

UPDATED: 01/18/2013

JANUARY 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 01/18/2013

01/18/2013

JANUARY, 2013

COURT MEETING WILL NOT BE HELD

January 16, 2013

**11:00 A.M., (FRANKFORT TIME) MOTION PANEL,
JUDGE COMBS, PRESIDING, JUDGE NICKELL AND
JUDGE TAYLOR, 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

OWENSBORO – Contact Professor Bill Conroy (270) 852-3235

**LOCATION: CARLISLE COUNTY COURTHOUSE, 965 U.S. HIGHWAY 62,
BARDWELL, KENTUCKY**

DATE: Thursday, January 10, 2013

10:00 AM PJ: MAZE, HON. IRV

DIXON, HON. DONNA L.

NICKELL, HON. C. SHEA

2011CA001783

**PHILLIP TRACY CLAXON v BOARD OF EDUCATION OF GREENUP COUNTY,
KENTUCKY**

Appeal from circuit court order affirming School Board's demotion of school administrator. Sufficiency of notice; Substantial evidence.

CIVIL

GREENUP COUNTY

HON REBECCA K. PHILLIPS

Appellant Atty:

Appellant Name:

BROOKS, ARTHUR
MCCOMB, JOELLEN

CLAXON, PHILLIP

.....
Appellee Atty:

Appellee Name:

LYON, JAMES JR

BOARD OF EDUCATION OF GREENUP
COUNTY, KENTUCKY

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

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

DATE: Tuesday, January 15, 2013

01:00 PM PJ: COMBS, HON. SARA W.

CLAYTON, HON. DENISE G.

NICKELL, HON. C. SHEA

2012CA000655

FONDA MORGAN v DANIEL GETTER

Case involving modification of custody. Case seeks to clarify role of Guardian ad litem in case involving change of custody as a unique focus of perspective in case of first impression.

CAMPBELL COUNTY

HON RICHARD A. WOESTE

Appellant Atty:

Appellant Name:

MILLAY, CYNTHIA

MORGAN, FONDA

Appellee Atty:

Appellee Name:

CRABTREE, JOSHUA
KONKOLY-THEGE, RICHARD

A., G.

EDMONDS, BLAINE III

GETTER, DANIEL

**** NOTE:**

01:45 PM PJ: COMBS, HON. SARA W.

CLAYTON, HON. DENISE G.

NICKELL, HON. C. SHEA

2011CA002263

MARY EVANS v DR BARRETT B. BRADLEY

2012CA000017

Medical malpractice action in which injury at birth resulted in cerebral palsy. Several evidentiary rulings are alleged to constitute reversible error.

CIVIL

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

BENTLEY, AARON
HIESTAND, SHEILA
O'BRIEN, STEPHEN III

EVANS, MARY

Appellee Atty:

Appellee Name:

CASE, BRADLEY
MATTINGLY, STEPHEN
ZAHN, EMILY

BRADLEY, BARRETT

**** NOTE:**

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

DATE: Tuesday, January 15, 2013

02:30 PM PJ: CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2011CA002191

THOMAS R. YOCUM v THE LEGISLATIVE BODY OF THE CITY OF FORT THOMAS

Appeal of trial court's denial of zoning appeal and the finding of constitutionality of KRS 100.212 and the City of Fort Thomas zoning ordinance.

CIVIL

CAMPBELL COUNTY

HON JULIE REINHARDT WARD

Appellant Atty:

Appellant Name:

NEUROTH, JULIE

YOCUM, THOMAS

Appellee Atty:

Appellee Name:

BREIDENSTEIN, THOMAS

DOEPKER, JAMES

MANDO, JEFFREY

THE LEGISLATIVE BODY OF THE CITY OF
FORT THOMAS

** NOTE:

03:15 PM PJ: CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2012CA000227

BONNIE PRYOR v COLONY INSURANCE

Appellant appeals the decision of the trial court that the insurance policy excludes coverage for person acting as an independent contractor.

CIVIL

PENDLETON COUNTY

HON JAY DELANEY

Appellant Atty:

Appellant Name:

NAGELEISEN, DONALD

PRYOR, BONNIE

Appellee Atty:

Appellee Name:

STEWART, WILLIAM

COLONY INSURANCE

SWEENEY, THOMAS

** NOTE:

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

DATE: Wednesday, January 16, 2013

01:00 PM PJ: STUMBO, HON. JANET L. MOORE, HON. JOY A. THOMPSON, HON. KELLY
2012CA000248 J. MICHAEL BUTLER v CHASE HOME FINANCE, LLC

Appeal from order of default judgment and public sale of property in foreclosure action. Issue presented is whether alleged fraud to induce Appellants not to file answer is sufficient ground to set aside default judgment.

