

July 2023

Oral Argument Calendar

Motion Panel

Judge Allison Jones, Presiding Judge

Judge Sara Combs and
Judge James Lambert,
Associate Judges

Kentucky Court of Appeals

Oral Argument Calendar

Tuesday, July 11, 2023

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

**11:00 AM
(EST)**

JOHN P. ASKIN V. UNIVERSITY OF NOTRE DAME

[2022-CA-0775](#)

Presiding Judge: HON. ANNETTE C. KAREM

Associate Judges: HON. J. CHRISTOPHER McNEILL and HON. LARRY E. THOMPSON

Civil Statute of Limitations

JEFFERSON County, HON. ANGELA MCCORMICK BISIG

Attorneys for Appellant: James Bruce Miller and Norma Carter Osborne Miller

Attorneys for Appellee: Matthew Kairis, Robert Kenyon Meyer and Stephen Joseph Mattingly

Wednesday, July 19, 2023

Location: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVE., ELIZABETHTOWN, KY

**1:00 PM
(EST)**

CYPRESS FLATS LAND COMPANY, LLC, ET. AL. V. RIVER VIEW COAL, LLC

[2022-CA-0095 & 2022-CA-0145](#)

Presiding Judge: HON. AUDRA J. ECKERLE

Associate Judges: HON. JACQUELINE M. CALDWELL and HON. DONNA L. DIXON

2022-CA-0095 - Whether circuit court erred when it failed to grant appellant's motion for directed verdict by failing to preserve "active mining" language in the jury instructions, by admitting a testing report into evidence, and by allowing an expert to testify to opinion not previously disclosed.

2022-CA-0145 - Whether circuit court erred by permitting appellant's purported expert to testify regarding alleged royalty rate, by admitting the evidence of the Peabody settlements, and by admitting a privileged email into evidence.

UNION County, HON. C. RENE' WILLIAMS

Attorneys for Appellants\Cross-Appellees: John Cleveland Whitfield and Stephen Maurice Arnett

Attorneys for Appellees\Cross-Appellants: Patrick Todd Eavenson, Dana Rashay Howard, John Hughes Henderson, III, and Philip Douglas Barr
