

# May 2024 ORAL ARGUMENT CALENDAR

# Motion Panel

Judge Jeff S. Taylor, Presiding Judge  
Chief Judge Larry E. Thompson and  
Judge Annette C. Karem,  
Associate Judges

## Kentucky Court of Appeals

### Oral Argument Calendar

Wednesday, May 08, 2024

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KY

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**11:00AM (EST) MYLES COSGROVE v. LOUISVILLE METRO POLICE DEPARTMENT METROPOLITAN GOVERNMENT, ET. AL.**

[2023-CA-0340](#)

Presiding Judge: HON. LARRY E. THOMPSON

Associate Judges: HON. KELLY MARK EASTON and HON. PAMELA R. GOODWINE

THE UNDERLYING INCIDENT, INVOLVING THE DEATH OF MS. BREONNA TAYLOR, WAS UNQUESTIONABLY TRAGIC. FOR ANY LAW ENFORCEMENT OFFICER, HOWEVER, THE ENCOUNTER ALSO PRESENTED UNPARALLELED CHALLENGE AND STRESS. APPELLEE LOUISVILLE METRO POLICE MERIT BOARD UPHELD APPELLANT DETECTIVE MYLES COSGROVE'S TERMINATION FROM EMPLOYMENT UNDER THOSE CIRCUMSTANCES. THE JEFFERSON CIRCUIT COURT, ON APPEAL UNDER KRS 67C.323(A), AFFIRMED THE BOARD DECISION, AND DET. COSGROVE NOW SEEKS REVIEW PURSUANT TO KRS 67C.323(B) BEFORE THIS COURT. APPELLANT ARGUES PROPER REVIEW WILL SHOW THAT DET. COSGROVE'S TERMINATION WAS ARBITRARY AND NOT SUPPORTED BY SUBSTANTIAL EVIDENCE. BOTH REALITIES-THE TRAGIC LOSS OF LIFE ON ONE HAND, AND AN OFFICER MAKING HIS BEST EFFORTS UNDER THE WORST CONDITIONS ON THE OTHER-ARE NOT MUTUALLY EXCLUSIVE.

**JEFFERSON County, HON. MELISSA BELLOWS**

Attorneys for Appellant: Derrick Thomas Wright and Lyndol Scott Miller

Attorneys for Appellees: Joanne Lynch, Mark Wesley Dobbins, Carrie Pearson Hall, David Andrew Sexton and Michael J O'Connell

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Wednesday, May 08, 2024

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KY

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1:30PM PAUL MILLER FORD, INC. v. BARRY T. SMITH, ET. AL. 2023-CA-0200  
(EST) BARRY T. SMITH, ET. AL. v. PAUL MILLER FORD, INC. 2023-CA-0216

[2023-CA-0200, 2023-CA-0216](#)

Presiding Judge: HON. KELLY MARK EASTON

Associate Judges: HON. PAMELA R. GOODWINE and HON. LARRY E. THOMPSON

CIVIL: APPEAL OF JURY VERDICT BASED ON VIOLATION OF CONSUMER PROTECTION ACT. VEHICLE REPRESENTED AS "NEW" BUT HAD BEEN REPAIRED. ISSUES INCLUDE CLAIM THAT VEHICLE WAS "NEW" AS LEGALLY DEFINED, THAT FRAUD CLAIM SHOULD HAVE BEEN DISMISSED, AND BAD FAITH NOT PROVEN TO JUSTIFY CONSUMER PROTECTION ACT DAMAGES. OTHER ERRORS CLAIMED, INCLUDING LIMITATION OF CROSS-EXAMINATION OF EXPERT, AWARD OF PUNITIVE DAMAGES, COSTS AND FEES, AND ATTORNEY'S FEES.

CROSS APPEAL: CLAIMS COURT SHOULD NOT HAVE REDUCED THE PUNITIVE DAMAGES AWARDED BY THE JURY AND THAT SUCCESSFUL PARTY WAS ENTITLED TO FULL COSTS.

