion Panel

Judge Annette Karem, Presiding Judge

Judge Glenn E. Acree and
Judge Kelly Mark Easton,
Associate Judges

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, January 23, 2024

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

1:00PM
(EST)

MARTIN J. BREEDLOVE V. STATE FARM FIRE AND CASUALTY COMPANY

[2022-CA-1105](#), [2023-CA-0024](#)

Presiding Judge: HON. ALLISON E. JONES

Associate Judges: HON. SARA W. COMBS and J. CHRISTOPHER McNEILL

FOLLOWING AUTOMOBILE ACCIDENT, BREEDLOVE FILED SUIT AGAINST AN AT-FAULT DRIVER AND INCLUDED DRIVER'S INSURANCE ASSERTING UCSPA CLAIMS. BREEDLOVE SETTLED IN 2018. IN 2021, THE KENTUCKY SUPREME COURT HELD THIRD-PARTY UCSPA CLAIMS DO NOT ACCRUE UNTIL SETTLEMENT WITH THE INSURED-TORTFEASOR. DOES THE COURT LACK SUBJECT MATTER JURISDICTION OVER UNRIPE-WHEN-FILED, BUT LATER ACCRUED CLAIMS?

JEFFERSON County, HON. JESSICA E. GREEN

Attorney for Appellants: Sarah Ann Chervenak

Attorney for Appellees: Richard Wathen Edwards

Attorney for Other: Edward M. O'Brien

Wednesday, January 24, 2024

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

1:30PM
(EST)

DANIEL CAMERON, ATTORNEY GENERAL, ON BEHALF OF THE COMMONWEALTH OF KENTUCKY V. CORNEAGEN, INC., ET. AL.

[2023-CA-0093](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. AUDRA J. ECKERLE and HON. LARRY E. THOMPSON

WHETHER CIRCUIT COURT ERRED BY GRANTING SUMMARY JUDGMENT IN FAVOR OF APPELLEES BY DETERMINING THAT SENATE BILL 12 WAS UNCONSTITUTIONAL AND BY GRANTING PERMANENT INJUNCTIVE RELIEF.

FRANKLIN County, HON. PHILLIP J. SHEPHERD

Attorneys for Appellant: Aaron John Silletto, Alexander Y. Magera, Heather Lynn Becker, and Matthew Franklin Kuhn

Attorneys for Appellees: David Michael Dirr, Emma Rose Gripshover, Mark David Guilfoyle, Jan Michele West, Jonathan David Goldberg, and Wesley Warden Duke

Attorney for Other: Thomas Edwin, Joseph Travis

Wednesday, January 31, 2024

Location: NORTHERN KENTUCKY UNIVERSITY, VOTRUBA STUDENT UNION (GOVERNANCE ROOM), HIGHLAND HEIGHTS, KY

10:30AM
(EST)

VFM, LLC, ET AL. V. PSC INDUSTRIES, INC., ET AL.

[2021-CA-0431](#)

Presiding Judge: HON. KELLY MARK EASTON

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON

In this civil case with a jury trial verdict, the issues include the parameters of the claim of abuse of process and the application of the judicial statements privilege. Specifically, the appellants argue liability arising from criminal conduct (such as solicitation of false testimony and bribery) which lead to the statements made is not prevented by the privilege. Other issues include allowing evidence of litigation actions in other cases by the appellees, statute of limitations for the claims made, and allocation of punitive damages awarded.

NELSON County, HON. JOSEPH GUINAN BALLARD

Attorneys for Appellants: Brian Michael Johnson and Logan Jennings Mayfield

Attorneys for Appellees: Michael Patrick Abate, Andrea Nicole Aikin, Casey Leigh Hinkle, David Seth Kaplan, and Keith Allen Sparks

Wednesday, January 31, 2024

Location: NORTHERN KENTUCKY UNIVERSITY, VOTRUBA STUDENT UNION
(GOVERNANCE ROOM), HIGHLAND HEIGHTS, KY

10:30AM PSC INDUSTRIES, INC., ET AL. V. VFM, LLC, ET AL.
(EST)

[2022-CA-1166](#)

Presiding Judge: HON. KELLY MARK EASTON

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON

In this civil action with a jury trial verdict, the issues include an employee/officer's liability for breach of fiduciary duty and other claims for maintaining a separate business in potential competition with employer. Timeliness of claim made against employee is also an issue with possible application of equitable estoppel to the damages awarded.

NELSON County, HON. JOSEPH GUINAN BALLARD

Attorneys for Appellants: Casey Leigh Hinkle, Michael Patrick Abate, and David Seth Kaplan Ian

Attorneys for Appellees: Andrew Louis Sparks, Brian Michael Johnson, and Logan Jennings Mayfield

11:30AM DAVID RAMLER V. WILLIAM BIRKENHAUER ET. AL.
(EST)

[2022-CA-1283](#)

Presiding Judge: HON. KELLY MARK EASTON

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON

In this civil suit with a jury trial verdict, the appeal presents the application of the U.S. Const. First Amendment to a defamation claim by an elected official (a county attorney who also acts as a city's legal advisor within the county) and a public official (city's police chief). The officials were referred to as "racist" and "sexist" in campaign materials issued by another elected official, a city councilman who was running for mayor of the city. The defamation defendant counterclaimed for abuse of process for demands made in settlement discussions, including a requirement that the defendant leave the county for forty years. The abuse of process claim was dismissed prior to trial.

CAMPBELL County, HON. DANIEL J. ZALLA

Attorneys for Appellant: Christopher Carroll Kloeker, Michael Patrick Abate, and William Richard Adams, II

Attorney for Appellee: Nicholas Jon Alig

Wednesday, January 31, 2024

Location: NORTHERN KENTUCKY UNIVERSITY, VOTRUBA STUDENT UNION
(GOVERNANCE ROOM), HIGHLAND HEIGHTS, KY

1:30PM **ROBERT A. JONES V. TRIPLE SPRINGS, INC.**
(EST)

[2023-CA-0229](#)

Presiding Judge: HON. JACQUELINE M. CALDWELL

Associate Judges: HON. KELLY MARK EASTON and HON. LARRY E. THOMPSON

Civil - Appeal from a bench trial opinion and order denying specific performance of a real estate contract. Issues involving agency law also involved.

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

Attorneys for Appellant: Donald L. Cox and Matthew Payton Cox

Attorneys for Appellee: Niall Anthony Paul and Mitchell John Rhein
