

UPDATED 07/06/06

JULY 2006

ORAL ARGUMENT

CALENDAR

07/06/2006

JULY 2006

July 10, 2006

THERE WILL NOT BE A COURT MEETING HELD THIS MONTH.

**1:00 PM, MOTION PANEL, JUDGE GUIDUGLI, PRES.,
SR. JUDGE KNOPF AND SR. JUDGE HUDDLESTON, ASSOC.**

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

FRANKFORT - Contact Mary Zagale, 502-573-7920

BOWLING GREEN - Jim Gildersleeve, 270-746-7411

LOUISVILLE - Contact Debbie McCulloch, 502-595-3430

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

DATE: Tuesday, July 11, 2006

9:30 AM

PJ: HUDDLESTON

JOHNSON

TAYLOR

2005CA001546

COLLEEN BLOSE VS HUMANA, INC.

EMPLOYMENT DISCRIMINATION/OUTRAGEOUS CONDUCT; VALIDITY OF RELEASE; SUMMARY JUDGMENT GRANTED PRIOR TO COMPLETION OF DISCOVERY.

CIVIL

JEFFERSON COUNTY

MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
WALTON, CALLIE E

.....
COLLEEN BLOSE

Appellee Atty:

Appellee Name:

.....
EVANS, BENJAMIN JAMES

.....
HUMANA, INC.

SIEGENTHALER, CRAIG P.

HUMANA, INC.

10:15 AM

PJ: TAYLOR

HUDDLESTON

JOHNSON

2003CA001468

JOHN HUBBARD ET AL. VS TALBOTT TAVERN, INC.

2003CA001543;
2004CA002184

2003CA001468 AND 2004CA002184 - WHETHER IMPOSSIBILITY OF PERFORMANCE EXCUSED BREACH OF CONTRACT; WHETHER AWARD OF DAMAGES WERE PROPER; WHETHER APPELLANTS ARE SUCCESSORS IN INTEREST; WHETHER KRS 275.080 IS APPLICABLE. 2003CA001543 - WHETHER CIRCUIT COURT AWARD OF DAMAGES WERE PROPER.

CIVIL

NELSON COUNTY

LARRY D. RAIKES

Appellant Atty:

Appellant Name:

.....
HEAVRIN, DONALD M

.....
JEFFREY BRETT DAVIDSON

JOHN DOUGLAS HUBBARD

LYSTRA REVISITED, L.L.C.

HODGE, CHRIS C W

JOHN DOUGLAS HUBBARD

Appellee Atty:

Appellee Name:

.....
HITE, MATTHEW

.....
TALBOTT TAVERN, INC.

POTTINGER, JOHN ALLARD

TALBOTT TAVERN, INC.

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

DATE: Tuesday, July 11, 2006

11:00 AM PJ: TAYLOR HUDDLESTON JOHNSON

2004CA002197 LISA MASSEY VS MICHAEL MASSEY

WHETHER CIRCUIT COURT'S AWARD OF MAINTENANCE WAS PROPER.

FAMILY COURT JEFFERSON COUNTY STEPHEN M. GEORGE

Appellant Atty:

Appellant Name:

.....
CARTER, JOHN K

.....
LISA DIANE MASSEY

Appellee Atty:

Appellee Name:

.....
BROPHY, KATIE MARIE

.....
MICHAEL JOHN MASSEY

1:30 PM PJ: JOHNSON HUDDLESTON TAYLOR

2004CA000313 SHERI GIBSON VS DOUGLAS GIBSON

2004CA001924

APPELLANT/MOTHER CLAIMS THE TRIAL COURT ERRED BECAUSE IT LACKED JURISDICTION TO MODIFY A VISITATION ORDER AND A CHILD SUPPORT ORDER, IT REFUSED TO AWARD INTEREST ON PAST DUE CHILD SUPPORT, IT ABUSED ITS DISCRETION IN SETTING THE APPELLEE/FATHER'S INCOME AND IN REDUCING THE MEDICAL REIMBURSEMENT.

CIVIL OLDHAM COUNTY DENNIS A FRITZ

Appellant Atty:

Appellant Name:

.....
STONE, THOMAS K.

.....
SHERI HOSKINS GIBSON

Appellee Atty:

Appellee Name:

.....
HORNAL, JAMES BLAKE

.....
DOUGLAS A. GIBSON

SCHUETTE, BRIAN LEE

DOUGLAS A. GIBSON

2:15 PM PJ: JOHNSON HUDDLESTON TAYLOR

2005CA001290 CYRUS TALAI VS JAMES TENNILL

WHETHER THE TRIAL COURT ERRED BY OVERRULING THE MOTION TO SET ASIDE A DEFAULT JUDGMENT, IN PERMITTING INTRODUCTION OF EVIDENCE OF UNLIQUIDATED DAMAGES, BY AWARING ITS JUDGMENT ON DAMAGES, BY REFUSING TO DISMISS THE CLAIM, AND BY REFUSING TO REDUCE THE AWARD BASED ON PIP BENEFITS RECOVERED.

