

April 2021

Oral Argument Calendar

April 2021 Motion Panel

Judge Allison Jones, Presiding Judge

**Chief Judge Denise Clayton and Judge Irv Maze,
Associates Judges**

Contact person for Oral Arguments

Natasha Coates – (502) 573-7920

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, April 26, 2022

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

9:30 AM **COMMONWEALTH OF KENTUCKY V. JOSEPH BLAKE BAKER**
(EST)

LIVESTREAM [2020-CA-1586](#)

Presiding Judge: HON. ALLISON E. JONES

Associate Judges: HON. DENISE G. CLAYTON and HON. SARA W. COMBS

This is an appeal by the Commonwealth following an order granting a motion to suppress. The Commonwealth argues the trial court incorrectly concluded that the traffic stop was impermissibly extended to allow the dog sniff.

MARION County, HON. SAMUEL TODD SPALDING

Attorneys for Appellant: DANIEL J. CAMERON and Kenneth Wayne Riggs

Attorney for Appellee: Lukas Randolph Lawless

10:30 AM **NEW ALBANY MAIN STREET PROPERTIES, LLC D/B/A PORT OF LOUISVILLE ET. AL.**
(EST) **V. R. WAYNE STRATTON, CPA**

LIVESTREAM [2021-CA-0562](#)

Presiding Judge: HON. ALLISON E. JONES

Associate Judges: HON. DENISE G. CLAYTON and HON. SARA W. COMBS

This is a defamation and professional malfeasance case involving the testimonial privilege as it relates to private arbitration, and whether an expert owes a duty of care to all the litigants, even the party adverse to its client.

JEFFERSON County, HON. AUDRA J. ECKERLE

Attorneys for Appellants: Edward F Busch, Forrest Chris Gorman and Kenneth Allen Bohnert

Attorneys for Appellees: Augustus S Herbert and Mark Squires Fenzel

Tuesday, April 26, 2022

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

11:30 (EST) SUMMIT MEDICAL GROUP, INC. D/B/A ST. ELIZABETH PHYSICIANS V. LISA COLEMAN

LIVESTREAM [2021-CA-0804](#)

Presiding Judge: HON. ALLISON E. JONES

Associate Judges: HON. DENISE G. CLAYTON and HON. SARA W. COMBS

This appeal challenges the trial court's decision finding that the class action representative and class counsel will adequately represent the interest of the class. Alternatively, Appellants agree that the class should not have been certified under CR 23.02.

KENTON County, HON. KATHLEEN LAPE

Attorneys for Appellant: Christopher Bernard Markus, David Victor Kramer and Mark David Guilfoyle

Attorneys for Appellee: ALAN J STATMAN, Alexander John Petraglia and Anthony Dominick Romeo

12:30 PM (EST) BOBBY G. FISH, JR. V. STATE FARM AUTOMOBILE INSURANCE COMPANY

LIVESTREAM [2021-CA-0573](#)

Presiding Judge: HON. DENISE G. CLAYTON

Associate Judges: HON. SARA W. COMBS and HON. ALLISON E. JONES

Summary judgment granted to State Farm on claim of bad faith. Prior to the granting of summary judgment, a unanimous jury awarded appellant \$317,000 which was 80 times State Farm's offer.

BOONE County, HON. ANTHONY W. FROHLICH

Attorneys for Appellant: John Henry Metz and William V Meader

Attorney for Appellee: Richard Wathen Edwards

Wednesday, April 27, 2022

Location: GRAYSON COUNTY JUDICIAL CENTER, 500 CARROLL GIBSON
BLVD., LEITCHFIELD, KY

10:30 AM (CST) STEVEN NOE V. ROBERT MCINTOSH

[2020-CA-1013 and 2020-CA-1085](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. JACQUELINE M. CALDWELL and J. CHRISTOPHER McNEILL

Whether circuit erred in this timber trespass case when it determined the location of the property lines between the parties, when it admitted testimony of timber expert, and when it determined the amount of damages.

ESTILL County, HON. MICHAEL DEAN

Attorney for Appellant: Rodney G Davis

Attorney for Appellees: Martin Brooks Stumbo

**11:15 AM (CST) DLX, INC. V. COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS**

[2021-CA-0399](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. JACQUELINE M. CALDWELL and J. CHRISTOPHER McNEILL

Whether circuit court erred in concluding that Cabinet had right to take real property; whether circuit court erred in its findings of fact and conclusions of law; whether circuit court erred by denying DLX's efforts to introduce certain evidence; whether circuit court erred by denying DLX's motion to reschedule a hearing.

JOHNSON County, HON. JOHN DAVID PRESTON

Attorney for Appellant: Wayne Frederick Collier

Attorney for Appellee: STACY D CONLEY