

UPDATED 07/21/2008

JULY 2008

ORAL ARGUMENT

CALENDAR

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

DATE: Tuesday, July 08, 2008

1:00 PM PJ: STUMBO DIXON LAMBERT, (JAMES)
2007CA000570 THOMAS ENVIRONMENTAL CONTRACTING VS BOYD FISCAL COURT

Civil appeal; interpretation of Boyd County ordinance No. 149-98 dealing with the qualifications of those bidding for county construction contracts; at what point are such qualifications determined.

CIVIL BOYD COUNTY C DAVID HAGERMAN

Appellant Atty:

Appellant Name:

.....
LYON JR, JAMES W

.....
THOMAS ENVIRONMENTAL CONTRACTING

Appellee Atty:

Appellee Name:

.....
HEDRICK , CHARLES PHILLIP
LESLIE , PHILLIP B.

.....
BOYD FISCAL COURT
BOYD FISCAL COURT

3:30 PM PJ: BUCKINGHAM CAPERTON STUMBO
2007CA000832 MKJ VS BOURBON COUNTY BOARD OF EDUCATION

Directions on remand/42 U.S.C. 1983.

CIVIL BOURBON COUNTY ROBERT G. JOHNSON

Appellant Atty:

Appellant Name:

.....
DOVE , EDWARD E.

.....
MKJ

Appellee Atty:

Appellee Name:

.....
BURCHETT , SAM P.

.....
BOURBON COUNTY BOARD OF EDUCATION

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

DATE: Tuesday, July 08, 2008

9:30 AM PJ: COMBS KELLER HENRY
2007CA001128 COMMONWEALTH OF KENTUCKY VS CROMWELL LOUISVILLE ASSOCIATES ET AL.

Appeal is taken from administrative procedures concerning property valuations determined by the Jefferson County PVA.

CIVIL JEFFERSON COUNTY MITCHELL PERRY

Appellant Atty:

Appellant Name:

.....
OSTERHAGE , LAWRENCE E

.....
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
ACKERSON , JON W.
LUBER , THOMAS J

.....
KENTUCKY BOARD OF TAX APPEALS
CROMWELL LOUISVILLE ASSOCIATES

10:15 AM PJ: COMBS KELLER HENRY
2007CA001500 LUCY STEILBERG VS C2 FACILITY SOLUTIONS, LLC ET AL.

Appellant challenges entry of summary judgment in favor of appellee on the issue of whether appellant was an independent contractor not subject to the provisions of KRS Chapter 344.

CIVIL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....
COHEN , GLENN ALAN
EFFINGER , CYNTHIA L.

.....
LUCY CRAIG STEILBERG
LUCY CRAIG STEILBERG

Appellee Atty:

Appellee Name:

.....
CORNEILSON , BRIAN C

HANDMAKER , KENNETH S.

.....
C2 FACILITY SOLUTIONS, LLC
DALE A. CAIN
C2 FACILITY SOLUTIONS, LLC
DALE A. CAIN

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

DATE: Tuesday, July 08, 2008

11:00 AM PJ: HENRY COMBS KELLER
2007CA001146 KENNETH DUTSCHKE ET AL. VS JIM RUSSELL REALTORS, INC. ET AL.

Civil; issue - constitutionality of KUAA as applied when fraud in the inducement re underlying contract and in light of Louisville Peterbilt and 3D Enterprises.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
HOSKINS , WILLIAM KIRK

.....
KENNETH DUTSCHKE
SHARON DUTSCHKE

Appellee Atty:

Appellee Name:

.....
FAUST , MICHAEL

.....
MICHAEL FAUST
MICHAEL FAUST
JIM RUSSELL
JIM RUSSELL REALTORS, INC.
JOSEPH HINES

LAWRENCE , MICHAEL F

1:30 PM PJ: CAPERTON KELLER WINE
2006CA002614 ADAM WALTERS VS COMMONWEALTH OF KENTUCKY

Direct appeal of 2nd degree Manslaughter. Appeal focus on application of KRS 503.055 and 503.085

CRIMINAL KENTON COUNTY GREGORY M BARTLETT

Appellant Atty:

Appellant Name:

.....
PIGG , JOSEPH BRANDON
SCHMIDT , KATHLEEN K.

.....
ADAM JUSTIN WALTERS
ADAM JUSTIN WALTERS

Appellee Atty:

Appellee Name:

.....
FLOYD JR, SAMUEL J

.....
COMMONWEALTH OF KENTUCKY

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

DATE: Wednesday, July 09, 2008

9:30 AM PJ: KELLER COMBS HENRY
2007CA001201 LAW OFFICES OF JOHN P. PLYMIRE, PLC VS R. W. LYNCH, INC.

