

UPDATED: 11/27/2018

DECEMBER 2018

ORAL ARGUMENT

CALENDAR

UPDATED: 11/27/2018

DECEMBER 2018

December 11, 2018

**1:00 PM (ET) - MOTION PANEL: (FRANKFORT TIME)
JUDGE GENE SMALLWOOD, PRESIDING JUDGE,
JUDGE JOY KRAMER AND JUDGE JEFF TAYLOR,
ASSOCIATES.**

****Judge Joy Kramer is substituting on Motion Panel
in place of Judge Sara Combs.

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

FRANKFORT – Contact Patricia Brauer– (502) 573-7920

LOUISVILLE – Contact Jacquelyn Sosa – (502) 595-3430

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

DATE: Wednesday, December 5, 2018

09:30 AM PJ: SMALLWOOD, HON. GENE

COMBS, HON. SARA W.

LAMBERT, HON. DEBRA HEMBREE

2017CA001458

KENTUCKY HORSE RACING COMMISSION v H. GRAHAM MOTION

Appeal reversing penalties imposed by Horse Racing Commission on thoroughbred owners and trainer for a horse which won a race while allegedly carrying a prohibited level of regulated drug.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

BRAUN, MONICA
CHAPMAN, SHAWN
DUNN, BARRY
FORGY, JOHN
IACCARINO, CARMINE
LOY, STEVEN
WATT, ROBERT III

KENTUCKY HORSE RACING COMMISSION

Appellee Atty:

Appellee Name:

ROBERTSON, WILLIAM III

STURGEON, A III
SUMNER, GRIFFIN
TURNER, JOEL

MOTION, H.

STRAWBRIDGE, GEORGE

** NOTE:**PREVIOUSLY ON DEC. 5, 2018 AT 12:30 PM. SAME LOCATION.

10:15 AM PJ: SMALLWOOD, HON. GENE

COMBS, HON. SARA W.

LAMBERT, HON. DEBRA HEMBREE

2017CA002025

STEPHEN H. MEADE v JOHN DVORACK

Appeal of summary judgment dismissing a claim for medical negligence because the plaintiff did not have an expert after the court struck plaintiff's expert from providing testimony.

CIVIL

FAYETTE COUNTY

HON THOMAS L. TRAVIS

Appellant Atty:

Appellant Name:

THOMAS, BRIAN

MEADE, STEPHEN

Appellee Atty:

Appellee Name:

EDWARDS, NICHOLAS
ROBINSON, CLAYTON

DVORACK, JOHN

** NOTE:**PREVIOUSLY ON DEC. 5, 2018 AT 1:15 PM. SAME LOCATION.

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

DATE: Wednesday, December 5, 2018

11:00 AM PJ: SMALLWOOD, HON. GENE COMBS, HON. SARA W. LAMBERT, HON. DEBRA HEMBREE
2018CA000252 JORDAN A. WISE v COMMONWEALTH OF KENTUCKY

Appeal from jury trial where, during the penalty phase both parties misinformed the jury concerning parole eligibility and the trial court, in an effort to correct the error, reduced the sentence to the minimal sentence for robbery in the first degree.

CRIMINAL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

**SIMON, LARRY
SULLIVAN, MAUREEN**

Appellant Name:

WISE, JORDAN

Appellee Atty:

CLEVELAND, LARRY

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**PREVIOUSLY ON DEC. 5, 2018 AT 2:00 PM. SAME LOCATION.**

LOCATION: LETCHER COUNTY COURTHOUSE, CIRCUIT COURTROOM, 156 MAIN STREET, STE. 205, WHITESBURG, KENTUCKY

DATE: Wednesday, December 12, 2018

11:00 AM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

SMALLWOOD, HON. GENE

2017CA001889 GLENN GIBSON v EXCEL MINING, LLC.

Whether a jury verdict in favor of appellees in a nuisance action should be reversed due to bailiffs preventing jury from accessing residence.

CIVIL PIKE COUNTY HON EDDY COLEMAN

Appellant Atty:

SHEARER, SUZY
STRATTON, DANIEL

Appellant Name:

GIBSON, GLENN

Appellee Atty:

SHELTON, BILLY

Appellee Name:

EXCEL MINING, LLC.

** NOTE:

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

DATE: Tuesday, December 18, 2018

10:00 AM PJ: ACREE, HON. GLENN E. CLAYTON, HON. DENISE G. TAYLOR, HON. JEFF S.

2016CA001586 ARETE VENTURES, INC. v UNIVERSITY OF KENTUCKY

**2016CA001592
2016CA001628**

Civil; Construction law: Whether beneficiary of construction bond is barred from recovery on bond based on beneficiary's failure to timely remediate observable defect; Whether construction remediation costs were properly included in damages award against contractor; whether beneficiary may recover attorney fees.

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

**HURT, WILLIAM JR
WINGFIELD, LUKE**

Appellant Name:

ARETE VENTURES, INC.

Appellee Atty:

**DIEFFENBACH, RICHARD
STIDHAM, LYNN
THRO, WILLIAM**

Appellee Name:

UNIVERSITY OF KENTUCKY

**** NOTE:*PREVIOUSLY AT 1:30 PM, SAME DATE AND LOCATION.**

10:45 AM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. CLAYTON, HON. DENISE G.

2017CA001539 LEECOLE MITCHELL v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's motion to suppress evidence (firearms) found after traffic stop.

CRIMINAL FAYETTE COUNTY HON KIMBERLY N BUNNELL

Appellant Atty:

**SCHMIDT, KATHLEEN
YANG, ERIN**

Appellant Name:

MITCHELL, LEECOLE

Appellee Atty:

JUDGE, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Tuesday, December 18, 2018

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

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2017CA001324

BRENDA ALEXANDER v TRUSTGARD INSURANCE COMPANY

Whether circuit court properly rendered summary judgment dismissing appellant's claim under the Kentucky Unfair Claims Settlement Practices Act.

CIVIL

LAUREL COUNTY

HON GREGORY A. LAY

Appellant Atty:

Appellant Name:

SALYER, KYLE

ALEXANDER, BRENDA

Appellee Atty:

Appellee Name:

**RICHARDSON, MELISSA
WADLINGTON, CHAD**

TRUSTGARD INSURANCE COMPANY

**** NOTE:**