

June 2021

Oral Argument Calendar

June 2021 Motion Panel

Judge Glenn Acree, Presiding Judge

**Judges Chris McNeill and Kelly Thompson,
Associates Judges**

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, June 08, 2021

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

1:00 PM
(EST)

G. KEITH GAMBREL ET. AL. V. PAUL CROUSHORE, IN HIS CAPACITY AS NEXT FRIEND OF EACH SOPHIA VILLAREAL, A MINOR AND SPENCER VILLAREAL, A MINOR

[2020-CA-0881](#)

PRESIDING JUDGE: HON. GLENN E. ACREE

ASSOCIATE JUDGES: HON. DONNA L. DIXON and J. CHRISTOPHER MCNEILL

Civil; Legal Malpractice: Whether a court appointed guardian ad litem, representing the interests of a minor child or children in custody proceedings, is entitled to quasi-judicial immunity from claims of malpractice.

CAMPBELL County, HON. JULIE REINHARDT WARD

Attorneys for Appellants: Joseph William Borchelt and Matthew Adam Taulbee

Attorney for Appellee: John J Mueller

Tuesday, June 08, 2021

Location: VIA VIDEO CONFERENCE

11:00 AM (EST) CHRIS ARMSTRONG VS THE ESTATE OF STAR IFEACHO BY AND THROUGH THE ADMINISTRATOR OF HIS ESTATE, ET AL

[2020-CA-0435](#)

PRESIDING JUDGE: HON. DENISE G. CLAYTON

ASSOCIATE JUDGES: HON. KELLY THOMPSON and HON. LARRY E THOMPSON

Qualified official immunity of statutory immunity where public official is acting in good faith and application of KRS 411.148 and KRS 311.668.

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellant: Elizabeth Anna Deener and John Garry McNeill

Attorney for Appellees: Sheila Patricia Hiestand

PEACE IFEACHO INDIVIDUALLY, ET AL VS CODY BEGLEY IN HIS INDIVIDUAL CAPACITY

[2020-CA-0436](#)

PJ: HON. DENISE G. CLAYTON, HON. KELLY THOMPSON, HON. LARRY E THOMPSON

Immunity granted to athletic trainer and determined that trainer was acting as a good Samaritan.

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellants: Jared Joseph Smith and Sheila Patricia Hiestand

Attorneys for Appellee: Andrew Dail DeSimone and Donald P Moloney, II

Thursday, June 17, 2021

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

10:30 AM JULIUS J. PAOLI III VS TERESA W. PAOLI
(EST)

[2020-CA-0295](#)

PRESIDING JUDGE: HON. JEFF S. TAYLOR

ASSOCIATE JUDGES: HON. JACQUELINE M. CALDWELL and HON. ALLISON E. JONES

MARION County, HON. ALLAN RAY BERTRAM

Attorney for Appellant: Jonathan Ray Spalding

Attorney for Appellee: Dawn Lynne McCauley

11:15 AM KASSIE EVANS V. HAIER U.S. APPLIANCE OPERATION, L.L.C.
(EST)

[2020-CA-0857](#)

PRESIDING JUDGE: HON. JEFF S. TAYLOR

ASSOCIATE JUDGES: HON. JACQUELINE M. CALDWELL and HON. ALLISON E. JONES

JEFFERSON County, HON. AUDRA J. ECKERLE

Attorney for Appellant: Kurt Anthony Scharfenberger

Attorney for Appellee: Amir John Nahavandi

1:30 PM WILLIAM "SCOTT" ALBRIGHT V. BRIAN ROYSE
(EST)

[2020-CA-0856](#)

PRESIDING JUDGE: HON. ALLISON E. JONES

ASSOCIATE JUDGES: HON. JACQUELINE M. CALDWELL and HON. JEFF S. TAYLOR

This case concerns whether Kentucky utilizes a notice-pleading standard in malicious prosecution and intentional infliction of emotional distress cases, whether it is permissible to plead an alternative IIED claim with a malicious prosecution claim, and whether the first three remedies listed under KRS 503.085 are available to defendants of criminal prosecution who are found to be immune from said prosecution.

JEFFERSON County, HON. SUSAN SCHULTZ GIBSON

Attorneys for Appellant: Abigail Victoria Lewis, Andrew Thomas Lay and Garry Richard Adams, JR.

Attorney for Appellee: Brendan Russell Daugherty

Thursday, June 17, 2021

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

2:15 PM DUSTIN C. BEARD VS CABINET FOR HEALTH AND FAMILY SERVICES
(EST)

[2020-CA-0037](#)

PRESIDING JUDGE: HON. ALLISON E. JONES

ASSOCIATE JUDGES: HON. JACQUELINE M. CALDWELL and HON. JEFF S. TAYLOR

Appellant was hired to initiate guardianship proceedings for an individual the Cabinet believed was being exploited. The Cabinet now will not pay Appellant's attorney's fees because Appellant did not enter into a written Attorney-Client Agreement with the Cabinet. The trial court dismissed Appellant's suit on a motion to dismiss on grounds of subject matter jurisdiction and sovereign immunity.

FRANKLIN County, HON. THOMAS D. WINGATE

Attorneys for Appellant: Delmon Lyle McQuinn and Dustin Chad Beard

Attorney for Appellee: Carmen Marie Ross
