

**UPDATED: 12/7/2011**

# **DECEMBER 2011 ORAL ARGUMENT CALENDAR**

Report Updated On: 12/7/2011

12/07/2011

**DECEMBER, 2011**

**December 2, 2011**

**2:00 P.M. COURT MEETING**  
**BOWLING GREEN, KY (CENTRAL TIME)**

**December 7, 2011**

**1:30 P.M. MOTION PANEL, JUDGE JAMES LAMBERT,  
PRESIDING JUDGE, CHIEF JUDGE TAYLOR AND  
JUDGE NICKELL, ASSOC.**

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

**BOWLING GREEN – Contact Connie DeVries – (270) 746-7411**

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

**WHITESBURG – Contact Saronda Wright – (606) 633-2259**

**LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY**

**DATE: Thursday, December 1, 2011**

01:45 PM PJ: MOORE, HON. JOY A.

STUMBO, HON. JANET L.

WINE, HON. THOMAS B.

2010CA001511

JASON H. CROSS v LELAND E. COX

Civil Appeal: Appeal of summary judgment in tort action where immunity of sheriff and deputy is at issue; also at issue is whether the trial court erred in denying motion to amend the complaint.

CIVIL

BARREN COUNTY

HON THOMAS O CASTLEN

Appellant Atty:

Appellant Name:

DUERR, KEITH  
HUDDLESTON, LEE

CROSS, JASON

Appellee Atty:

Appellee Name:

LOVELL, MARC

COX, LELAND

\*\* NOTE:ORIGINALLY AT 1:00 PM

02:30 PM PJ: STUMBO, HON. JANET L.

MOORE, HON. JOY A.

WINE, HON. THOMAS B.

2010CA001274

ARNOLD DAVIS SPRAGUE v COMMONWEALTH OF KENTUCKY

MOR appeal from conviction of sexual abuse in the first degree by one holding and coming into contact with the minor due to a position of authority or special trust. KRS 510.110(d). Issues involve propriety of instructions and court's refusal to further discuss instructions when jury questioned definitions in instructions.

CRIMINAL

UNION COUNTY

HON C. RENE' WILLIAMS

Appellant Atty:

Appellant Name:

BEATTIE, BRET  
OUSLEY, ROBERT

SPRAGUE, ARNOLD

Appellee Atty:

Appellee Name:

LENZ, SUSAN

COMMONWEALTH OF KENTUCKY

\*\* NOTE:

**LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY**

**DATE: Thursday, December 1, 2011**

03:15 PM PJ: WINE, HON. THOMAS B.

MOORE, HON. JOY A.

STUMBO, HON. JANET L.

2010CA001140

**WEST KENTUCKY RURAL ELECTRIC COOPERATIVE CORPORATION v CITY OF BARDWELL, KENTUCKY**

WKRECC appeals a s.j. resolving a utility service dispute in favor of Bardwell City Utility: Does PSC's certification of the territory to RECC control over area served by city-owned utility; Is the county a current consumer of city utility because it pays the bills for all county-owned properties within annexed area; should separate non-contiguous tracts be considered as one for purposes of determining whether city utility served the properties at time of annexation.

CIVIL

CARLISLE COUNTY

HON TIMOTHY A. LANGFORD

Appellant Atty:

Appellant Name:

DENTON, GLENN

WEST KENTUCKY RURAL ELECTRIC  
COOPERATIVE CORPORATION

YATES, MELISSA

Appellee Atty:

Appellee Name:

SMITH, KERRY

CITY OF BARDWELL, KENTUCKY

\*\* NOTE:40 MINUTE ORAL

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

**DATE: Monday, December 12, 2011**

**10:00 AM PJ: ACREE, HON. GLENN E. CAPERTON, HON. MICHAEL O. VANMETER, HON. LAURANCE B.**  
**2010CA002330 GGNSC STANFORD, LLC v ROBERT ROWE**

Civil; Arbitration/

Guardianship: Whether the circuit court erred in denying appellant's motion to dismiss in favor of arbitration on the ground that the decedent's putative guardian lacked authority to enter into the arbitration agreement on the decedent's behalf.

<b>CIVIL</b>	<b>LINCOLN COUNTY</b>	<b>HON DAVID A. TAPP</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>PEARSON, MARCIA</b>		<b>GGNSC STANFORD, LLC</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>CIRCEO, LISA</b> <b>SALYER, ROBERT</b>		<b>ROWE, RICHARD</b>
.....		

**\*\* NOTE:PREVIOUSLY ON 12/13/11**

**10:45 AM PJ: VANMETER, HON. LAURANCE B. ACREE, HON. GLENN E. CAPERTON, HON. MICHAEL O.**  
**2011CA000210 LEONARD LAWSON v OFFICE OF THE ATTORNEY GENERAL**

Open records: whether 1983 proffer of evidence in the AG's Office was subject to disclosure.

<b>CIVIL</b>	<b>FRANKLIN COUNTY</b>	<b>HON THOMAS D. WINGATE</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>TRUE, J.</b>		<b>LAWSON, LEONARD</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>PANG, NICOLE</b> <b>FLEISCHAKER, JON</b> <b>ROGERS, JEREMY</b>		<b>OFFICE OF THE ATTORNEY GENERAL</b> <b>THE COURIER-JOURNAL, INC.</b>
.....		

**\*\* NOTE:PREVIOUSLY ON 12/13/11**

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

**DATE: Monday, December 12, 2011**

**11:30 AM PJ: CAPERTON, HON. MICHAEL O. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.**

**2010CA001733 COMMONWEALTH OF KENTUCKY, v THE BOARD OF EDUCATION**

**2010CA001736**

Commonwealth appeals judgment ruling that Commonwealth may not enforce Billboard Act against one of its own political subdivisions, and that a commercial lease constitutes a "government function" by a local school district. Cross-Appeal by School District.

**CIVIL CAMPBELL COUNTY HON JULIE REINHARDT WARD**

Appellant Atty:

**DETERS, RICHARD**

Appellant Name:

**COMMONWEALTH OF KENTUCKY,**

Appellee Atty:

**BUTLER, TIMOTHY**

**WHITTY, PAUL**

Appellee Name:

**KENTUCKY CHAPTER OF THE AMERICAN  
PLANNING ASSOCIATION**

**TALIAFERRO, PHILIP III**

**WINTER, ROBERT JR**

**WOLNITZEK, STEPHEN**

**THE BOARD OF EDUCATION**

**\*\* NOTE:40 MINUTE ORAL - PREVIOUSLY ON 12/13/11**

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

**DATE: Monday, December 12, 2011**

**01:30 PM PJ: CAPERTON, HON. MICHAEL O.**

**ACREE, HON. GLENN E.**

**LAMBERT, HON. JOSEPH E.**

**2009CA002343**

**THOMAS NORTON v KENTUCKY HERITAGE COUNCIL**

**2009CA002394**

Appeal concerning Appellant's attempts to protect property located in Fayette and Clark counties from Appellees efforts to have them listed on National Register of Historic Places.

**CIVIL**

**FAYETTE COUNTY**

**HON JAMES D ISHMAEL**

Appellant Atty:

Appellant Name:

**REDFORD, CARROLL III**

**NORTON, THOMAS**

Appellee Atty:

Appellee Name:

**CALDWELL, BRENT**

**CLARK COUNTY FISCAL COURT**

**GRADDY, W. IV**

**CLARK COUNTY HERITAGE COUNCIL**

**BOWELL, BETH**

**CLARK COUNTY-WINCHESTER HERITAGE  
COMMISSION**

**MACK, ERICA**

**THOMAS, BRIAN**

**GUIER, PEGGY**

**TAYLOR, MELANY**

**KENTUCKY HERITAGE COUNCIL**

**TODD, DONALD**

**SIPPLE, CLAIRE**

**\*\* NOTE:40 MINUTE ORAL - PREVIOUSLY ON 12/13/11**

**LOCATION: LETCHER COUNTY COURTHOUSE, 156 MAIN STREET, SUITE 205,  
WHITESBURG, KENTUCKY**

**DATE: Thursday, December 15, 2011**

10:30 AM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2010CA000898 JUNE ISON v RICKY ROBINSON

2010CA000945

2010CA001490

2010CA001619

2010-CA-000898; 2010-CA-000945; 2010-CA-001490; and 2010-CA-001619-Whether arbitration award was properly granted and confirmed by circuit court per KRS 417.160.

CIVIL PERRY COUNTY

HON JOHN DAVID CAUDILL

Appellant Atty:

Appellant Name:

ALLEN, CHARLES

ISON, JUNE

DUFF, DONALD

Appellee Atty:

Appellee Name:

BOWLING, MICHAEL

ROBINSON, RICKY

LYCAN, D

\*\* NOTE:

11:15 AM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2010CA002189 JOHN SCOTT LEE v CALVIN TIPTON

Whether circuit court properly located boundaries of disputed real property; whether appellants adversely possessed disputed real property; whether circuit court's award of damages was proper.

CIVIL ESTILL COUNTY

HON THOMAS P. JONES

Appellant Atty:

Appellant Name:

DAVIS, RODNEY

LEE, JOHN

Appellee Atty:

Appellee Name:

BOWMAN, LESLIE

TIPTON, CALVIN

\*\* NOTE:



**LOCATION: LETCHER COUNTY COURTHOUSE, 156 MAIN STREET, SUITE 205,  
WHITESBURG, KENTUCKY**

**DATE: Thursday, December 15, 2011**

01:15 PM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2010CA001887

ANGELA CORNETTE v COMMONWEALTH OF KENTUCKY

Whether circuit court erroneously admitted certain evidence; whether appellant's double jeopardy right was violated; whether jury instructions were erroneous; whether appellant was entitled to directed verdict of acquittal.

CRIMINAL

MARTIN COUNTY

HON JOHN DAVID PRESTON

Appellant Atty:

POTTER, SAMUEL

SCHMIDT, KATHLEEN

Appellant Name:

CORNETTE, ANGELA

Appellee Atty:

LAWSON, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

\*\* NOTE: