

PANEL: WEST/SOUTHCENTRAL

LOCATION: DAVIESS COUNTY JUDICIAL CENTER, 100 EAST SECOND STREET,
OWENSBORO, KENTUCKY

DATE: July 10, 2002

10:15 AM

PJ: TACKETT

GUIDUGLI

MILLER

2001CA001227

BARBARA ANDERSON ET AL. VS HARRY MCCROBIE ET AL.

MALICIOUS PROSECUTION; WHETHER ISSUES OF VENUE PROPERLY DECIDED; WHETHER DIRECTED VERDICT SHOULD HAVE BEEN GRANTED

CIVIL

HARDIN COUNTY

KELLY MARK EASTON

Appellant Atty:

Appellant Name:

.....
LONG, LYN TAYLOR

.....
BARBARA ANDERSON

CHESTER ANDERSON

WANDA J. SCOTT

MOULTON, C. MIKE

BARBARA ANDERSON

CHESTER ANDERSON

WANDA J. SCOTT

Appellee Atty:

Appellee Name:

.....
KELLEY, JAMES T.

.....
HARRY MCCROBIE

SUSAN MCCROBIE

11:00 AM

PJ: MILLER

GUIDUGLI

TACKETT

2000CA000986

JOE CHAPMAN VS A. G. EDWARDS & SONS, INC.

MENTAL CAPACITY TO MAKE GIFT; WHETHER GIFT WAS MADE UPON UNDUE INFLUENCE; WHETHER PARTIES CAN BE HELD JOINTLY AND SEVERALLY LIABLE FOR INTENTIONAL TORT OF FRAUD.

CIVIL

WARREN COUNTY

JOHN D. MINTON JR

Appellant Atty:

Appellant Name:

.....
HUDDLESTON, PHILIP I.

.....
JOE A. CHAPMAN

Appellee Atty:

Appellee Name:

.....
BRITTON, ANITA M.

.....
A. G. EDWARDS & SONS, INC.

KAFOGLIS, ZACHARY M.

A. G. EDWARDS & SONS, INC.

ROYSE, DAVID T.

A. G. EDWARDS & SONS, INC.

PANEL: LOUISVILLE METRO

LOCATION: 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET,
LOUISVILLE, KENTUCKY

DATE: July 10, 2002

9:30 AM PJ: KNOFF DYCHE MCANULTY
2001CA001436 HEALTHESSENTIALS SOLUTIONS, INC. VS KINDRED HEALTHCARE
OPERATING, INC.

APPELLANT APPEALS FROM ORDER DISMISSING ITS COUNTERCLAIM AGAINST KINDRED HEALTHCARE &
STRIKING FROM ITS ANSWER ITS AFFIRMATIVE DEFENSES OF FRAUD & MISTAKE. APPELLANT ARGUES THAT
ITS ALLEGATIONS OF FRAUD & MISTAKE IN ITS ANSWER & COUNTERCLAIM WAS NOT SUBJECT TO THE
PARTICULARITY REQUIREMENT OF CR 9.02 AND THUS SHOULD NOT HAVE BEEN DISMISSED.

CIVIL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
CLONTZ, JOHN E.

.....
HEALTHESSENTIALS SOLUTIONS, INC.

Appellee Atty:

Appellee Name:

.....
EDWARDS, ANGELA LOGAN
MICHAEL, PATRICK W

.....
KINDRED HEALTHCARE OPERATING, INC.
KINDRED HEALTHCARE OPERATING, INC.

10:15 AM PJ: DYCHE KNOFF COMBS
2001CA002089 SEAN DELAHANTY VS THOMAS CLAY

ORDER PROHIBITING DISTRICT JUDGE FROM HOLDING CONTEMPT HEARING AGAINST ATTORNEY FOR
ALLEGEDLY DISSEMINATING INFORMATION FROM JUVENILE HEARING WITHOUT COURT'S CONSENT

CIVIL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....
CHANDLER, A. B.
PETTUS, WILLIAM B

.....
SEAN DELAHANTY
SEAN DELAHANTY

Appellee Atty:

Appellee Name:

.....
FLEISCHAKER, JON L.
MEYER, R. KENYON

.....
THOMAS CLAY
THOMAS CLAY

**NOTE: MOVED FROM 3:15 PM TO 10:15 AM

11:00 AM PJ: MCANULTY DYCHE KNOFF
2001CA000811 GLEN MEADOWS HOMEOWNER'S ASSOCIATION VS GREGORY HARRISON
ET AL.

2001CA000984 APPEAL BY HOMEOWNERS ASSOCIATION OF TRIAL COURT'S ORDER APPROVING PLANS FOR CONSTRUCTION
OF GARAGE.

CIVIL OLDHAM COUNTY DENNIS A FRITZ

Appellant Atty:

Appellant Name:

.....
HOUSE, JULIETTE STEWART

.....
GLEN MEADOWS HOMEOWNER'S ASSOCIATION

Appellee Atty:

Appellee Name:

.....
STONE, THOMAS K.

.....
GREGORY HARRISON
KELLIE HARRISON

PANEL: LOUISVILLE METRO

LOCATION: 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET,
LOUISVILLE, KENTUCKY

DATE: July 10, 2002

1:00 PM PJ: MCANULTY DYCHE KNOFF
2001CA000980 CHRISTOPHE STEWART ET AL. VS UNIVERSITY OF LOUISVILLE
2001CA001063 APPEAL OF CIRCUIT COURT ORDER THAT UNIVERSITY NOT REQUIRED TO RELEASE PERSONAL RECORDS OF
EMPLOYEE STORED ON STATE OWNED COMPUTER. CROSS-APPEAL AWARD OF ATTORNEY'S FEES AND
PENALTY ASSESSED UNDER OPEN RECORDS ACTS.

CIVIL JEFFERSON COUNTY STEPHEN K MERSHON

Appellant Atty: Appellant Name:
.....
HUNTER, KEITH B CHRISTOPHE G. STEWART
SAMUEL T. DAVENPORT
STEWART, CHRISTOPHE G CHRISTOPHE G. STEWART
SAMUEL T. DAVENPORT

Appellee Atty: Appellee Name:
.....
HOLLANDER, WILLIAM H UNIVERSITY OF LOUISVILLE
PATTERSON, DEBORAH H UNIVERSITY OF LOUISVILLE

1:45 PM PJ: MCANULTY DYCHE KNOFF
2001CA001049 KENTUCKY BOARD OF NURSING VS ELIZABETH GENTRY
2001CA001194 APPEAL OF ADMINISTRATIVE DISCIPLINARY MATTER FROM THE KENTUCKY BOARD OF NURSING. CROSS-
APPEAL: DENIAL OF DISCOVERY REQUEST.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty: Appellant Name:
.....
ZINK, JOHN F. KENTUCKY BOARD OF NURSING

Appellee Atty: Appellee Name:
.....
BLAKEMORE, POLLY WALKER ELIZABETH JANE GENTRY
CUTLER JR, IRWIN H ELIZABETH JANE GENTRY

2:30 PM PJ: DYCHE KNOFF MCANULTY
2001CA000602 DOUGLAS RANK VS KENTUCKY BOARD OF MEDICAL LICENSURE
WHETHER SUSPENSION OF APPELLANT'S MEDICAL LICENSE WAS ARBITRARY OR SUPPORTED BY SUBSTANTIAL
EVIDENCE

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty: Appellant Name:
.....
WEINBERG, DAVID A. DOUGLAS RANK

Appellee Atty: Appellee Name:
.....
VEST II, C LLOYD KENTUCKY BOARD OF MEDICAL LICENSURE

PANEL: EAST/SOUTHEAST

LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 100 NORTH MAIN STREET,
SOMERSET, KENTUCKY

DATE: July 23, 2002

9:30 AM

PJ: COMBS

BARBER

BUCKINGHAM

2001CA001079

DONALD BURNETT VS COMMONWEALTH OF KENTUCKY

CONVICTION FOR SECOND-DEGREE ASSAULT CHALLENGING SUFFICIENCY OF THE EVIDENCE AND ALLEGING
ERROR IN FAILURE TO GRANT DIRECT VERDICT.

CRIMINAL

KNOX COUNTY

RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
SHAW, ELIZABETH A
STUTSMAN, DENNIS

.....
DONALD LEE BURNETT
DONALD LEE BURNETT

Appellee Atty:

Appellee Name:

.....
BOWDEN, JANINE COY
CHANDLER III, A. B.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:15 AM

PJ: COMBS

BARBER

BUCKINGHAM

2001CA001706

KENTUCKY TRASPORTATION CABINET VS KEVIN TYSON ET AL.

KENTUCKY DOT CHALLENGES ADVERSE RULING OF BOARD OF CLAIMS HOLDING IT NEGLIGENT FOR
STRUCTURAL DAMAGE TO HOUSE DURING ROAD CONSTRUCTION; STATUTE OF LIMITATIONS INVOLVED.

CIVIL

CARTER COUNTY

SAMUEL C LONG

Appellant Atty:

Appellant Name:

.....
STEPHENS, ANDREW MARTIN

.....
KENTUCKY TRASPORTATION CABINET

Appellee Atty:

Appellee Name:

.....
SCHELL, KATHLEEN KEARNEY
SCOTT, W. JEFFREY

.....
KENTUCKY BOARD OF CLAIMS
KEVIN TYSON
KRISTA TYSON

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: July 16, 2002

9:30 AM PJ: SCHRODER GUDGEL JOHNSON
 2001CA001716 TINA MURPHY ET AL. VS KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
 UNDER-INSURED MOTORISTS COVERAGE DENIED TO FAMILY MEMBERS PER THE POLICY. AGAINST PUBLIC POLICY?

CIVIL MERCER COUNTY DARREN W. PECKLER

Appellant Atty: Appellant Name:
 HIBBARD, STACEY H. TINA MURPHY
 TINA MURPHY
 Appellee Atty: Appellee Name:
 HORNBACK, KATHERINE J. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
 REINHARDT, R CRAIG KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

10:15 AM PJ: SCHRODER GUDGEL JOHNSON
 2001CA001552 MICHAEL CLAY VS COMMONWEALTH OF KENTUCKY
 2001CA002127 ADVANCED CASE - ONE SHOT AT THREE OFFICERS, THREE CRIMES? CROSS-APPEAL, CAN A COURT ORDER RESTITUTION IF NO PROBATION?

CRIMINAL FAYETTE COUNTY MARY C NOBLE

Appellant Atty: Appellant Name:
 LEWTER, V GENE MICHAEL CLAY
 Appellee Atty: Appellee Name:
 CHANDLER III, A. B. COMMONWEALTH OF KENTUCKY
 LONG JR, WILLIAM ROBERT COMMONWEALTH OF KENTUCKY

11:00 AM PJ: JOHNSON GUDGEL SCHRODER
 2001CA001691 VONTEZ KING VS COMMONWEALTH OF KENTUCKY
 WHETHER THE TRIAL COURT ERRED IN CONVICTION FOR CREDIT CARD FRAUD BY ALLOWING A WITNESS TO IMPROPERLY IDENTIFY THE APPELLANT IN COURT WHEN THE IDENTIFICATION WAS TAINTED BY AN IMPERMISSIBLY SUGGESTIVE "SHOW UP" PROCEDURE, BY ALLOWING TWO WITNESSES TO IMPROPERLY IDENTIFY THE APPELLANT IN COURT AND TO TESTIFY REGARDING AN IMPERMISSIBLY SUGGESTIVE PHOTO LINE-UP, BY AN UNDISCLOSED JUROR RELATIONSHIP WITH THE POTENTIAL FOR JUROR BIAS, AND BY THE DENIAL OF A DIRECTED VERDICT.

CRIMINAL KNOX COUNTY RODERICK MESSER

Appellant Atty: Appellant Name:
 AMBURGEY, BRYCE HALE VONTEZ KING
 STUTSMAN, DENNIS VONTEZ KING
 Appellee Atty: Appellee Name:
 CHANDLER III, A. B. COMMONWEALTH OF KENTUCKY
 FERGUSON, TODD D COMMONWEALTH OF KENTUCKY

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: July 16, 2002

1:00 PM PJ: JOHNSON GUDGEL SCHRODER

2000CA002365 JOHN BARGER VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED IN CONVICTION FOR POSSESSION OF CONTROLLED SUBSTANCE BY EXCLUDING FROM EVIDENCE CERTAIN AUDIOTAPES WHICH APPELLANT CLAIMS WERE EXCULPATORY, WHETHER A PROPER CHAIN OF CUSTODY WAS ESTABLISHED, AND WHETHER THE TRIAL COURT ERRED BY NOT GRANTING A PROSECUTION WITNESS IMMUNITY FROM PERJURY.

CRIMINAL PERRY COUNTY RON JOHNSON

Appellant Atty:

Appellant Name:

PILLERSDORF, NED BARRY

JOHN MARK BARGER

Appellee Atty:

Appellee Name:

CHANDLER III, A. B.

COMMONWEALTH OF KENTUCKY

RONCARTI, N. SUSAN

COMMONWEALTH OF KENTUCKY

1:45 PM PJ: JOHNSON GUDGEL SCHRODER

2000CA002941 DAVID JONES ET AL. VS JOHN SKIDMORE ET AL.

WHETHER THE TRIAL COURT ERRED IN RULING THAT A SETTLEMENT AGREEMENT HAS BEEN BREACHED, IN AWARDED ATTORNEY'S FEES AND EXPERT WITNESS FEES.

CIVIL SCOTT COUNTY ROBERT OVERSTREET

Appellant Atty:

Appellant Name:

ACREE, GLENN E

DAVID JONES
KENTUCKY CUSTOM HOMES, INC.

Appellee Atty:

Appellee Name:

MARSHALL, E DAVID

JODI SKIDMORE
JOHN SKIDMORE

2:30 PM PJ: JOHNSON GUDGEL SCHRODER

2001CA000173 DANIEL COX VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED IN A CONVICTION FOR MANSLAUGHTER IN THE SECOND DEGREE BY EXCLUDING EVIDENCE OF PRIOR THREATS AND BY IMPROPERLY INSTRUCTING THE JURY.

CRIMINAL BELL COUNTY JAMES L BOWLING JR

Appellant Atty:

Appellant Name:

HORSMAN, LINDA ROBERTS
STUTSMAN, DENNIS

DANIEL JOSEPH COX
DANIEL JOSEPH COX

Appellee Atty:

Appellee Name:

CHANDLER III, A. B.

COMMONWEALTH OF KENTUCKY

SEELIG, GEORGE G.

COMMONWEALTH OF KENTUCKY

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: July 16, 2002

3:15 PM

PJ: JOHNSON

GUDGEL

SCHRODER

2001CA000508

MITCHELL JEFFRIES VS COMMONWEALTH OF KENTUCKY

WHETHER THE DISTRICT COURT IN A JUVENILE ADJUDICATION VIOLATED THE JUVENILE'S RIGHTS NOT TO BE SUBJECT TO DOUBLE JEOPARDY BY GRANTING THE COMMONWEALTH A TWO-WEEK CONTINUANCE TO OBTAIN ADDITIONAL EVIDENCE AFTER THE COMMONWEALTH HAD CLOSED ITS CASE AND THE JUVENILE HAD MOVED FOR A DIRECTED VERDICT.

DR CRIMINAL

MARION COUNTY

ALLAN RAY BERTRAM

Appellant Atty:

Appellant Name:

.....

.....

HOPF, SUZANNE

MITCHELL JEFFRIES

STUTSMAN, DENNIS

MITCHELL JEFFRIES

WEST, SHANDA L.

MITCHELL JEFFRIES

Appellee Atty:

Appellee Name:

.....

.....

BERTRAM, GEORGE BARRY

COMMONWEALTH OF KENTUCKY

CHANDLER III, A. B.

COMMONWEALTH OF KENTUCKY

FUCHS, GREGORY C.

COMMONWEALTH OF KENTUCKY

PANEL: RESCHEDULED CASES AND MISC OR

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: July 02, 2002

1:00 PM PJ: EMBERTON HUDDLESTON MCANULTY
2001CA000550 GLEN FLEMING ET AL. VS CITY OF SHEPHERDSVILLE, KENTUCKY
2001CA000575 REFUND OF TAXES SOUGHT; APPLICABLE STATUTE OF LIMITATION; CROSS-APPEAL; CERTIFICATION AS A CLASS

CIVIL BULLITT COUNTY THOMAS WALLER

Appellant Atty:

Appellant Name:

.....
SPAINHOUR, JOHN E.

.....
FAMILY MEDICINE ASSOCATES, PSC
GLEN FLEMING
LIMITED LIABILITY COMPANIES
SCOTT WHITTAKER

Appellee Atty:

Appellee Name:

.....
LEMME, NORMAN R.

.....
CITY OF SHEPHERDSVILLE, KENTUCKY

**NOTE: CONTINUED FROM JUNE

1:45 PM PJ: DYCHE MILLER TACKETT
2001CA001195 BARRY HAMMOND VS EASTMAN KODAK COMPANY
KRS 344 CIVIL RIGHTS ACTION: WHETHER HAMMOND WAS "QUALIFIED" INDIVIDUAL UNDER THE ACT; WHETHER KODAK'S ACTIONS PRECLUDE IT FROM ARGUING ABOVE POINT

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
KELLERMAN, ROBERT W.
WEBB, LEE A.

.....
BARRY HAMMOND
BARRY HAMMOND

Appellee Atty:

Appellee Name:

.....
QUESENBERRY, KATHRYN A
RUTCHOW, WILLIAM S.

.....
EASTMAN KODAK COMPANY
EASTMAN KODAK COMPANY

**NOTE: CONTINUED FROM JUNE

PANEL: RESCHEDULED CASES AND MISC OR

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KY

DATE: July 02, 2002

2:30 PM PJ: BUCKINGHAM GUIDUGLI HUDDLESTON

2001CA001485 JUDY GOFF ET AL. VS RODNEY JUSTICE ET AL.

LEGAL MALPRACTICE/SUMMARY JUDGMENT

CIVIL BOYD COUNTY C DAVID HAGERMAN

Appellant Atty:

Appellant Name:

.....
COMBS, BRENN O.

.....
JUDY MAE GOFF

PHILLIP G. GOFF

REINHARDT, J. RANDALL

JUDY MAE GOFF

PHILLIP G. GOFF

Appellee Atty:

Appellee Name:

.....
LESLIE, PHILLIP B.

.....
RODNEY S. JUSTICE

WILSON, STAVROS & JUSTICE

**NOTE:CONTINUED FROM MAY

3:15 PM PJ: BUCKINGHAM GUIDUGLI HUDDLESTON

2001CA000713 KROGER LIMITED PARTNERSHIP ET AL. VS RITE AID OF KENTUCKY, INC.
ET AL.

2001CA000910 BREACH OF CONTRACT CLAIM

CIVIL WHITLEY COUNTY RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
HANDMAKER, KENNETH S.

.....
KROGER LIMITED PARTNERSHIP

THE KROGER CO.

Appellee Atty:

Appellee Name:

.....
GREENWELL, KAREN J.

.....
RITE AID OF KENTUCKY, INC.

KILPATRICK, MELANIE J.

RITE AID OF KENTUCKY, INC.

RIDINGS, MARCIA M.

RITE AID OF KENTUCKY, INC.

STIVERS, FRANKLIN

THE FOREST CORPORATION

**NOTE: 60 MINUTES ALLOTTED FOR ARGUMENT