

# March 2024 ORAL ARGUMENT CALENDAR

# Motion Panel

Judge Jacqueline M. Caldwell, Presiding  
Judge

Judge Pamela R. Goodwine and  
Judge Audra J. Eckerle,  
Associate Judges

## Kentucky Court of Appeals

### Oral Argument Calendar

Thursday, March 21, 2024

Location: SARA WALTER COMBS COURTROOM, KENTUCKY COURT OF APPEALS, 669 CHAMBERLIN AVE. SUITE B, FRANKFORT, KY 40601

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**1:30PM (EST)**    **KIMBERLY ROGERS v. ERIE INSURANCE EXCHANGE, ET. AL.**

[2023-CA-0447](#)

**Presiding Judge: HON. JEFF S. TAYLOR**

**Associate Judges: HON. SUSANNE M. CETRULO and HON. JAMES H. LAMBERT**

**WHETHER THE CIRCUIT COURT ERRED IN ITS INTERPRETATION OF KRS 304.320 AS APPLIED TO UIM COVERAGE REQUIRMENTS FOR TRANSPORTATION NETWORK COMPANIES.**

**FAYETTE County, HON. KIMBERLY N. BUNNELL**

Attorneys for Appellant: Cody Patrick McIlvoy and J. Dale Golden

Attorney for Appellees: Timothy Paul Heather, Patrick Brendan Healy, and Darrin Winn Banks

**Friday, March 22, 2024**

Location: FAYETTE COUNTY CIRCUIT COURTHOUSE, 120 NORTH LIMESTONE,  
COURTROOM I, 4TH FLOOR, LEXINGTON, KY 40507

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**10:00AM (EST) MARCIE LYNN TROUTT AS ADMINISTRATRIX OF THE ESTATE OF MADELYNN NOEL TROUTT AND INDIVIDUALLY, ET AL. v. THE BAIL PROJECT, INC., ET AL.**

[2023-CA-0171](#)

Presiding Judge: HON. PAMELA R. GOODWINE

Associate Judges: HON. ANNETTE C. KAREM and HON. J. CHRISTOPHER McNEILL

CIVIL - WHETHER THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT IN FAVOR OF THE BAIL PROJECT, INC.

JEFFERSON County, HON. ANN BAILEY SMITH

Attorney for Appellants: Vincent Edward Johnson

Attorneys for Appellees: Nathan Andrew Lennon, John Patrick Ward, Jr., and Robert Arthur Ott

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**11:15AM (EST) DIANE WHITE v. BAPTIST HEALTHCARE SYSTEM, INC., D/B/A BAPTIST HEALTH LEXINGTON, F/K/A CENTRAL BAPTIST HOSPITAL, ET AL.**

[2023-CA-0148](#)

Presiding Judge: HON. PAMELA R. GOODWINE

Associate Judges: HON. ANNETTE C. KAREM and HON. J. CHRISTOPHER McNEILL

CIVIL- WHETHER THE TRIAL COURT ERRED IN GRANTING DEFENDANTS' DISPOSITIVE MOTIONS.

FAYETTE County, HON. JEFFREY A. TAYLOR

Attorneys for Appellant: Matthew Stephen Goeing and Michael Stanley Goeing

Attorneys for Appellees: Michael Shea Maloney, Stephen Connor Keller, Aimee Elizabeth Muller, Joseph Daniel Buckles, Mark Allen Hunt, Jeffery Todd Barnett, and Kimberly Goetz DeSimone

Friday, March 22, 2024

Location: FAYETTE COUNTY CIRCUIT COURTHOUSE, 120 NORTH LIMESTONE, COURTROOM I, 4TH FLOOR, LEXINGTON, KY 40507

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**1:30PM (EST) SOUTHERN FINANCIAL LIFE INSURANCE COMPANY v. ROGER MULLINS, ADMINISTRATOR OF THE ESTATE OF VALERIE MULLINS, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED**

[2022-CA-1253](#)

**Presiding Judge: J. CHRISTOPHER McNEILL**

**Associate Judges: HON. PAMELA R. GOODWINE and HON. ANNETTE C. KAREM**

THIS IS A CLASS ACTION CASE INVOLVING DIFFERENT TYPES OF LIFE AND/OR DISABILITY INSURANCE CONTRACTS. THE PIKE CIRCUIT COURT GRANTED PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON PLAINTIFF'S CLAIMS FOR BREACH OF CONTRACT AS TO SUBCLASSES A AND B, AND SIMULTANEOUSLY DENIED DEFENDANT INSURER'S CROSS MOTION FOR SUMMARY JUDGMENT ON THE CLAIM FOR BREACH OF CONTACT AS TO SUBCLASS B. DEFENDANT INSURER RAISES TWO PRIMARY AGRUMENTS ON APPEAL: 1) THE CIRCUIT COURT ERRED IN CERTIFYING A CLASS AS TO THE CONTRACT CLAIMS, SO JUDGMENT IN FAVOR OF ANY CLASS IS ERROR; AND 2) THE CIRCUIT COURT ERRED IN INTERPRETING THE CONTRACTS.

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

Attorneys for Appellant: Bethany A. Breetz, Chadwick Aaron McTighe, Jeffrey Mando, Joseph L Hamilton, Marjorie Ann Farris, and Russell H. Davis, Jr.

Attorneys for Appellee: Herman Michael Lucas, Miller Kent Carter, and Robert Earl Salyer

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