

April 2026

ORAL ARGUMENT  
CALENDAR

# Motion Panel

Judge William P. Moynahan, Presiding Judge

Judge Susanne M. Cetrulo and  
Judge Jeff S. Taylor,  
Associate Judges

## Kentucky Court of Appeals

### Oral Argument Calendar

Tuesday, April 07, 2026

Location: SHELBY COUNTY JUDICIAL CENTER, 401 MAIN STREET, SUITE 101,  
COURTROOM C, SHELBYVILLE, KY

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10:30AM JAMES IVY V. ONTRAC, INC., D/B/A BLITZ BUILDERS, INC. 2024-CA-1275  
(EST) AND

ONTRAC, INC. D/B/A BLITZ BUILDERS, INC V. JAMES IVY, 2024-CA-1344

AND

JAMES IVY V. ONTRAC, INC., D/B/A BLITZ BUILDERS, INC., 2025-CA-0429

[2024-CA-1275, 2024-CA-1344, 2025-CA-0429](#)

Presiding Judge: HON. AUDRA J. ECKERLE

Associate Judges: HON. SARA W. COMBS and HON. LARRY E. THOMPSON

Arising from a breach of contract dispute concerning the construction of a pole barn, this appeal and cross-appeal challenge the Shelby Circuit Court's order awarding Appellee/Cross-Appellant ("Builder") a reduced amount of its requested attorneys' fees and denying Appellant/Cross-Appellee ("Owner") entitlement to his attorneys' fees. Owner's appeal raises the following issues: (1) the applicability of the unilateral attorneys' fees provision contained within the parties' building contract; (2) whether said provision is unenforceable as unconscionable or in contravention of public policy; and (3) whether Owner is entitled to recover attorneys' fees as a matter of equity. Builder's cross-appeal challenges the amount of fees the Shelby Circuit Court awarded. Builder's cross-appeal raises the following issues: (1) whether Builder is entitled to the full amount of its reasonable attorneys' fees in defense of Owner's lawsuit pursuant to the building contract or KRS 411.195; and (2) whether Builder provided the Shelby Circuit Court with sufficient evidence supporting the reasonableness of its requested attorneys' fees.

**SHELBY County, HON. MELANIE BRUMMER**

Attorney for Appellant: Cyrus Gilmore Dutton, III

Attorney for Appellee: Chad Richard Wadlington

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**Tuesday, April 21, 2026**

Location: METCALFE COUNTY COURTHOUSE, COURTROOM A, 201 E. STOCKTON ST., EDMONTON, KY 42129

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**11:00AM (CST) COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR MEDICAID SERVICES v. MOUNTAIN COMPREHENSIVE CARE CENTER, INC., ET AL., 2025-CA-0122-MR**

**RUSSELL COLEMAN, ATTORNEY GENERAL, ON BEHALF OF THE COMMONWEALTH OF KENTUCKY v. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, 2025-CA-0166**

[2025-CA-0122](#); [2025-CA-0166](#)

**Presiding Judge: HON. ALLISON E. JONES**

**Associate Judges: HON. JACQUELINE M. CALDWELL and HON. LARRY E. THOMPSON**

Did the trial court err when it determined HB 56, relating to community mental health centers and reimbursement for mental health services to Medicaid participants, violated equal protection and due process and is unconstitutional?

**FLOYD County, HON. JOHNNY RAY HARRIS**

Attorneys for Appellant: Patricia Ann Abell and Blake Austin Vogt

Attorneys for Appellee: Julian Guthrie True and Richard Michael Guarnieri

Attorneys for Other: Christopher Flynn Hoskins and William A. Hoskins, III

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**12:15PM (CST) COMMONWEALTH OF KENTUCKY v. KENDALL DAUGHERTY**

[2025-CA-0367](#), [2025-CA-0752](#)

**Presiding Judge: HON. LARRY E. THOMPSON**

**Associate Judges: HON. JACQUELINE M. CALDWELL and HON. ALLISON E. JONES**

The Commonwealth appealed the trial court's pretrial ruling allowing Daugherty to invoke the spousal-testimony privilege at trial. While that appeal was pending, the trial court ordered that this matter be scheduled for trial. The Commonwealth appealed that order also. This Court has consolidated those appeals.

**MONTGOMERY County, HON. DAVID A. BARBER**

Attorneys for Appellant: Ryan Douglas Mosley and Russell M. Coleman

Attorneys for Appellee: Amanda Mullins Bear and Gregory Edward James Coulson

Wednesday, April 22, 2026

Location: PIKE COUNTY JUSTICE CENTER, APPELLATE COURTROOM, 175  
MAIN STREET, PIKEVILLE, KY 41502

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11:00AM TERESA SPICER v. JAMES NATHAN ("REBEL") COMBS  
(EST)

2025-CA-0343 ORAL ARGUMENT CANCELLED

Presiding Judge: HON. AUDRA J. ECKERLE

Associate Judges: HON. SARA W. COMBS and HON. WILLIAM P. MOYNAHAN

This appeal arises from an order of dismissal and judgment on a claim of intentional infliction of emotional distress. This Court previously reversed and remanded, and the Supreme Court affirmed the Court of Appeals in *Combs v. Spicer*, 686 S.W.3d 151 (Ky. 2024). After remand and further rulings from the Trial Court, Appellant's current appeal alleges the following errors: (1) violating the law of the case doctrine; (2) striking Appellant's expert witness as unqualified; (3) granting summary judgment where there was admissible scientific evidence of severe emotional distress; (4) finding Appellee's conduct was not outrageous; (5) ruling that Appellee can invoke the Fifth Amendment to shield him from liability; (6) failing to follow CR 6.04 by ruling on dispositive motions heard with less than 48 hours' notice; and (7) neglecting to rule on Appellant's CR 59.05 motion before entering final judgment.

BREATHITT County, HON. LISA HAYDEN WHISMAN

Attorneys for Appellant: Ned Barry Pillersdorf and Suzy Shearer

Attorneys for Appellee: Melissa Thompson-Richardson, Sarah Elizabeth Laytham, and Jason Scott Morgan

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