

December 2021

Oral Argument Calendar

December 2021 Motion Panel

Judge Susanne Cetrulo, Presiding Judge

Judges Donna Dixon and Larry Thompson,
Associates Judges

Kentucky Court of Appeals

Oral Argument Calendar

Thursday, December 02, 2021

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

1:00 PM **JEFFREY FRANCK V. FAMILY SELECT INSURANCE, LLC**
(CST)

[2021-CA-0052](#)

Presiding Judge: HON. KELLY THOMPSON

Associate Judges: HON. DONNA L. DIXON and HON. J. CHRISTOPHER McNEILL

JEFFERSON County, HON. OLU A. STEVENS

Attorney for Appellant: Zachary LeRoy Taylor

Attorney for Appellees: David Eugene Crittenden

Tuesday, December 14, 2021

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

**10:00 AM UNIVERSITY OF KENTUCKY V. PETER REGARD
(EST)**

[2021-CA-0020](#)

Presiding Judge: HON. ALLISON E. JONES

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. SUSANNE M. CETRULO

This appeal concerns whether the University of Kentucky is entitled to qualified immunity from a suit against it seeking partial tuition and other related refunds based on its alleged failure to provide certain services during the COVID-19 pandemic. The University claims it is entitled to sovereign immunity from a breach of contract claim because no written contract exists between it and the appellees.

FRANKLIN County, Hon. PHILLIP J. SHEPHERD

Attorneys for Appellant: Joshua Michael Salsburey, Donald Callaway Morgan, Shannan Beverly Stamper and William Eugene Thro

Attorneys for Appellees: Andre Fereole Regard and Ivey Lorraine Workman

Attorney for Amicus: Donna King Perry

Wednesday, December 15, 2021

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

1:00 PM (EST) MARVIN MORRIS, M.D. ET. AL. V. CAROLYN D. BOERSTE ET. AL.

[2020-CA-0646, 2020-CA-0754, 2020-CA-0755](#)

Presiding Judge: HON. PAMELA R. GOODWINE

Associate Judges: HON. SARA W. COMBS and HON. JAMES H. LAMBERT

Civil - Medical Malpractice - \$10.5 million jury verdict - JNOV - Appellant claims multiple issues of error

JEFFERSON County, Hon. Mitch Perry

Attorneys Appellants: Allison Walker Weyand, Amy Latrese Cooper, Griffin Terry Sumner and Karen Lee Keith

Attorneys for Appellees: Gerald R Toner and Scott Ellis Burroughs, Michael Franklin Sutton, Sarah Elizabeth Tilley, James Michael Bolus, JR., Jamie Kristin Neal, Kevin Crosby Burke and Nicholas Darrell Mudd

2:00 PM (EST) MARY MCCREADY V. HEALTH SOUTH CARDINAL HILL REHABILITATION HOSPITAL, LLC D/B/A CARDINAL HILL REHABILITATION HOSPITAL

[2020-CA-1612](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. DENISE G. CLAYTON and HON. LARRY E. THOMPSON

Whether circuit court erred by dismissing McCready's medical negligence claims for failure to prosecute and failure to produce expert medical evidence.

FAYETTE County, HON. KIMBERLY N BUNNELL

Attorneys for Appellant: David Champ Graves, III, Edward Lyn Cooley, Michael Ryan Robey and Rhonda Nicole Iuliano

Attorneys for Appellee: Jeffery Todd Barnett and Jessie Leigh Mullaney
