

September 2022

Oral Argument Calendar

Motion Panel

**Judge Kelly Thompson, Presiding Judge
Judge Allison Jones and
Judge Sara Combs, Associate Judges**

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

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, September 13, 2022

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

**1:30 PM
(EST)** **RAZ, INC., ET AL VS MERCER COUNTY FISCAL COURT, ET AL**

[2020-CA-0543](#)

PJ: HON. DENISE G. CLAYTON, HON. SARA W. COMBS, HON. DONNA L. DIXON

Appeal of Summary Judgment in which trial court decided that appellants' had waived deed restrictions which prevented commercial development; also issue of constitutionality of KRS 100.3471 which addresses the requirement of a post appeal bond.

MERCER County, HON. DARREN W. PECKLER

Attorneys for Appellant: Dorothy Thompson Rush and William H Graddy, IV

Attorneys for Appellees: Stephen Abell Dexter, Ted S Dean, Whitney Zimmerman Johns, Brett Robert Nolan, Matthew Franklin Kuhn, Courtney Elizabeth Albini and Charles David Patrick

**2:15 PM
(EST)** **BOONE DEVELOPMENT, LLC ET. AL. V. NICHOLASVILLE BOARD OF ADJUSTMENT ET. AL.**

[2021-CA-0099](#) [2021-CA-0150](#)

PJ: HON. DENISE G. CLAYTON, HON. SARA W. COMBS, HON. DONNA L. DIXON

Argument that agency acted arbitrarily in that it shifted the cost of construction for a stream public improvement to the property developer and cross appeal of this Court's refusal to dismiss the initial appeal.

JESSAMINE County, HON. C. HUNTER DAUGHERTY

Attorneys for Appellants: Carroll Morris Redford, III and Elizabeth Catesby Woodford

Attorneys for Appellee: Bruce Evans Smith, Matthew Franklin Kuhn and Darren Todd Sammons

Tuesday, September 20, 2022

Location: UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW BREIT
COURTROOM, BREIT COURTROOM, LOUISVILLE, KY

1:00 PM
(EST)

**MARK A. WOODS V. COMMUNITY MEDICAL ASSOCIATES, INC. D/B/A NORTON
SURGICAL ASSOCIATES ET. AL.**

[2021-CA-1224](#)

PJ: HON. JACQUELINE M. CALDWELL, HON. PAMELA R. GOODWINE, HON. ALLISON E. JONES

Civil - Plaintiff/Appellant appeals summary judgment for failure to produce an expert where claim is one of *res ipsa loquitor* based on injury, admission of physician, and lack of thoroughly informed consent.

JEFFERSON County, HON. BRIAN C. EDWARDS

Attorney for Appellant: Stephen Paul Imhoff

Attorneys for Appellees: David Bryan Gazak and Robert Joseph Shilts

2:00 PM
(EST)

ST. STEPHEN'S CEMETERY ASSOCIATION ET. AL. V. TINA SEATON ET. AL.

[2022-CA-0080](#)

PJ: HON. JACQUELINE M. CALDWELL, HON. PAMELA R. GOODWINE, HON. IRV MAZE

Civil - Defendant/Appellant seeks reversal of circuit court's class certification for liability only.

JEFFERSON County, HON. ERIC JOSEPH HANER

Attorneys for Appellants: Christopher Thomas Brann, David Alfred Shearer, JR., John R Martin, JR., Zachary Craig Hoskins, Christopher James Hoerter and Maurice A Byrne, JR.

Attorneys for Appellees: Alexander Cubberly Davis, Jasper Dudley Ward, IV, Mark Kevin Gray, Matthew Lee White, Sean McCarty and Stephen Avritt Brooks

Tuesday, September 27, 2022

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

11:30 AM (EST) GARY A. ATKINS V. THE KENTUCKY TRANSPORTATION CABINET

[2021-CA-1025](#)

PJ: HON. KELLY THOMPSON, HON. SUSANNE M. CETRULO, HON. DENISE G. CLAYTON

Appellant alleges that the Department of Transportation re-routed State Route 7 and left a large embankment now blocking the view of the traveling public to his commercial auto sales lot. Appellant argues the Transportation Cabinet has effectively condemned his commercial property by leaving an embankment in a way that obscures the public view of his property, and appeal the trial court's summary judgment in favor of the Department of Transportation.

ELLIOTT County, REBECCA K. PHILLIPS

Attorney for Appellant: Ned Barry Pillersdorf

Attorney for Appellee: William Henry Fogle