CIVIL	JEFFERSON COUNTY	HON IRV MAZE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HELERINGER, ROBERT		BUTLER, J.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
CRAIG, JAMES		CHASE HOME FINANCE, LLC
LEACH, LORI		
.....		
SCHARDEIN, JOHN		LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
.....		

**** NOTE:**

1:45 PM PJ: MAZE, HON. IRV STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2012CA000507 KENNETH CAMPBELL v COMMONWEALTH OF KENTUCKY

Campbell appeals from denial of his 11.42 motion following an evidentiary hearing. He claims trial counsel was ineffective due to her failure to present any evidence in his defense. Campbell also argues that the trial court incorrectly held that his assertion that the underlying search by police was an illegal one cannot be the basis of 11.42 relief.

BRECKINRIDGE COUNTY	HON BRUCE T. BUTLER, JUDGE
<u>Appellant Atty:</u>	<u>Appellant Name:</u>
COHEN, RACHEL	CAMPBELL, KENNETH
STAPLES, AMY	
.....	
<u>Appellee Atty:</u>	<u>Appellee Name:</u>
CONWAY, JACK	COMMONWEALTH OF KENTUCKY
FRYMAN, HEATHER	
.....	

**** NOTE:PREVIOUSLY ON JANUARY 17, 2013 AT 10:45 AM**

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

DATE: Wednesday, January 16, 2013

02:30 PM PJ: THOMPSON, HON. KELLY

MAZE, HON. IRV

STUMBO, HON. JANET L.

2010CA002093 ROBERT K. HUGHES v J. FOX DEMOISEY

2010CA002165

2010CA002166

Appeal from order dismissing based on statute of limitations. Appellants argue that the trial court incorrectly applied professional malpractice limitations prior to the time when appellee represented appellants. Cross-appeal of trial court's summary judgment on the attorney's claims of unjust enrichment, fraud and other claims.

CIVIL

JEFFERSON COUNTY

HON CHARLES L. CUNNINGHAM

Appellant Atty:

OSTERMILLER, PETER

Appellant Name:

HUGHES, ROBERT

Appellee Atty:

CLAY, THOMAS
DEMOISEY, J

Appellee Name:

DEMOISEY, J.

** NOTE:

**LOCATION: KY WESLEYAN COLLEGE, ROGERS HALL, WINCHESTER
COMMUNITY CENTER, 3000 FREDERICA STREET, OWENSBORO, KY**

DATE: Wednesday, January 30, 2013

09:30 AM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.

2010CA001974 KENNETH THROGMORTON v COMMONWEALTH OF KENTUCKY

2010CA002210

2010-CA-001974 and 2010-CA-002210 – whether trial court erred by violating KRS 532.110 when it imposed 32 years imprisonment on multiple class D felonies.

CRIMINAL BALLARD COUNTY HON TIMOTHY A. LANGFORD

Appellant Atty:

HORSMAN, LINDA
SCHMIDT, KATHLEEN

Appellant Name:

THROGMORTON, KENNETH

Appellee Atty:

LENZ, SUSAN

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

11:00 AM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.

2012CA000228 TRUE GOSPEL CHURCH OF GOD IN CHRIST v CHURCH OF GOD IN CHRIST

Whether circuit court erred by determining that appellant's action was barred by res judicata.

CIVIL CHRISTIAN COUNTY HON JOHN L. ATKINS

Appellant Atty:

HUMPHRIES, KENNETH

Appellant Name:

TRUE GOSPEL CHURCH OF GOD IN CHRIST

Appellee Atty:

HAYGOOD, DWIGHT JR
LEET, BYRON
MACLEAN, ANNE

Appellee Name:

CHURCH OF GOD IN CHRIST

**** NOTE:**

**LOCATION: KY WESLEYAN COLLEGE, ROGERS HALL, WINCHESTER
COMMUNITY CENTER, 3000 FREDERICA STREET, OWENSBORO, KY**

DATE: Wednesday, January 30, 2013

01:15 PM PJ: VANMETER, HON. LAURANCE B.

ACREE, HON. GLENN E.

TAYLOR, HON. JEFF S.

2011CA001976

JEFFREY JERRELL v MCCRACKEN COUNTY FISCAL COURT

County Government: authority of fiscal court to enact ordinance governing financial operation of county clerk's office.

CIVIL MCCRACKEN COUNTY HON THOMAS O CASTLEN

Appellant Atty:

**SCHULTZ, JENNIFER
WICKER, J**

Appellant Name:

JERRELL, JEFFREY

Appellee Atty:

JOHNSON, RICK

Appellee Name:

**KENTUCKY COUNTY CLERKS ASSOCIATION,
INC.**

**BLANKENSHIP, STACEY
MATHENY, JACKIE JR**

MCCRACKEN COUNTY FISCAL COURT

**** NOTE:PREVIOUSLY AT 10:15 AM AND 1:15 PM**