

UPDATED: 07/29/2011

AUGUST 2011

ORAL ARGUMENT

CALENDAR

Report Updated On: 07/29/2011

Updated 07/29/2011

AUGUST, 2011

AUGUST 9, 2011

10:00 A.M. COURT MEETING

AUGUST 10, 2011

1:30 P.M. FRANKFORT TIME, MOTION PANEL,
SR. JUDGE JOSEPH LAMBERT, PRES.,
JUDGE DIXON AND JUDGE THOMPSON, ASSOC.

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

FRANKFORT – Contact Mary Zagale - (502) 573-7920

LOUISVILLE – Contact Marti Dodd - (502) 595-3440

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Wednesday, August 10, 2011

10:00 AM PJ: MOORE, HON. JOY A.

CLAYTON, HON. DENISE G.

KELLER, HON. MICHELLE M.

2010CA000838

DENVER L. STEWART III v COMMONWEALTH OF KENTUCKY

Appeal from denial of RCr 11.42 and Cr 60.02 motion; issues include whether Appellant received the ineffective assistance of counsel whereby he claims he was advised to enter a guilty plea on charges that violated the double jeopardy clause and for counsel's alleged failure to make an adequate record.

PIKE COUNTY

HON CHARLES E LOWE

Appellant Atty:

Appellant Name:

**BULLOCK, LINDA
SCHMIDT, KATHLEEN**

STEWART, DENVER

Appellee Atty:

Appellee Name:

SHACKELFORD, JAMES

COMMONWEALTH OF KENTUCKY

**** NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Thursday, August 11, 2011

10:00 AM PJ: WINE, HON. THOMAS B. ACREE, HON. GLENN E. LAMBERT, HON. JOSEPH E.

2010CA001647 MARK STINSON v COMMONWEALTH OF KENTUCKY

Appeal from cond'l guilty plea to first-degree sexual abuse. Whether KRS 510.110(1)(d) and 532.045 are unconstitutionally vague and overbroad in their definition of the terms "position of authority" or "position of special trust". Whether consent is a defense to a violation of KS 510.110(1)(d).

CRIMINAL

MADISON COUNTY

HON JEAN CHENAULT LOGUE

Appellant Atty:

Appellant Name:

MALONE, MATTHEW

STINSON, MARK

Appellee Atty:

Appellee Name:

FRYMAN, HEATHER

COMMONWEALTH OF KENTUCKY

** NOTE:

10:45 AM PJ: LAMBERT, HON. JOSEPH E. ACREE, HON. GLENN E. WINE, HON. THOMAS B.

2010CA001086 COMMONWEALTH OF KENTUCKY, FINANCE AND ADMIN. CABINET v SAINT JOSEPH
HEALTH SYSTEM, INC.

2010CA001159
2010CA001181

Whether trial court erred in holding Constellation New Energy – Gas Division, LLC, was not a "utility" for purposes of determining responsibility for payment of school taxes (KRS CH. 160) on its receipts from sales of natural gas to St. Joseph. Also, whether trial court erred in finding St. Joseph was not required to exhaust available administrative remedies prior to filing suit. On cross-appeal, Fayette County Board of Education also challenges the trial court's rulings that Constellation is not a utility and is exempt from payment of the school tax. On separate cross-appeal, St. Joseph contends the trial court erred in holding it was not constitutionally exempt from the utility tax as a public charity.

CIVIL

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

RICE, BETHANY

COMMONWEALTH OF KENTUCKY, FINANCE AND
ADMIN. CABINET

Appellee Atty:

Appellee Name:

MARINO, KARA

BOARD OF EDUCATION OF FAYETTE COUNTY,
KENTUCKY

CRITTENDEN, ROGER

CONSTELLATION NEW ENERGY-GAS
DIVISION, LLC

HORN, ERICA

SAINT JOSEPH HEALTH SYSTEM, INC.

