

**SUPREME COURT OF KENTUCKY
ORAL ARGUMENT CALENDAR**

WEDNESDAY, FEBRUARY 7, 2024

**9:00 a.m. RAZ, INC., ET AL. V. MERCER COUNTY FISCAL COURT, ET AL.
(2022-SC-0526-DG)**

APPELLANT BRIEF
APPELLEE BRIEF (COMMONWEALTH OF KENTUCKY)
APPELLEE BRIEF (MERCER COUNTY FISCAL COURT, ET AL.)
REPLY BRIEF

Administrative Law. Planning and Zoning Appeals. This case involves constitutional challenges to the bond requirements enacted in 2017 in KRS 100.3471 and impacting Court of Appeals jurisdiction over timely appeals from KRS 100.347 circuit court decisions regarding final planning and zoning actions.

Discretionary Review Granted:
Trial Court(s):
Presiding Judge(s):

March 15, 2023
Mercer Circuit Court
Hon. Darren W. Peckler

Counsel for Appellant,
RAZ, Inc.:

W. Henry Graddy, IV
Dorothy T. Rush
W.H. Grady & Associates

*Counsel for Appellees,
Commonwealth of
Kentucky:*

Matthew F. Kuhn
Elizabeth Hedges
*Commonwealth of Kentucky,
Office of the Attorney
General*

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WWW.KET.ORG/SUPREMECOURT

*Counsel for Appellees,
Mercer County Fiscal
Court, et al.:*

Whitney Lohns
*Asst. Mercer County
Attorney*

David Patrick
*Mercer County Joint
Planning & Zoning
Commission*

Stephen A. Dexter
Sheehan, Barnett, Dean

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WEDNESDAY, FEBRUARY 7, 2024
(CONTINUED)

10:00 a.m. BLUEGRASS TRUST FOR HISTORIC PRESERVATION V. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PLANNING COMMISSION, ET AL.
(2022-SC-0480-DG)

[APPELLANT BRIEF](#)
[APPELLEE BRIEF \(LFUCG PLANNING COMMISSION\)](#)
[APPELLEE BRIEF \(THE RESIDENCES AT SOUTH HILL, LLC.\)](#)
[APPELLEE BRIEF \(COMMONWEALTH OF KENTUCKY\)](#)
[REPLY BRIEF](#)
[AMICUS BRIEF \(KENTUCKY CHAMBER OF COMMERCE\)](#)
[AMICUS BRIEF \(PRESERVATION OF KENTUCKY\)](#)
[AMICUS BRIEF \(FRIENDS OF FLOYDS FORK, LLC, ET AL.\)](#)
[AMICUS BRIEF \(KENTUCKY RESOURCES COUNCIL, INC.\)](#)

Administrative Law. Planning and Zoning Appeals. This case involves constitutional challenges to the bond requirements enacted in 2017 in KRS 100.3471 and impacting Court of Appeals jurisdiction over timely appeals from KRS 100.347 circuit court decisions regarding final planning and zoning actions.

Discretionary Review Granted:	March 15, 2023
Trial Court(s):	Fayette Circuit Court
Presiding Judge(s):	Hon. Thomas L. Travis

Counsel for Appellant, <i>Bluegrass Trust for Historic Preservation:</i>	Jessica Katherine Winters <i>The Winters Law Group, LLC</i>
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Counsel for Appellee,
*LFUCG Planning
Commission, et al.:*

Tracy W. Jones
Emilee Buttrum
*Lexington-Fayette Urban
County Government
Department of Law*

Counsel for Appellee,
*Commonwealth of
Kentucky, ex rel. Russell
Coleman, Attorney General:*

Matthew F. Kuhn
Elizabeth Hedges
*Commonwealth of Kentucky,
Office of the Solicitor
General*

Counsel for Appellee,
*The Residences at
South Hill, LLC:*

William M. Lear, Jr.
Nick Nicholson
Anthony Phelps
Stoll Keenon Odgen PLLC

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WEDNESDAY, FEBRUARY 7, 2024
(CONTINUED)

11:00 a.m. **BOONE DEVELOPMENT, LLC, ET AL. V. NICHOLASVILLE BOARD OF
ADJUSTMENT, ET AL.**
(2022-SC-0476-DG)

AND

**BOONE DEVELOPMENT, LLC, ET AL. V. COMMONWEALTH OF
KENTUCKY EX REL. RUSSELL COLEMAN, ATTORNEY GENERAL, ET
AL.**
(2022-SC-0477-DG)

[APPELLANT BRIEF \(2022-SC-0476\)](#)
[APPELLEE BRIEF \(2022-SC-0476\)](#)
[REPLY BRIEF \(2022-SC-0476\)](#)

[APPELLANT BRIEF \(2022-SC-0477\)](#)
[APPELLEE BRIEF \(2022-SC-0477\)](#)
[REPLY BRIEF \(2022-SC-0477\)](#)

Administrative Law. Planning and Zoning Appeals. These cases involve constitutional challenges to the bond requirements enacted in 2017 in KRS 100.3471 and impacting Court of Appeals jurisdiction over timely appeals from KRS 100.347 circuit court decisions regarding final planning and zoning actions.

Discretionary Review Granted:	March 15, 2023
Trial Court(s):	Jessamine Circuit Court
Presiding Judge(s):	Hon. C. Hunter Daugherty

Counsel for Appellant,	
<i>Boone Development, LLC,</i>	Carroll M. Redford, III
<i>et al.</i>	Elizabeth C. Woodford
	<i>Miller, Griffin & Marks, P.S.</i>

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Counsel for Appellee,
*Nicholasville Board of
Adjustment, et al.:*

Bruce E. Smith
Henry E. Smith
*Bruce E. Smith Law Offices,
PLLC*

Counsel for Appellee,
*Commonwealth of
Kentucky, ex rel Russell
Coleman, et al.*

Matthew F. Kuhn
Elizabeth Hedges
*Commonwealth of Kentucky,
Office of the Solicitor
General*

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THURSDAY, FEBRUARY 8, 2024

**10:00 a.m. WALTER SWYERS V. ALLEN FAMILY PARTNERSHIP #1, LLC
INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF STATION PLACE
LLC, ET AL.
(2022-SC-0478-DG)**

AND

**HYSINGER GROUP V. ALLEN FAMILY PARTNERSHIP #1, LLC
INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF STATION PLACE,
LLC, ET AL.
(2022-SC-0479-DG)**

**[APPELLANT BRIEF – \(WALTER SWYERS\) \(2022-SC-0478-DG\)](#)
[APPELLEE BRIEF – \(ALLEN FAMILY PARTNERSHIP, ET AL.\) \(2022-SC-0478-DG\)](#)
[REPLY BRIEF – \(WALTER SWYERS\) \(2022-SC-0478-DG\)](#)**

**[APPELLANT BRIEF – \(HYSINGER GROUP\) \(2022-SC-0479-DG\)](#)
[APPELLEE BRIEF – \(ALLEN FAMILY PARTNERSHIP, ET AL.\) \(2022-SC-0479-DG\)](#)
[REPLY BRIEF – \(HYSINGER GROUP\) \(2022-SC-0479-DG\)](#)**

Contract Law. Business Entities. Sale of Commercial Real Estate. Division of Sale Proceeds. Allocation of Expenses. Fiduciary Duties. Issues include: (1) whether the parties formed a valid agreement requiring sale proceeds over \$8 million to be divided according to the LLC's original ownership percentages; and (2) whether the LLC manager violated fiduciary duties by distributing the sale proceeds to the LLC members based on his interpretation of the parties' agreement when one of the members disagreed with the manager's interpretation.

Thompson, J., not sitting.

Discretionary Review Granted:
Trial Court(s):
Presiding Judge(s):

March 15, 2023
Jefferson Circuit Court
Hon. Judith E. McDonald-Burkman

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Counsel for Appellant,
Walter Swyers.:

William F. McMurry
Rhys Cundiff
*William F. McMurry &
Associates*

Counsel for Appellees,
*Allen Family Partnership #1:
LLC, et al.:*

Christopher E. Schaefer
Emily P. Mattingly
Stoll Keenon Ogeden PLLC

Counsel for Appellant,
Hysinger Group:

William Edward Skees
The Skees Law Office

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