

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, OCTOBER 20, 2021

10:00 a.m. SEILLER WATERMAN, LLC, ET AL. V. BARDSTOWN CAPITAL CORPORATION, ET AL.

(2020-SC-0312-DG)

[APPELLANTS' BRIEF](#)

[APPELLEES' BRIEF](#)

[REPLY BRIEF](#)

Torts. Wrongful Use of Civil Proceeding. Issues presented include application of the Noerr-Pennington doctrine (and the “sham exception” to that doctrine) to circumstances concerning counsel and their clients’ challenge to a zoning change premised upon lack of “fresh notice” of a rescheduled Planning Commission evidentiary hearing.

Discretionary Review Granted: 12/09/2020

Jefferson Circuit Court, Judge Judith E. McDonald-Burkman

Counsel for Appellants: James P. Grohmann and Steven T. Porter

Counsel for Appellees: Hans G. Poppe and Kirk A. Laughlin

11:00 a.m. COMMONWEALTH OF KENTUCKY V. DOVONTIA REED

(2020-SC-0116-DG)

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

[AMICUS CURIAE BRIEF \(ACLU\)](#)

Criminal Law. Search and Seizure. Warrant. Real-Time Cell Phone Location Data. Issues presented include whether real-time cell phone location data may be obtained without a warrant absent exigent circumstances, and what constitutes exigent circumstances with regard to such data.

Discretionary Review Granted: 9/16/2020

Woodford Circuit Court, Judge Jeremy Mattox

Counsel for Appellant: Brett R. Nolan, Matthew F. Kuhn, Jeffrey A. Cross, and S. Chad Meredith

Counsel for Appellee: Adam Meyer and Kathleen Kallaher Schmidt

Counsel for Amicus Curiae: Corey M. Shapiro and Heather Gatnarek

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WWW.KET.ORG/SUPREMECOURT.**

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

THURSDAY, OCTOBER 21, 2021

**10:00 a.m. COMMONWEALTH OF KENTUCKY V. STEVEN D. ROARK
(2020-SC-0080-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Criminal Law. Evidence. Hearsay. Former Testimony Exception. Issues presented include whether a statement Roark's co-defendant made during the co-defendant's plea hearing, in which the co-defendant claimed sole responsibility for the crime, was admissible at Roark's trial under the former testimony exception to the hearsay rule.

Knox Circuit Court, Special Judge David A. Tapp

Counsel for Appellant: Robert Baldrige

Counsel for Appellee: Shannon Dupree

**11:00 a.m. BORDERS SELF-STORAGE & RENTALS, LLC V. KENTUCKY
TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS
(2020-SC-0339-DG)**

[APPELLANT BRIEF](#)

[APPELLEE BRIEF](#)

[REPLY BRIEF](#)

Eminent Domain. Fair Market Value. PVA Value. Issues presented include whether a property owner should be permitted to introduce the PVA assessment of a property into evidence for purposes of establishing fair market value during eminent domain proceedings.

Discretionary Review Granted: 3/17/21

Lawrence Circuit Court, Judge John David Preston

Counsel for Appellant: Nelson T. Sparks

Counsel for Appellee: Stacy D. Conley

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