

November 2020

Oral Argument Calendar

November 2020

Motion Panel

Judge Jeff Taylor, Presiding Judge;
Chief Judge Denise Clayton and
Judge Kelly Thompson, Associate Judges

Contact person for Oral Argument location

Frankfort – Natasha Coates (502) 573-7920

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, November 10, 2020

Location: REMOTE via VIDEO CONFERENCE

11:00 AM **LAWRENCE SMITH v. SHEILA MURPHY SMITH, ET AL.**
(EST)

[2019-CA-0910](#)

HON. IRV MAZE, PRESIDING JUDGE

HON. JACQUELINE M. CALDWELL and J. CHRISTOPHER MCNEILL, ASSOCIATE JUDGES

Dissolution of marriage action produced complex issues regarding 1) valuation of a machine shop and resulting tax liability and allocation, and 2) whether trial court abused its discretion in applying "industry standard" formula to value machine shop.

WASHINGTON CIRCUIT COURT

Attorney for Appellant: Lloyd C. Chatfield, II

Attorneys for Appellees: John Douglas Hubbard and Edward Gregory Goatley

Tuesday, November 24, 2020

Location: REMOTELY VIA VIDEO CONFERENCE

2:00 PM (EST) BRIGHTMORE HOME CARE OF KENTUCKY, LLC; ET AL. v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES; ET AL.

[2019-CA-1409](#)

HON. LARRY E. THOMPSON, PRESIDING JUDGE

HON. PAMELA R. GOODWINE and HON. KELLY THOMPSON, ASSOCIATE JUDGES

This appeal involves a determination by the Franklin Circuit Court that the Cabinet for Health and Family Services ("Cabinet") has jurisdiction over out-of-state residents, and therefore, possesses the legal authority to issue and enforce administrative subpoenas to non-residents compelling them to appeal and testify at a Kentucky administrative Certificate of Need ("CON") hearing.

FRANKLIN CIRCUIT COURT

Attorney for Appellants: Holly Turner Curry

Attorneys for Appellees: Matthew Harold Kleinert and Olivia Marie Peterson

3:00 PM (EST) WAL-MART REAL ESTATE BUSINESS TRUST v. HOPKINS COUNTY COAL, LLC, ET AL.

[2019-CA-1369](#)

HON. LARRY E. THOMPSON, PRESIDING JUDGE

HON. PAMELA R. GOODWINE and HON. KELLY THOMPSON, ASSOCIATE JUDGES

This appeal of the trial court's August 12, 2019 order addresses how and why Kentucky's discovery rule applies in this and the other property damage cases. Further, applying the discovery rule to the facts of this case, Appellant's claims of latent injuries for more than \$20 million in subsidence damages to its property in Madisonville, Kentucky, caused by Appellees' underground mining operations are not barred by the statute of limitations.

HOPKINS CIRCUIT COURT

Attorneys for Appellant: John Cleveland Whitfield and Natasha Camenisch Little

Attorneys for Appellees: Dana Rashay Howard; Philip Douglas Barr; Marshall Reid Hixson; William Deatherage, Jr.; William T. Gorton, III; Billy Ray Shelton; and Jeffrey Kent Phillips