

**UPDATED: 6/8/2020**

**JULY 2020**

**ORAL ARGUMENT**

**CALENDAR**

July 2020

July 10, 2020  
11:00 AM (EST)

Motion Panel

Judge Pamela Goodwine, Presiding Judge;  
Judge Glenn Acree and Judge Sara Combs, Associate Judges

Contact numbers for Oral Argument location

Frankfort – Natasha Coates – (502) 573-7920

**LOCATION: REMOTELY VIA VIDEO CONFERENCE****DATE: Wednesday, July 8, 2020****11:00 AM PJ: CLAYTON, HON. DENISE G.****DIXON, HON. DONNA L.****MAZE, HON. IRV****2019CA000593****MICHAEL O'CONNELL v CHRISTOPHER THIENEMAN**

Appellant appeals the trial court's order denying Appellant's motion to dismiss based upon sovereign, qualified official, and qualified governmental immunity.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON OLU A. STEVENS</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>WALKER, KRISTIE</b>		<b>O'CONNELL, MICHAEL</b>
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>MCADAM, THOMAS III</b>		<b>THIENEMAN, CHRISTOPHER</b>

**\*\* NOTE:****12:00 PM PJ: MAZE, HON. IRV****CLAYTON, HON. DENISE G.****DIXON, HON. DONNA L.****2019CA000208****WILLOW GRANDE, LLC v CHEROKEE TRIANGLE ASSOCIATION, INC.**

Appeal from order dismissing claims for abuse of process and interference with a prospective economic advantage. Issues: Scope and extent of Noerr-Pennington privilege against claims brought against persons who contest zoning and administrative decisions; whether proof of improper motive is sufficient to defeat the privilege; whether there were genuine issues of material fact that the underlying litigation was "objectively baseless."

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON A. C. MCKAY CHAUVIN</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>COX, DONALD</b> <b>COX, MATTHEW</b> <b>HUMMEL, JOSEPH</b>		<b>WILLOW GRANDE, LLC</b>
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>ORBERSON, WILLIAM</b> <b>WADE, JAMES</b>		<b>AUERBACH, KEITH</b>
<b>MILLER, DONALD II</b>		<b>CHEROKEE TRIANGLE ASSOCIATION, INC.</b>
<b>HERBERT, VALERIE</b> <b>HERSHBERG, PAUL</b> <b>PETERSON, JENNIFER</b>		<b>FENDIG, JOHN</b>
<b>WALTON, THEODORE</b>		<b>SEILLER, BILL</b>

**\*\* NOTE:**

**LOCATION: REMOTELY VIA VIDEO CONFERENCE****DATE: Tuesday, July 14, 2020**

11:00 AM PJ: CLAYTON, HON. DENISE G.

ACREE, HON. GLENN E.

LAMBERT, HON. JAMES H.

2019CA000650

**JAYNE KISSLING TANNENBAUM v LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT**

Appeal of a decision by the LFUGC Planning Commission which enforced a 1983 Fayette Circuit Court opinion. Appellant argues that the Commission acted arbitrarily and was without authority or jurisdiction to act.

CIVIL

FAYETTE COUNTY

HON KIMBERLY N BUNNELL

Appellant Atty:COLLIER, WAYNE  
KINKEAD, SHELBY JR  
PALMER, MELISSAAppellant Name:

TANNENBAUM, JAYNE

Appellee Atty:

JONES, TRACY

Appellee Name:LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT

PREWITT, H JR

THE ESTATE OF ROBERT LESLIE ROSENBAUM

SIMPSON, T. JR

THE NORTHSIDE NEIGHBORHOOD  
ASSOCIATION, INC.BING, STEFAN  
CARNEAL, SAMUEL

THE RITA J. SATTERLY TRUST 3-27-18

**\*\* NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Tuesday, July 21, 2020**

12:30 PM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

THOMPSON, HON. KELLY

2018CA001289

DONALD ROOF v JANIE MILLER

Whether circuit court erred in granting summary judgment in favor of appellees; whether circuit court erred by determining appellee Smith was statutorily immune from suit pursuant to KRS 411.200.

<b>CIVIL</b>	<b>FRANKLIN COUNTY</b>	<b>HON PHILLIP J. SHEPHERD</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BENTLEY, PERRY		ROOF, DONALD
BISHOP, SARAH		
EGAN, CONNOR		
HAGERMAN, ANDREW		
HARNICE, PAUL		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COLLIER, PHILLIP		BEAM PARTNERS, LLC
MCSWAIN, DOUGLAS		CGI TECHNOLOGIES AND SOLUTIONS, INC.
DURHAM, DARRYL		MILLER, JANIE
SAKSEFSKI, BRIAN		
MORGAN, DANIEL		MILLIMAN, INC.
BURCH, STEWART		SMITH, JOSEPH

**\*\* NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Tuesday, July 21, 2020**

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01:15 PM PJ: MAZE, HON. IRV

TAYLOR, HON. JEFF S.

THOMPSON, HON. KELLY

2019CA000935

**KROGER LIMITED PARTNERSHIP I v BOYLE COUNTY PROPERTY VALUATION  
ADMINISTRATOR**

Appeal from order upholding PVA tax assessment; Application of resumption of validity; sufficiency of evidence supporting findings.

CIVIL

BOYLE COUNTY

HON DARREN W. PECKLER

Appellant Atty:

Appellant Name:

ABRAMS, WESLEY  
LIND, JAMES

KROGER LIMITED PARTNERSHIP I

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Appellee Atty:

Appellee Name:

DEXTER, STEPHEN

BOYLE COUNTY PROPERTY VALUATION  
ADMINISTRATOR

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**\*\* NOTE:**

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**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,  
FRANKFORT, KENTUCKY**

**DATE: Tuesday, July 28, 2020**

10:00 AM PJ: CALDWELL, HON. JACQUELINE M. DIXON, HON. DONNA L. THOMPSON, HON. LARRY E.

2019CA000492 ANNE SHUMATE v GEICO INDEMNITY COMPANY

2019CA000558

Appeal and Cross-Appeal in an insurance bad faith claim. Appellant motioned for and was denied a new trial. Argument regarding incorrect jury instructions and incomplete jury verdict form.

CIVIL JEFFERSON COUNTY HON ANGELA MCCORMICK BISIG

Appellant Atty:

FAIRBANKS, PHILIP  
HAGERMAN, BARTLEY  
KOMMOR, MAURY  
MEHR, M.  
PETERSON, ERIK

Appellant Name:

SHUMATE, ANNE

Appellee Atty:

STOPHER, CHARLES  
STOPHER, EDWARD

Appellee Name:

GEICO INDEMNITY COMPANY

\*\* NOTE:

10:45 AM PJ: CALDWELL, HON. JACQUELINE M. DIXON, HON. DONNA L. THOMPSON, HON. LARRY E.

2019CA000890 ALEXANDER BLOYER v COMMONWEALTH OF KENTUCKY

Criminal appeal from trial court ruling the Defendant ineligible for probation under KRS 532.045. Appellant argues statute doesn't apply as Defendant was a youthful offender.

CRIMINAL HART COUNTY HON JOHN DAVID SEAY

Appellant Atty:

HOPF, SUZANNE  
SCHMIDT, KATHLEEN

Appellant Name:

BLOYER, ALEXANDER

Appellee Atty:

ROBERTS, ASPEN

Appellee Name:

COMMONWEALTH OF KENTUCKY

\*\* NOTE: