

May 2025

# ORAL ARGUMENT CALENDAR

# Motion Panel

Judge Jacqueline M. Caldwell, Presiding  
Judge  
Chief Judge Larry E. Thompson and  
Judge Audra Jean Eckerle,  
Associate Judges

**Kentucky Court of Appeals  
Oral Argument Calendar**

**Thursday, May 22, 2025**

Location: PULASKI COUNTY COURT OF JUSTICE, 50 PUBLIC SQUARE, THIRD FLOOR COURTROOM 3A, SOMERSET, KY

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<b>1:30PM (EST)</b>	<b>KENTUCKY ASSOCIATION OF COUNTIES ALL LINES FUND v. CITY OF SOMERSET, KENTUCKY, ET AL., 2024-CA-0426</b>  <b>CITY OF SOMERSET, KENTUCKY, ET AL. v. KENTUCKY ASSOCIATION OF COUNTIES ALL LINES FUND, 2024-CA-0430</b>  <a href="#"><u>2024-CA-0426, 2024-CA-0430</u></a>
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**Presiding Judge:** HON. AUDRA J. ECKERLE  
**Associate Judges:** HON. GLENN E. ACREE and HON. SARA W. COMBS

Appeal from summary judgment finding City firefighters were insureds or permissive users of fire truck provided and insured by County under interlocal agreement. Whether maintenance work on vehicle constituted operating under the policy. Whether KALF waived subrogation by paying underlying claims. Cross-appeal – denial of attorney fees.

**PULASKI County, HON. EDDY MONTGOMERY**  
Attorneys for Appellant: Daniel Baringer Stilz, James E. Yeager, III, and Lynn Sowards Zellen  
Attorneys for Appellees: Darren Lee Embry, Joshua Lewis Ellis, and James Garvin Womack

Thursday, May 29, 2025

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

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**1:15PM (EST) BRETT KINCAID, ET AL. v. MICHAEL D. FOLEY, MEMBER OF THE ADVISORY COMMITTEE FUND C CREATED UNDER THE TRUST AGREEMENT OF GARVICE D. KINCAID, DECEASED, DATED FEBRUARY 26, 1964, AS AMENDED, ET AL.**

[2024-CA-0205](#)

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

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

Whether circuit court erred pursuant to KRS 386B.2-010 in permitting the Trustee of Kincaid Trust, Fund C, to sell up to 80% of Central Bancshares held by Fund C, over the unanimous objection of the eligible beneficiaries of Fund C.

**FAYETTE County, HON. LUCY ANNE VANMETER**

Attorneys for Appellants: Andrea Lauren Nichols, Benjamin Joel Lewis, John Scott Talbott, III, and Robert Coleman Stilz, III

Attorneys for Appellees: Charles David Cole, Kevin Gudgel Henry, Barry Douglas Hunter, and Medrith Lee Norman

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