CIVIL JEFFERSON COUNTY STEPHEN K MERSHON

Appellant Atty:

Appellant Name:

.....
CAWOOD III, JAMES M.

.....
CYRUS M TALAI

Appellee Atty:

Appellee Name:

.....
SITLINGER, LEE E.

.....
JAMES B TENNILL Sr

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

DATE: Tuesday, July 11, 2006

10:30 AM PJ: BUCKINGHAM COMBS GUIDUGLI
2004CA001545 ESTATE OF ANN C. GAINES ET AL. VS NATIONAL CITY BANK OF KENTUCKY ET AL.
2004CA001610; ESTATE TAXES.
2005CA000318

CIVIL WARREN COUNTY PHIL PATTON

Appellant Atty:

Appellant Name:

.....
BRODERICK, DAVID F.

.....
ESTATE OF ANN C. GAINES
FRANK HAMPTON MOORE JR
HERBERT J SMITH
THOMAS J SMITH III

DAVENPORT, CHRISTOPHER T

ESTATE OF ANN C. GAINES
FRANK HAMPTON MOORE JR
HERBERT J SMITH
THOMAS J SMITH III

Appellee Atty:

Appellee Name:

.....
DUDLEY, BRUCE K

.....
NATIONAL CITY BANK OF KENTUCKY
HILLARY BRATCHER WATKINS

HARNED, NORMAN E

JANICE G BRATCHER
JOSEPH RAY GAINES JR
MATTHEW BRATCHER
SHANNON LEANNE BRATCHER
THE UNBORN AND MINOR ISSUE OF JOSEPH RAY GAINES, JR.

HARVEY, WALTER GREGORY

HILLARY BRATCHER WATKINS
JANICE G BRATCHER
JOSEPH RAY GAINES JR
MATTHEW BRATCHER

KING, W GREGORY

SHANNON LEANNE BRATCHER
THE UNBORN AND MINOR ISSUE OF JOSEPH RAY GAINES, JR.

LAWLESS, PAUL T

NATIONAL CITY BANK OF KENTUCKY
HILLARY BRATCHER WATKINS
JANICE G BRATCHER
JOSEPH RAY GAINES JR
MATTHEW BRATCHER
SHANNON LEANNE BRATCHER

QUITTER, KATHERINE ANNE

THE UNBORN AND MINOR ISSUE OF JOSEPH RAY GAINES, JR.
THE UNBORN AND MINOR ISSUE OF JOSEPH RAY GAINES, JR.

**NOTE: 45 MINUTE ORAL

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

DATE: Wednesday, July 12, 2006

9:30 AM PJ: COMBS BARBER POTTER

2005CA001696 PAMELA DONES VS SUPER SERVICE, INC.

SUMMARY JUDGMENT EXONERATING A TRUCKING COMPANY OF LIABILITY FOR INJURY TO A PASSENGER IN A COMPANY TRACTOR BEING DRIVEN BY A COMPANY EMPLOYEE WHOSE NEGLIGENCE ALLEGEDLY CAUSED THE INJURY.

CIVIL MADISON COUNTY WILLIAM T JENNINGS

Appellant Atty:

Appellant Name:

.....
RANDELL, W. KEITH
WIER, ROBERT E.

.....
PAMELA DONES
PAMELA DONES

Appellee Atty:

Appellee Name:

.....
CONLEY, SHEA WILLIAM
MILLER II, DONALD L.

.....
SUPER SERVICE, INC.
SUPER SERVICE, INC.

10:15 AM PJ: COMBS BARBER POTTER

2005CA000166 SHERMAN HATTER VS KENTUCKY TRUST COMPANY, AS CONSERVATOR
OF MINNIE MAYNE,

2005CA000660 TWO CASES TO BE HEARD WITH ONE ANOTHER INVOLVING THE VALIDITY OF A DEED AND THE VIABILITY OF A DURABLE POWER OF ATTORNEY; LOWER COURT HELD THAT APPOINTMENT OF A CONSERVATOR OVERRIDES EXECUTION OF A POWER OF ATTORNEY.