Appellant appeals from an order of the circuit court enforcing a foreign judgment. Appellee argues, in part, that Appellant is precluded because it did not move to vacate the arbitration award within 90 days.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
PLYMIRE , JOHN PATRICK

.....
LAW OFFICES OF JOHN P. PLYMIRE, PLC

Appellee Atty:

Appellee Name:

.....
STINNETT , WILLIAM SCOTT

.....
R. W. LYNCH, INC.

.....
TURNER , ELIZABETH H.

.....
R. W. LYNCH, INC.

10:15 AM PJ: KELLER COMBS HENRY
2007CA001708 MT. HOLLY NURSING CENTER ET AL. VS KAREN CROWDUS

This appeal regards the binding nature of an arbitration agreement found within admission documents to the nursing facility. The admission documents were initially signed by the resident's friend. Issues of agency and contract law.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
GUILD JR, A COURTNEY

.....
BEVERLY CALIFORNIA CORPORATION
BEVERLY ENTERPRISES, INC.
BEVERLY HEALTH AND REHABILITATION SERVICES, INC.
D/B/A BEVERLY HEALTHAND REHABILITATION SERVICES, INC.
GGNSC LOUISVILLE MT. HOLLY, LLC
GOLDEN LIVINGCENTER-MT. HOLLY
MT. HOLLY NURSING CENTER
BEVERLY CALIFORNIA CORPORATION
BEVERLY ENTERPRISES, INC.
BEVERLY HEALTH AND REHABILITATION SERVICES, INC.
D/B/A BEVERLY HEALTHAND REHABILITATION SERVICES, INC.
GGNSC LOUISVILLE MT. HOLLY, LLC
GOLDEN LIVINGCENTER-MT. HOLLY
MT. HOLLY NURSING CENTER

.....
SCHOENBAECHLER , EDWARD L

Appellee Atty:

Appellee Name:

.....
BALETTE , JACQUES GASTON

.....
KAREN CROWDUS

.....
BUBALO , GREGORY J

.....
KAREN CROWDUS

.....
CRONEN , LESLIE METCALF

.....
KAREN CROWDUS

.....
HIESTAND , SHEILA P.

.....
KAREN CROWDUS

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

DATE: Wednesday, July 09, 2008

11:00 AM

PJ: HENRY

COMBS

KELLER

2007CA001165

AUTO OWNERS INSURANCE COMPANY VS OMNI INDEMNITY COMPANY

Civil; Insurance; Coots issue; Omni insured tortfeasor and offered victim liability policy limits; A, victim's uim carrier, substituted per Coots; victim/AO sued tortfeasor /Omni; tortfeasor filed bankruptcy; no proof of claim was filed by victim or AO in bankruptcy proceedings; lawsuit was dismissed; issue - is AO entitled to restitution for substituted payment from Omni?

CIVIL

JEFFERSON COUNTY

MITCHELL PERRY

Appellant Atty:

Appellant Name:

.....
PORTER , WALTER L.

.....
AUTO OWNERS INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....
COBURN , CHRISTOPHER T.

.....
OMNI INDEMNITY COMPANY

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

DATE: Monday, July 21, 2008

10:00 AM PJ: GUIDUGLI CAPERTON VANMETER
2007CA001715 YOST ENERGY, LLC VS JERRY GAINES ET AL.

Oil & Gas Lease case. Issues: Lease interpretation, direct verdict and Jnov.

CIVIL WARREN COUNTY JOHN R. GRISE

Appellant Atty:

Appellant Name:

.....
MEREDITH II, KENNETH A

.....
YOST ENERGY, LLC

Appellee Atty:

Appellee Name:

.....
BRODERICK , DAVID F.

.....
JERRY "PEANUTS" GAINES
MARILYN GAINES

10:45 AM PJ: GUIDUGLI CAPERTON VANMETER
2007CA001405 JOE YOUNG ET AL. VS DONALD DILLOW ET AL.

Medical malpractice wrongful death case. Judgment for defense.

CIVIL FULTON COUNTY TIMOTHY A. LANGFORD

Appellant Atty:

Appellant Name:

.....
BRIEN JR., JAMES B.

.....
JOE L. YOUNG

FOWLER , CHARLES WESLEY

JUDY GARDNER

JOE L. YOUNG

JUDY GARDNER

SMITH , GARY K.

JOE L. YOUNG

JUDY GARDNER

Appellee Atty:

Appellee Name:

.....
ARNETT , MARTIN A.

.....
HOSPITAL OF FULTON, INC.

FREED , JONATHAN

DONALD DILLOW

PITCHFORD , JONATHAN D

EDWARD B. MCWHIRT, M.D.

STRAUB JR., E. FREDERICK

EDWARD B. MCWHIRT, M.D.

SWAIN , WILLIAM P.

HOSPITAL OF FULTON, INC.

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

DATE: Thursday, July 24, 2008

9:30 AM

PJ: THOMPSON

NICKELL

ROSENBLUM

2007CA001635

KENTUCKY PUBLIC SERVICE COMMISSION ET AL. VS COMMONWEALTH
OF KENTUCKY

Appellants are a power company and the Kentucky Public Service Commission (PSC) who appeal from an order of the Franklin Circuit Court reversing various PSC orders approving a rate schedule which permits the power company from recovering future pipeline replacement costs by means of a surcharge.

CIVIL

FRANKLIN COUNTY

PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

.....
COMBS , RALPH K
CROSBY III, WILLIAM DUNCAN

DOWNING , HOWARD
EVERSOLE , DEBORAH T.

FINNIGAN JR, JOHN J
HUGHES , JOHN N
HUTCHINSON , MARK R.
MILLER , JAMES M
MITCHELL , ANITA L.
OSWALD , CLAYTON OTIS
OVERSTREET , MARK
RENZELMANN , JASON PATRICK
RIGGS , KENDRICK R.

SAMFORD , DAVID S.
SCOTT , JOHN J
SEIPLE , STEPHEN B
SMART , DAVID ARTHUR
STURGEON , ALLYSON K

TALLEY , DAMON R
TAYLOR , RICHARD S
WATT III, ROBERT M.
WUETCHER , GERALD E
YATES , DANIEL T

.....
BLUEGRASS ENGERY COOPERATIVE CORPORATION
KENTUCKY UTILITIES COMPANY
LOUISVILLE GAS AND ELECTRIC COMPANY
BLUEGRASS ENGERY COOPERATIVE CORPORATION
KENTUCKY UTILITIES COMPANY
LOUISVILLE GAS AND ELECTRIC COMPANY
DUKE ENERGY KENTUCKY, INC.
ATMOS ENERGY CORPORATION
ATMOS ENERGY CORPORATION
BIG RIVERS ELECTRIC CORPORATION
KENTUCKY PUBLIC SERVICE COMMISSION
JACKSON ENERGY COOPERATIVE CORPORATION
KENTUCKY POWER COMPANY
KENTUCKY PUBLIC SERVICE COMMISSION
ATMOS ENERGY CORPORATION
BIG RIVERS ELECTRIC CORPORATION
COLUMBIA GAS OF KENTUCKY INC.
DELTAL NATURAL GAS COMPANY INC.
EAST KENTUCKY POWER COOPERATIVE
KENTUCKY POWER COMPANY
KENTUCKY UTILITIES COMPANY
LOUISVILLE GAS AND ELECTRIC COMPANY
KENTUCKY PUBLIC SERVICE COMMISSION
NOLIN RURAL ELECTRIC COOPERATIVE CORPORATION
COLUMBIA GAS OF KENTUCKY INC.
EAST KENTUCKY POWER COOPERATIVE
KENTUCKY UTILITIES COMPANY
LOUISVILLE GAS AND ELECTRIC COMPANY
KENTUCKY RURAL WATER ASSOCIATION INC.
COLUMBIA GAS OF KENTUCKY INC.
DELTAL NATURAL GAS COMPANY INC.
KENTUCKY PUBLIC SERVICE COMMISSION
KENTUCKY ASSOCIATION OF RURAL ELECTRIC COOPERATIVES INC.

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

DATE: Thursday, July 24, 2008

Appellee Atty:

Appellee Name:

CONWAY , JACK

COMMONWEALTH OF KENTUCKY

COOK , LAWRENCE W

COMMONWEALTH OF KENTUCKY

HOWARD II, DENNIS G

COMMONWEALTH OF KENTUCKY

10:15 AM

PJ: NICKELL

THOMPSON

ROSENBLUM

2007CA002197

COMMONWEALTH OF KENTUCKY VS DONALD COLWELL

Commonwealth appeals trial court's grant of suppression motion following consensual search of vehicle.

CRIMINAL

FAYETTE COUNTY

THOMAS L CLARK

Appellant Atty:

Appellant Name:

FARLEY , JOSHUA D

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

LEWTER , V. GENE

DONALD COLWELL

SCHMIDT , KATHLEEN K.

DONALD COLWELL

11:00 AM

PJ: ROSENBLUM

NICKELL

THOMPSON

2007CA001768

DORIS MCCLURE VS DOLLAR GENERAL STORE, LTD.

Appeal from summary judgment entered in favor of employer on claims of gender discrimination, age discrimination, outrage or intentional infliction of emotional distress, defamation and negligent supervision.

