

November 2022

Oral Argument Calendar

Motion Panel

Judge Donna Dixon, Presiding Judge

**Judge James Lambert and
Judge Irv Maze, Associate Judges**

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

Kentucky Court of Appeals

Oral Argument Calendar

Wednesday, November 16, 2022

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KY

10:30 AM (EST) **COMMONWEALTH OF KENTUCKY, EX REL. ATTORNEY GENERAL DANIEL CAMERON, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF KENTUCKY V. JONES & PANDA, LLC**

[2022-CA-0028](#)

Presiding Judge: HON. SUSANNE M. CETRULO

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. SARA W. COMBS

This appeal concerns procedural requirements for the AG in a civil investigation demand regarding price gouging during Covid.

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellant: Brett Robert Nolan, Matthew Franklin Kuhn, John Christian Lewis, Matthew Coleman Cocanougher, Michael Robert Wajda and Philip Robert Heleringer

Attorneys for Appellee: Benjamin Kessinger, III and Mason Moore Kessinger

1:00 PM (EST) **ESTATE OF JAMES A. WALKER, III, DECEASED, BY AND THROUGH ANTHONY D. WALKER, ADMINISTRATOR V. STATE FARM FIRE AND CASUALTY COMPANY ET. AL.**

[2021-CA-0408](#) & [2021-CA-0478](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. GLENN E. ACREE and HON. DENISE G. CLAYTON

Whether circuit court erred by granting summary judgment in favor of State Farm Insurance.

JEFFERSON County, HON. BARRY WILLETT

Attorney for Appellant: Bixler Wray Howland

Attorneys for Appellees: Douglas Loy Hoots, Jeri Barclay Poppe, Christopher Daniel Snead, Curtis Lee Sitlinger, Frank Mascagni, III and Renee Gibson Hoskins

Wednesday, November 16, 2022

Location: VIA VIDEO CONFERENCE

11:15 AM KENT E. CULP V. SI SELECT BASKETBALL ET. AL.
(EST)

[2021-CA-1439](#)

Presiding Judge: HON. SUSANNE M. CETRULO

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. SARA W. COMBS

This is an appeal from a summary judgment in favor of appellees. Both parties requested oral arguments to address the application of *Shelton v. Kentucky Easter Seals* and *Reeves v. Walmart*.

MCCRACKEN County, HON. TIMOTHY KALTENBACH

Attorney for Appellant: Brian Scott Katz

Attorney for Appellees: William Edward Pinkston

1:00 PM MICHAEL GONTERMAN ET. AL. V. WOOSTER MOTOR WAYS, INC. ET. AL.
(EST)

[2021-CA-1304](#)

Presiding Judge: HON. LARRY E. THOMPSON

Associate Judges: HON. DONNA L. DIXON and HON. JAMES H. LAMBERT

Whether the Court should reverse the trial court's orders granting summary judgment to the Appellees and overruling the Gontermans' motion to alter, amend, and vacate because the Firefighter's Rule does not apply here. Commercial truck drivers Teddy Seery and James Baumhower caused a collision because of their active-and-reckless conduct, independent of Kentucky State Police Trooper Michael Conerman being called to secure the two dogs off the shoulder of a roadway. As Gonterman and another man were walking with the dogs secured, single-file in the emergency lane near the end of the bridge on I-71 south, the truckers crashed into one another, knocking Gonterman off the bridge and killing the other man. Investigators concluded the truckers caused the incident because they were driving too fast, inattentive, and violated safety statutes and their own training standards. Under the Firefighter's Rule - a cousin to the extinct doctrine of contributory negligence - a landowner is not liable to emergency responders for negligently creating a condition requiring their presence if the condition causes injury to the responder. However, here, two of the three elements to the rule were not met and two exceptions to the rule also barred its application. Whether the Court should remand the matter for completion of discovery and for trial.

HENRY County, HON. JERRY CROSBY, II

Attorneys for Appellants: Chad Owens Propst, Courtney French Bourne, Edward Malone Bourne, JR., Liz Jeannette Shepherd, Marshall John Rowland and Tyler Smyth Thompson

Attorneys for Appellees: Lysie Gaddis Rust, Christina Ricard Norris, James Garvin Womack and Jake Alexander Thompson