CIVIL CASEY COUNTY JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....
LAVIT, THEODORE H.
STEWART, JOSEPH R

.....
SHERMAN HATTER
SHERMAN HATTER

Appellee Atty:

Appellee Name:

.....
MCCLELLAND, DENISE H

.....
KENTUCKY TRUST COMPANY, AS CONSERVATOR OF MINNIE MAYNE,

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

DATE: Wednesday, July 12, 2006

9:30 AM PJ: JOHNSON HUDDLESTON TAYLOR

2005CA000852 VIRGINIA KUPPER VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED BY DENYING A MOTION TO SUPPRESS EVIDENCE WHEN THE OFFICER'S INITIAL STOP OF A VEHICLE WAS BASED SOLELY ON INFORMATION FROM A TIPSTER.

CRIMINAL JEFFERSON COUNTY STEPHEN K MERSHON

Appellant Atty:

Appellant Name:

.....
JEWELL, FRANKLIN P

.....
VIRGINIA KUPPER

Appellee Atty:

Appellee Name:

.....
LOGAN, KRISTIN N.

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: JOHNSON HUDDLESTON TAYLOR

2005CA001731 WILLIAM THOMAS VS RAYMOND MILLER ET AL.

WHETHER TRIAL COURT ERRED BY GRANTING SUMMARY JUDGMENT ON A NEGLIGENCE CLAIM AGAINST THE OWNERS OF A VEHICLE WHICH WAS STOLEN AND INVOLVED IN AN ACCIDENT.

CIVIL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....
COX, GROVER S.

.....
WILLIAM THOMAS

Appellee Atty:

Appellee Name:

.....
DARNELL, MICHAEL J.

.....
JAMES MILLER

.....
RAYMOND MILLER

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

DATE: Wednesday, July 12, 2006

11:00 AM
2005CA001380

PJ: JOHNSON HUDDLESTON TAYLOR
PURE PLEASURE MEGACENTER OF LOUISVILLE, LLC ET AL. VS
LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT

WHETHER TRIAL COURT ERRED BY DETERMINING THAT BUSINESS CONSTITUTES AN ADULT ENTERTAINMENT USE AND THAT ORDINANCE WAS CONSTITUTIONAL.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
GOLD, PAUL S

.....
DON KLEINHANS

PURE PLEASURE MEGACENTER OF LOUISVILLE, LLC

MASCAGNI III, FRANK

DON KLEINHANS

PURE PLEASURE MEGACENTER OF LOUISVILLE, LLC

POTTS JR, GROVER C

INTERLOCK REALTY COMPANY, LLC

SIRKIN, H LOUIS

PURE PLEASURE MEGACENTER OF LOUISVILLE, LLC

Appellee Atty:

Appellee Name:

.....
KING, WINSTON E

.....
LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT

1:30 PM
2005CA002546

PJ: JOHNSON HUDDLESTON TAYLOR
ABBOTT LABORATORIES VS RICK SMITH ET AL.

WHETHER WCB ERRED BY AFFIRMING THE ALJ'S DETERMINATION THAT TRAVELING EMPLOYEE WAS WITHIN THE SCOPE OF HIS EMPLOYMENT WHEN HE WAS KILLED IN AN AUTOMOBILE ACCIDENT ON HIS WAY HOME AFTER HAVING DINNER AT A RESTAURANT WITH HIS WIFE.

WORKERS COMP WORKERS' COMP COUNTY JOHN A GARDNER

Appellant Atty:

Appellant Name:

.....
HARDING, WALTER E.

.....
ABBOTT LABORATORIES

Appellee Atty:

Appellee Name:

.....
BUDDEN JR, HARRY E

.....
BARRETT SMITH

RICK D SMITH

EMRICK, WILLIAM

WORKERS' COMPENSATION BOARD

PREWITT, HENRY C

BARRETT SMITH

RICK D SMITH

ROARK, GRANT S

GRANT S ROARK

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

DATE: Wednesday, July 12, 2006

2:15 PM

PJ: JOHNSON

HUDDLESTON

TAYLOR

2005CA000051

MICHAEL HARDIN VS COMMONWEALTH OF KENTUCKY

WHETHER THE CIRCUIT COURT ERRED BY AFFIRMING A DISTRICT COURT DUI CONVICTION BY DETERMINING THAT KUMHO TIRE DOES NOT APPLY TO FIELD SOBRIETY TESTS AND THE OFFICER'S TESTIMONY REGARDING INTOXICATION.

DR CRIMINAL

NELSON COUNTY

CHARLES C. SIMMS III

Appellant Atty:

Appellant Name:

SEAY, JOHN D.

MICHAEL HARDIN

Appellee Atty:

Appellee Name:

POTTINGER, JOHN ALLARD

COMMONWEALTH OF KENTUCKY

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY