

UPDATED: 12/02/2009

**DECEMBER 2009**  
**ORAL ARGUMENT**  
**CALENDAR**

12/02/2009

**DECEMBER, 2009**

**December 8, 2009**

**10:00 A.M. MOTION PANEL, JUDGE ACREE, PJ,  
JUDGE VANMETER AND SR. JUDGE HENRY**

**December 9, 2009**

**10:00 A.M. COURT MEETING**

**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**

**LEXINGTON – Contact Dana Carter – (859) 246-2132**

**LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR,  
120 NORTH LIMESTONE, LEXINGTON, KENTUCKY**

**DATE: Tuesday, December 15, 2009**

**01:00 PM PJ: ACREE, HON. GLENN E. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY**  
**2009CA000116 NELLIE ELLISON v KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY**

Civil; Insurance: Whether trial court properly refused to allow jury to decide whether to award plaintiff future medical costs as part of damages; whether dismissal of co-defendant was proper; whether incident giving rise to cause of action was covered by insurance.

<b>CIVIL</b>	<b>FLEMING COUNTY</b>	<b>HON ROBERT W. MCGINNIS</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HIESTAND, CHAUNCEY		ELLISON, NELLIE
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
WALKER, TIMOTHY		FLEMING COUNTY LITTLE LEAGUE BASEBALL, INC.
.....		
SHIELDS, MICHAEL		JONES, ANDREW
.....		
ELLIS, JOHN		KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
.....		

**\*\* NOTE:**

**01:45 PM PJ: CAPERTON, HON. MICHAEL O. ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2008CA001606 BOON EDAM. INC. v EVELYN SAUNDERS**  
**2008CA001780**

Product liability; expert testimony; defective condition unreasonably dangerous; directed verdict; pain and suffering.

<b>CIVIL</b>	<b>BOYD COUNTY</b>	<b>HON MARC I ROSEN</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
CARROLL, ALLISON FARRELL, MICHAEL		BOON EDAM. INC.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
ROBERTS, WENDELL YATES, DONALD II		SAUNDERS, EVELYN
.....		

**\*\* NOTE:**

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

**DATE: Tuesday, December 15, 2009**

03:00 PM PJ: COMBS, HON. SARA W.

TAYLOR, HON. JEFF S.

HENRY, HON. MICHAEL L.

2009CA000559

S. M. v CABINET FOR HEALTH AND FAMILY SERVICES

Appellant challenges Family Court determination that a child was abused or neglected after having been entrusted to an "appropriate" relative by an unavailable parent. Appellant alleges total lack of evidence to sustain the finding.

JEFFERSON COUNTY

HON STEPHEN M. GEORGE

Appellant Atty:

Appellant Name:

HELMERS, JOHN JR.

M., S.

Appellee Atty:

Appellee Name:

BRICKING, ELIZABETH  
SEXTON, DAVID

CABINET FOR HEALTH AND FAMILY SERVICES

WALLACE, CATHERINE

P., C.

\*\* NOTE:

03:45 PM PJ: TAYLOR, HON. JEFF S.

KELLER, HON. MICHELLE M.

MOORE, HON. JOY A.

2008CA001647

DEAN CVITKOVIC v Dr DANIEL FREEMAN

Whether circuit court erred by granting summary judgment and dismissing appellants' claims for violation of the Whistleblower Act, the Ky. Constitution and KRS 344.040.

CIVIL

MONTGOMERY COUNTY

HON WILLIAM B MAINS

Appellant Atty:

Appellant Name:

GOLDEN, J.  
MEADOWS, DREW  
THOMPSON, MELISSA

CVITKOVIC, DEAN

Appellee Atty:

Appellee Name:

MCNEILL, JOHN

FREEMAN, DANIEL

\*\* NOTE:PREVIOUSLY ON 10/20/09 AT 2:30 PM IN VANCEBURG, KY

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

**DATE: Wednesday, December 16, 2009**

01:00 PM PJ: HARRIS, HON. WILLIAM R. LAMBERT, HON. JAMES H. VANMETER, HON. LAURANCE B.