INGLE, JAY
NICHOLAS, ELIZABETH
YOST, JEFFREY

** NOTE:40 MINUTE ORAL

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Tuesday, August 23, 2011

02:00 PM PJ: COMBS, HON. SARA W. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY
 2010CA001794 KEVIN PRESCOTT v ALTON CANNON

Foreclosure action in which court found that a settlement agreement to be binding and enforceable and that appellant's attorney had the authority to settle the case. Appellant (former defendant) sought to vacate. He now appeals denial of his motion.

CIVIL	BULLITT COUNTY	HON RODNEY BURRESS
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	SAIYED, SOHA	PRESCOTT, KEVIN
.....		
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	DINWIDDIE, JAMES	CANNON, ALTON
.....		

** NOTE:

02:45 PM PJ: COMBS, HON. SARA W. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY
 2009CA001868 DEBBIE ELLEN REHM v FORD MOTOR COMPANY
 2009CA001974

Premises liability action alleging that Ford Motor Company negligently installed and maintained asbestos in a plant resulting in death of Appellant's decedent, who suffered extensive exposure during demolition of plant. At issue are several evidentiary rulings involving medical and other expert opinion.

CIVIL	JEFFERSON COUNTY	HON A. C. MCKAY CHAUVIN
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	IVIE, PAUL	REHM, DEBBIE
	KELLEY, PAUL	
	SALES, KENNETH	
	SATTERLEY, JOSEPH	
.....		
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	MILLER, BYRON	FORD MOTOR COMPANY
	SHADBURNE, ADAM	
.....		
	GORDINIER, JOHN	GARLOCK SEALING TECHNOLOGIES, LLC.
	TSAI, BERLIN	
.....		

** NOTE:

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Wednesday, August 24, 2011

9:30 AM PJ: THOMPSON, HON. KELLY CAPERTON, HON. MICHAEL O. COMBS, HON. SARA W.
2010CA001830 CHRIS FELL v JEFFERSON COUNTY BOARD OF EDUCATION

Nine appellants appeal from their litigation wherein they requested to enroll their children in the public school near their home. They complain that the Jefferson County Board of Education requires their children to attend a public school fourteen miles away when there are public schools closer to their home.

CIVIL JEFFERSON COUNTY HON IRV MAZE

Appellant Atty:

GORDON, TEDDY
 HIESTAND, SHEILA
 MILLER, J.
 MILLER, NORMA

Appellant Name:

FELL, CHRIS

Appellee Atty:

DEJACO, LISA
 LEET, BYRON
 MELLEN, FRANCIS JR

Appellee Name:

JEFFERSON COUNTY BOARD OF EDUCATION

**** NOTE:60 MINUTE ORAL PREVIOUSLY AT 10:00 AM**

10:45 AM PJ: THOMPSON, HON. KELLY CAPERTON, HON. MICHAEL O. COMBS, HON. SARA W.
2010CA001878 STEVEN HALL v COMMONWEALTH OF KENTUCKY

Appellant appeals his conviction of second degree manslaughter and complains of the trial court's denial of admission of expert testimony, the admittance of evidence of feelings and the trial court's allowance of lay witnesses to testify as to the appellant's mental state.

CRIMINAL BOYLE COUNTY HON DARREN W. PECKLER

Appellant Atty:

ROMINES, STEVEN
 SIMMS, GREGORY

Appellant Name:

HALL, STEVEN

Appellee Atty:

LAWSON, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Wednesday, August 24, 2011

11:30 AM PJ: CAPERTON, HON. MICHAEL O. COMBS, HON. SARA W. THOMPSON, HON. KELLY
2010CA001608 KINDRED HOSPITALS LIMITED PARTNERSHIP v SHERON SMITH

Motion to compel arbitration issue.

CIVIL JEFFERSON COUNTY HON CHARLES L. CUNNINGHAM

Appellant Atty:

CASSIDY, J. JR.
DZENITIS, PAUL
MILLER, DONALD II
ROST, JUSTIN

Appellant Name:

KINDRED HOSPITALS LIMITED PARTNERSHIP

.....
Appellee Atty:

BROOKS, BRIAN
CIRCEO, RICHARD
REDDICK, BRIAN
RIORDAN, DEBORAH

Appellee Name:

SMITH, SHERON

.....
**** NOTE:**
