

SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR

WEDNESDAY, JUNE 7, 2023

9:00 a.m. MR. ROOF OF LOUISVILLE, LLC V. THE ESTATE OF AYANNA HENRY,
DECEASED (SUCCESSOR ADMINISTRATOR NOT YET APPOINTED),
ET AL. (2022-SC-0177-DG)

[APPELLANT'S BRIEF – MR. ROOF OF LOUISVILLE, LLC](#)
[APPELLEE BRIEF – ESTATES OF AYANNA HENRY AND LENA
BAILEY, DECEASED](#)
[REPLY BRIEF – MR ROOF OF LOUISVILLE, LLC](#)

AND

AMERICAN WATER HEATER COMPANY V. THE ESTATE OF AYANNA
HENRY, DECEASED (SUCCESSOR ADMINISTRATOR NOT YET
APPOINTED), ET AL. (2022-SC-0178-DG)

[APPELLANT'S BRIEF – AMERICAN WATER HEATER COMPANY](#)
[APPELLEE BRIEF – ESTATES OF AYANNA HENRY AND LENA
BAILEY, DECEASED](#)
[REPLY BRIEF – AMERICAN WATER HEATER COMPANY](#)

Revival. Substitution. Personal Representative. Statute of Limitations.
Abatement. KRS 395.278. This case concerns whether the one-year
limitations period in 395.278 applies not only to the “revival” of a claim after
the death of a party, but also to the substitution of a personal representative
after the death of the previous representative.

Bisig, J., not sitting.

Oral Argument Granted:	August 10, 2022
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Angela McCormick Bisig

Counsel for Appellant, <i>Mr. Roof of Louisville, LLC:</i>	John R. Martin, Jr. Hunter Rommelman <i>Landrum and Shouse LLP</i>
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Counsel for Appellant,
American Water Heater Company.

Byron Norman Miller
Joseph A. Wright
*Thompson, Miller &
Simpson PLC*

Michael A. Scodro
Brett E. Legner
Mayer Brown LLP

Counsel for Appellees,
*Estate of Ayanna Henry, Deceased
(Successor Administrator Not Yet
Appointed) and Lena Bailey, Deceased
(Successor Administrator Not Yet
Appointed):*

Kevin Michael Monsour
Bruce Law Group, LLC

Charles E. Soechting, Jr.
*Simon Greenstone Panatier,
PC*

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WEDNESDAY, JUNE 7, 2023
(CONTINUED)

10:30 a.m. **SHAN WOLFE V. JOE KIMMEL, ET AL. (2022-SC-0070-DG)**

APPELLANT'S BRIEF
APPELLEE'S BRIEF
REPLY BRIEF

Attorney Malpractice. Statute of Limitations. KRS 413.245. Fixed, Nonspeculative Damages. On which date did the client's damages become fixed and nonspeculative, starting the running of the statute of limitations for legal malpractice: (1) when the client learned that the attorney's bad advice would likely cause her to owe damages to her former business partner; or (2) when the client and her former business partner settled the lawsuit spawned by the attorney's bad advice.

Nickell, J., not sitting.

Oral Argument Granted:	August 10, 2022
Trial Court(s):	McCracken Circuit Court
Presiding Judge(s):	Hon. Timothy Kaltenbach

Counsel for Appellant, <i>Shane Wolfe:</i>	John Saoirse Friend <i>Friend Law, PSC</i>
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Counsel for Appellees, <i>Joe Kimmel &</i> <i>The Kimmel Law Group:</i>	William Alexander Hoback Mark Squires Fenzel <i>McBrayer PLLC</i>
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THURSDAY, JUNE 8, 2023

**10:00 a.m. COMMONWEALTH OF KENTUCKY V. DANIEL MORELAND
(2022-SC-0245-DG, 2022-SC-0414-DG)**

**APPELLANTS' BRIEF – COMMONWEALTH OF KENTUCKY
COMBINED APPELLEE/CROSS APPELLANT BRIEF FOR DANIEL
MORELAND
COMBINED APPELLANT REPLY/CROSS-APPELLEE BRIEF FOR THE
COMMONWEALTH OF KENTUCKY**

Criminal Law. Sentencing. Plea Agreement. Probation revocation. Legality of sentence. Issues include whether a sentence in line with the terms of a plea agreement for a term of years followed by a probated sentence is permissible.

Oral Argument Granted: September 14, 2022 & December 7, 2022

Trial Court(s): Clinton Circuit Court
Presiding Judge(s): Hon. David Williams

Counsel for Appellant/Cross Appellee,
Commonwealth of Kentucky:

Daniel J. Cameron
Attorney General

Stephanie Lynne McKeehan
Assistant Attorney General

Kristin Leigh Conder
Assistant Attorney General

Jesse Stockton, Jr.
Assistant Attorney General

Counsel for Appellee/Cross-Appellant,
Daniel Moreland:

Molly Mattingly
Assistant Public Advocate

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THURSDAY, JUNE 8, 2023
(CONTINUED)

11:00 a.m. **NEW ALBANY MAIN STREET PROPERTIES, LLC D/B/A PORT OF LOUISVILLE, ET AL. V. R. WAYNE STRATTON, CPA, ET AL. (2022-SC-0254-DG)**

[APPELLANTS' BRIEF](#)
[APPELLEES' BRIEF](#)
[REPLY BRIEF](#)

Arbitration. Expert Witness. Defamation. Quasi-Judicial Proceedings. Judicial Statements Privilege. Issues include whether the judicial statements privilege applies to statements made in preparation for and during arbitration.

Oral Argument Granted:	October 12, 2022
Trial Court(s):	Jefferson Circuit Court
Presiding Judge(s):	Hon. Audra J. Eckerle

Counsel for Appellant,
*New Albany Main Street
Properties &
Gregory P. Cantrell:*

Edward F. Busch
Forrest Chris Gorman
Kenneth Allen Bohnert
*Conliffe Sandmann &
Sullivan*

Counsel for Appellees,
*R. Wayne Stratton, CPA and
Jones, Nale & Mattingly PLC:*

Mark Squires Fenzel
David Joseph Kellerman
McBrayer PLLC

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