FAYETTE County, HON. THOMAS L. TRAVIS

Attorneys for Appellant: Carroll Morris Redford, III and Elizabeth Catesby Woodford

Attorney for Appellee: Bradley Douglas Harville

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Tuesday, May 21, 2024

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

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1:30PM SOUTH CENTRAL BANK v. JEAN JOHNSON, INDIVIDUALLY AND ON BEHALF OF ALL  
(EST) OTHERS SIMILARLY SITUATED

**LIVE** [2023-CA-1171](#)  
**STREAMED**

Presiding Judge: HON. JACQUELINE M. CALDWELL

Associate Judges: HON. AUDRA J. ECKERLE and J. CHRISTOPHER McNEILL

AN EXPEDITED CIVIL APPEAL - APPELLANT CLAIMS THE TRIAL COURT ERRED IN GRANTING CLASS CERTIFICATION WHERE APPELLEES FAILED TO SATISFY THE REQUIREMENTS OF CR 23 AND THE TRIAL COURT FAILED TO DO A PROPER ANALYSIS UNDER CR 23.

**HARDIN County, HON. LARRY ASHLOCK**

Attorneys for Appellant: Byron Edward Leet and Jordan Michael White

Attorneys for Appellee: James Gerard Stranch, IV, Martin F. Schubert, Andrew Evan Mize, Christopher D. Jennings, Gerald J. Stranch, Lynn A. Toops, and Michael Deane Stewart

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**Wednesday, May 22, 2024**

Location: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, LOUISVILLE, KY

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**1:30PM (EST) DAVENPORT EXTREME POOLS AND SPAS, INC., ET. AL. V. ELIZABETH ANN MULFLUR, ET. AL.**

**[2023-CA-0313](#)**

**Presiding Judges: HON. AUDRA J. ECKERLE**

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

**JEFFERSON County, HON. JULIE KAELIN**

Attorney for Appellant: Kenneth James Henry

Attorney for Appellee: Stephen Beville Pence

Attorneys for Attorney General: Elizabeth Themins Hedges and Matthew Franklin Kuhn

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**Thursday, May 30, 2024**

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

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**1:00PM  
(EST) JOHN D. LEE v. STEVEN R. ROMINES**

[2023-CA-0168](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. GLENN E. ACREE and HON. SUSANNE M. CETRULO

WHETHER CIRCUIT COURT IMPROPERLY APPLIED THE ONE-YEAR STATUTE OF LIMITATIONS OF KRS 413.245.

JEFFERSON County, HON. ANN BAILEY SMITH

Attorney for Appellant: Jeffrey Aaron Lawson

Attorney for Appellee: Robert Denton Mattingly

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**1:45PM  
(EST) LEGNA TOCADO RODRIGUEZ, ET. AL. v. JEFFREY B. SHARP 2022-CA-0934  
JEFFREY B. SHARP v. LEGNA TOCADO RODRIGUEZ, ET. AL. 2022-CA-0971**

[2022-CA-0934](#), [2022-CA-0971](#)

Presiding Judge: HON. JEFF S. TAYLOR

Associate Judges: HON. GLENN E. ACREE and HON. SUSANNE M. CETRULO

WHETHER CIRCUIT COURT ERRED BY DENYING APPELLANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING PAST MEDICAL EXPENSES; BY DENYING MOTION FOR DIRECTED VERDICT REGARDING A THRESHOLD JURY INSTRUCTION; BY GRANTING SUMMARY JUDGMENT TO APPELLEE ON INCREASED RISK OF FUTURE HARM, FUTURE MEDICAL EXPENSES, FUTURE PAIN AND SUFFERING; BY GRANTING APPELLEE'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON PUNITIVE DAMAGES; BY MAKING STATEMENTS/RULINGS REGARDING A PARTICULAR WITNESS; BY GRANTING A PROTECTIVE ORDER APPELLANT'S SUBPOENA FOR COMMUNICATIONS BETWEEN APPELLEE AND IME; BY REFUSING TO ENFORCE ORDER REGARDING APPELLEE'S IME PRODUCING FINANCIAL BIAS AND IMPEACHMENT INFORMATION; BY DENYING REQUEST TO STRIKE A JUROR; BY EXCLUDING APPELLANT'S WITNESS; BY EXCLUDING EVIDENCE OF LIABILITY INSURANCE; BY FAILING TO GIVE MISSING EVIDENCE INSTRUCTION; AND BY ADMITTING CERTAIN EVIDENCE.

FAYETTE County, HON. KIMBERLY N. BUNNELL

Attorneys for Appellant: Sandra Motte Varellas, David Todd Varellas, and Preston Patrick Cahill

Attorneys for Appellee: Christopher Robin Jenkins, and Christopher Steven Turner

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