2008CA000620 JOHN WESLEY BRETT v MEDIA GENERAL OPERATIONS, INC.

2008CA001619

Appeal from a summary judgment in favor of employer in a wrongful termination etc. case where employee argues there are issues of material fact. Appeal is also taken from an order approving appellee's bill of costs.

CIVIL FAYETTE COUNTY HON SHEILA R. ISAAC

Appellant Atty:

MORRIS, JAMES  
MORRIS, SHARON

Appellant Name:

BRETT, JOHN

Appellee Atty:

SEARS, SUSAN  
WRIGHT, CATHERINE

Appellee Name:

MEDIA GENERAL OPERATIONS, INC.

\*\* NOTE:

02:30 PM PJ: LAMBERT, HON. JAMES H. TAYLOR, HON. JEFF S. HARRIS, HON. WILLIAM R.

2008CA000653 JANE KINCAID v JOHNSON, TRUE & GUARNIERI, LLP

2008CA000668

Motion to dismiss one or both appeals pending; appeal involves contested attorney fees from the management of various trusts.

CIVIL FAYETTE COUNTY HON GARY D PAYNE

Appellant Atty:

CONE, CARL  
HUGHES, ELIZABETH

Appellant Name:

CENTRAL BANK & TRUST CO.

STINETORF, J

K., C.

DECAMP, PATTERSON  
TALBOTT, JOHN III

KINCAID, BRETT

HUNTER, BARRY  
PARK, JAMES JR  
SULLIVAN, PAUL

KINCAID, JANE

Appellee Atty:

TRUE, J.

Appellee Name:

JOHNSON, TRUE & GUARNIERI, LLP

\*\* NOTE:

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

**DATE: Wednesday, December 16, 2009**

**10:00 AM PJ: TAYLOR, HON. JEFF S. COMBS, HON. SARA W. HENRY, HON. MICHAEL L.**

**2008CA001695 CHRISTINA M. FREITAG v BLACK DIAMOND TERMITE & PEST CONTROL**

**2008CA001770**

2008-CA-001695 – Whether circuit court properly rendered summary judgment dismissing breach of contract action. 2008-CA-001770 – Whether appellant’s direct appeal was timely filed.

**CIVIL JEFFERSON COUNTY HON CHARLES L. CUNNINGHAM**

Appellant Atty:

**ROGERS, WALLACE**

Appellant Name:

**ROGERS, WALLACE**

Appellee Atty:

**DRAUT, A  
HAMMOND, MARK**

Appellee Name:

**BLACK DIAMOND TERMITE & PEST CONTROL**

**\*\* NOTE:**

**10:45 AM PJ: TAYLOR, HON. JEFF S. COMBS, HON. SARA W. HENRY, HON. MICHAEL L.**

**2008CA001897 HARVEST HOMEBUILDERS LLC v COMMONWEALTH BANK AND TRUST COMPANY**

Whether circuit court properly rendered judgment for deficiency in foreclosure action.

**CIVIL OLDHAM COUNTY HON KAREN A. CONRAD**

Appellant Atty:

**SALYER, ROBERT**

Appellant Name:

**HARVEST HOMEBUILDERS LLC**

Appellee Atty:

**KELLERMAN, DAVID**

Appellee Name:

**COMMONWEALTH BANK AND TRUST  
COMPANY**

**\*\* NOTE:**

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

**DATE: Wednesday, December 16, 2009**

11:30 AM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

HENRY, HON. MICHAEL L.

2009CA000172 JUAN L. HUNT v COMMONWEALTH OF KENTUCKY

Whether KRS 532.055 is unconstitutional.

CRIMINAL

JEFFERSON COUNTY

HON DONALD J ECKERLE

Appellant Atty:

Appellant Name:

NIEHAUS, J

HUNT, JUAN

Appellee Atty:

Appellee Name:

MORROW, BRYAN

COMMONWEALTH OF KENTUCKY

\*\* NOTE: