

UPDATED: 4/8/2013

APRIL 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 4/8/2013

04/08/2013

APRIL, 2013

APRIL 9, 2013

**10:00 A.M. MOTION PANEL, JUDGE MAZE, PRES.,
JUDGE NICKELL AND JUDGE THOMPSON, ASSOC.**

APRIL 17, 2013

10:00 A.M. - FULL COURT MEETING

**PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL
ARGUMENTS SCHEDULED:**

LEXINGTON – Contact Danny Murphy – (859) 257-5155

BARDSTOWN – Contact Diane Thompson – (502) 348-3648

FRENCHBURG – Contact Tiffany Donathan – (606) 768-2461

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM A, 200
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

DATE: Monday, April 8, 2013

10:30 AM PJ: THOMPSON, HON. KELLY MAZE, HON. IRV STUMBO, HON. JANET L.
2012CA000366 ROSLYN WARREN v KAREN WINKLE

Appeal from tenant severely injured when her apartment's ceiling collapsed. Trial court granted summary judgment finding that the ceiling was not a "common area." Tenant argues that the area above the ceiling in the attic of the building was a common area.

CIVIL	JEFFERSON COUNTY	HON SUSAN SCHULTZ GIBSON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
STACKHOUSE, ANDREA		WARREN, ROSLYN
WARD, JASPER IV		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
TUCKER, DEANNA		WINKLE, KAREN

**** NOTE:PREVIOUSLY ON 2/5/2013 AT 1:45 PM AND 1:00 PM AND ON 2/12/13 AT 1:45 PM IN FRANKFORT AND ON1/16/13 AT 3:**

11:15 AM PJ: MAZE, HON. IRV STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2012CA000071 ROBERT LEE DURBIN v CSX TRANSPORTATION, INC.

Personal injury case arising under FELA. Verdict at trial for Appellee. Durbin appeals the exclusion at trial of evidence of unliquidated damages due to failure to supplement before trial under Fratzke and Shoney's. He also appeals the exclusion of proposed jury instructions and evidence of subsequent remedial measures by CSX.

CIVIL	JEFFERSON COUNTY	HON BRIAN C. EDWARDS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
DOWLING , MATTHEW		DURBIN, ROBERT
HADEN, CHRISTOPHER		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
DUNCAN, MICHELLE		CSX TRANSPORTATION, INC.
PAYNE, ROD		
STOPHER, EDWARD		

**** NOTE:PREVIOUSLY ON 2/5/13 AT 1:00 PM AND ON 2/12/13 AT 1:00 PM IN FRANKFORT AND ON 1/17/2013 AT 10:00 AM IN L**

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM A, 200
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

DATE: Monday, April 8, 2013

12:00 PJ: THOMPSON, HON. KELLY MOORE, HON. JOY A. STUMBO, HON. JANET L.

**2012CA000073 LOUISVILLE METRO HOUSING AUTHORITY DEVELOPMENT CORPORATION v
COMMONWEALTH SECURITY, INC.**

Appellant argues for reversal of the judgment after a jury verdict against the appellant on fraud and intentional interference with existing contracts, awarding damages above \$2,800,000. Appellant argues defense of sovereign immunity was properly preserved and that appellant is entitled to sovereign immunity.

CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN

Appellant Atty:

**CAREY, J.
DOHENY, FRANK JR.
TURNER, CARRIE**

Appellant Name:

**LOUISVILLE METRO HOUSING AUTHORITY
DEVELOPMENT CORPORATION**

Appellee Atty:

**CLAY, THOMAS
DANIEL, KIRSTEN**

Appellee Name:

COMMONWEALTH SECURITY, INC.

**** NOTE:**

LOCATION: UNIVERSITY OF KENTUCKY COLLEGE OF LAW, COURTROOM, LAW BUILDING, 620 SOUTH LIMESTONE STREET, LEXINGTON,

DATE: Tuesday, April 16, 2013

01:30 PM PJ: MAZE, HON. IRV

STUMBO, HON. JANET L.

VANMETER, HON. LAURANCE B.

2012CA001736

ROBERT SHAWN PADGETT v BOWLIN GROUP, LLC

Employee injured in car accident while commuting to work sought WC benefits under "service/benefit to employer" and "commuting incentive" exceptions to "going and coming rule." ALJ and Board ruled exceptions did not apply because employee used company car mostly for his benefit and such use was not an incentive for him to move closer to employer. Whether substantial evidence exists to support ALJ and Board's ruling.

WORKERS COMP**WORKERS' COMP COUNTY****HON MICHAEL W. ALVEY**

Appellant Atty:

BURKE, RILEY

Appellant Name:

PADGETT, ROBERT

Appellee Atty:

WALTON, DONALD

Appellee Name:

BOWLIN GROUP, LLC

JUSTICE, JOSEPH

JUSTICE, JOSEPH

LOVAN, DWIGHT

WORKERS' COMPENSATION BOARD**** NOTE:**

02:15 PM PJ: MAZE, HON. IRV

STUMBO, HON. JANET L.

VANMETER, HON. LAURANCE B.

2011CA002105

JOHN COLLINS v COMMONWEALTH OF KENTUCKY

Appeal from denial, without a hearing, of Collins' 11.42 motion alleging five instances of ineffective assistance of trial counsel, including failure to object to admission of hearsay evidence and Commonwealth's reference to co-defendant's silence. Whether trial counsel's failure to object or cumulative effect of his failures rendered him deficient and prejudiced the defense. Whether the allegations in the motion were resolved by the record and without a hearing. Appellant requests oral and several issues are contested.

WARREN COUNTY**HON DAVID H JERNIGAN**

Appellant Atty:

MCWILLIAMS, JOSHUA

SCHMIDT, KATHLEEN

Appellant Name:

COLLINS, JOHN

Appellee Atty:

HAVEY, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY**** NOTE:40 MINUTE ORAL**

LOCATION: MENIFEE COUNTY COURTHOUSE, COURTHOUSE ANNEX, 12 MAIN STREET, FRENCHBURG, KENTUCKY

DATE: Thursday, April 18, 2013

10:00 AM PJ: TAYLOR, HON. JEFF S.

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2012CA000404

DELMA RUTH JONES v DELLA MAE JONES

Whether circuit court erred by granting summary judgment in favor of appellees in action to determine ownership of mineral rights.

CIVIL

CLAY COUNTY

HON OSCAR G HOUSE

Appellant Atty:

AUBREY, JOHN

Appellant Name:

JONES, DELMA

Appellee Atty:

HARRIS, CLINT

Appellee Name:

JACKSON, FRANK

ROBERTS, ALLEN

JONES, DELLA

WEBSTER, SCOTT

K. PETROLEUM, INC.

MEDARIS, FRANK JR.

STEVENS, JON

** NOTE:PREVIOUSLY AT 3:00 PM

10:45 AM PJ: DIXON, HON. DONNA L.

MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

2012CA000329

TAGGART GLOBAL OPERATIONS, LLC v THE ELK HORN COAL COMPANY, LLC

2012CA000369

Appeal of summary judgment determining the priority of a landlord lien holder over a security agreement and UCC-1 filing and over a mechanic and material-man lien.

CIVIL

FLOYD COUNTY

HON JOHNNY RAY HARRIS

Appellant Atty:

JOHNSON, CLYDE JR

Appellant Name:

TAGGART GLOBAL OPERATIONS, LLC

Appellee Atty:

GROUNDS, (CO REP), JOHN

Appellee Name:

GOOSE CREEK ENERGY, INC.

MCCLELLAND, DENISE

NAUTILUS CAPITAL MARKETS LIMITED

KENDRICK, WILLIAM

THE ELK HORN COAL COMPANY, LLC

** NOTE:

LOCATION: MENIFEE COUNTY COURTHOUSE, COURTHOUSE ANNEX, 12 MAIN STREET, FRENCHBURG, KENTUCKY

DATE: Thursday, April 18, 2013

11:30 AM PJ: MOORE, HON. JOY A.

DIXON, HON. DONNA L.

TAYLOR, HON. JEFF S.

2012CA000602

CASSIE TAULBEE v IZETTA JOHNSON COOPER

Challenge to the circuit court's interpretation of KRS 403.12, wherein the daughters of their deceased father seek to set aside his marriage occurring on his "deathbed".

CIVIL

LEE COUNTY

HON THOMAS P. JONES

Appellant Atty:

Appellant Name:

HARRIS, JAMES

TAULBEE, CASSIE

Appellee Atty:

Appellee Name:

BURTON, CHARNEL

COOPER, IZETTA

** NOTE:

01:30 PM PJ: TAYLOR, HON. JEFF S.

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2012CA000636

HAZARD NURSING HOME, INC. v MARK AMBROSE, AS ADMINISTRATOR

Whether appellant is entitled to a new trial based upon sundry errors committed by trial court.

CIVIL

PERRY COUNTY

HON WILLIAM ENGLE

Appellant Atty:

Appellant Name:

BROWN, DONALD JR
CALABRESE, MELISSA
HAMMOND, MARK
TIPTON, WESLEY

HAZARD NURSING HOME, INC.

Appellee Atty:

Appellee Name:

MORGAN, JEFFREY

AMBROSE, MARK

** NOTE:

LOCATION: MENIFEE COUNTY COURTHOUSE, COURTHOUSE ANNEX, 12 MAIN STREET, FRENCHBURG, KENTUCKY

DATE: Thursday, April 18, 2013

02:15 PM PJ: TAYLOR, HON. JEFF S.

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2012CA000492

PATRICIA GOFF, EXECUTRIX v Dr ALBERTO GONZALEZ

Whether circuit court properly rendered a directed verdict dismissing appellant's medical malpractice claim.

CIVIL PULASKI COUNTY HON DAVID A. TAPP

Appellant Atty:

RILEY, ROBERT

Appellant Name:

GOFF, EXECUTRIX, PATRICIA

Appellee Atty:

KAISER, DAVID
ROBINSON, CLAYTON

Appellee Name:

GONZALEZ, ALBERTO

**** NOTE:**