CIVIL

GRANT COUNTY

STEPHEN L BATES

Appellant Atty:

Appellant Name:

SIDEBOTTOM , SHANE C

DORIS MCCLURE

Appellee Atty:

Appellee Name:

FRAZIER , KEITH D

DOLLAR GENERAL STORE, LTD.

HARRIS , JONATHAN O.

DOLLAR GENERAL STORE, LTD.

HARRIS JR, JAMES DOUGLAS

DOLLAR GENERAL STORE, LTD.

**NOTE:ORIGINALLY 1:30 PM

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

DATE: Thursday, July 24, 2008

11:45 AM

PJ: COMBS

NICKELL

GRAVES

2007CA001586

MARY COLEMAN VS LONES ADAMS

Property dispute involving parameters of private ownership and use of a public right of way.

CIVIL

PIKE COUNTY

STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
WEBSTER , LAWRENCE R.

.....
MARY A. COLEMAN

Appellee Atty:

Appellee Name:

.....
OWENS , STEPHEN W

.....
LONES ADAMS

**NOTE: RESCHEDULED FROM 6/12/2008 AT 10:45 IN MT. STERLING, KY. AND ON 7/24/08 AT 3:00 PM

LOCATION: HARRISON COUNTY JUSTICE CENTER, CIRCUIT COURTROOM, 115
COURT STREET, CYNTHIANA, KENTUCKY

DATE: Monday, July 28, 2008

1:30 PM PJ: TAYLOR CLAYTON MOORE
2007CA001320 RANDY MARSHALL VS COMMONWEALTH OF KENTUCKY

Whether circuit court erred by revoking conditional discharge and failing to consider alternative sentencing.

CRIMINAL GRAVES COUNTY TIMOTHY C STARK

Appellant Atty:

Appellant Name:

.....
SCHMIDT , KATHLEEN K.

.....
RANDY MARSHALL

Appellee Atty:

Appellee Name:

.....
FLOYD JR, SAMUEL J

.....
COMMONWEALTH OF KENTUCKY

2:15 PM PJ: TAYLOR CLAYTON MOORE
2007CA001053 ROBERT HOLLON VS COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's RCr 11.42 motion.

POST-CONVICTION FRANKLIN COUNTY THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

.....
SCHMIDT , KATHLEEN K.

.....
ROBERT HOLLON

STAPLES , AMY ROBINSON

ROBERT HOLLON

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK

.....
COMMONWEALTH OF KENTUCKY

RYAN , PERRY T

COMMONWEALTH OF KENTUCKY

LOCATION: HARRISON COUNTY JUSTICE CENTER, CIRCUIT COURTROOM, 115 COURT STREET, CYNTHIANA, KENTUCKY

DATE: Monday, July 28, 2008

3:00 PM

PJ: TAYLOR

CLAYTON

HENRY

2007CA001814

BOBBIE HILL-FERDINANDO ET AL. VS EMERGENCY CARE PHYSICIANS OF NORTHERN KENTUCKY, P.S.C. ET AL.

Whether circuit court erroneously denied motion for new trial upon issue of destruction of earning capacity; whether circuit court erred by denying motion for directed verdict; whether circuit court improperly reduced costs awarded under KRS 453.040.

CIVIL

BOONE COUNTY

KEVIN HORNE

Appellant Atty:

Appellant Name:

.....
HOLSCHUH JR, JOHN D

.....
BOBBIE HILL-FERDINANDO

BOBBIE HILL-FERDINANDO

WAYNE D. FERDINANDO

MINIARD , JERRY M.

BOBBIE HILL-FERDINANDO

BOBBIE HILL-FERDINANDO

WAYNE D. FERDINANDO

Appellee Atty:

Appellee Name:

.....
ARNZEN , MARK G.

.....
EMERGENCY CARE PHYSICIANS OF NORTHERN KENTUCKY, P.S.C.

TIMOTHY LOVE

MOLLOY , MARY K

EMERGENCY CARE PHYSICIANS OF NORTHERN KENTUCKY, P.S.C.

TIMOTHY LOVE

LOCATION: HARRISON COUNTY JUSTICE CENTER, CIRCUIT COURTROOM, 115
COURT STREET, CYNTHIANA, KENTUCKY

DATE: Tuesday, July 29, 2008

11:00 AM

PJ: CLAYTON

MOORE

TAYLOR

2007CA001723

E. & P.P. CAB. VS SIERRA CLUB

2007CA001742

Challenge of circuit court reversal of issuance of an air quality permit.

CIVIL

FRANKLIN COUNTY

THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

.....
QUARLES , JACQUELYN ALIREZAY
THOMERSON , ROBIN B.

.....
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Appellee Atty:

Appellee Name:

.....
BARTLEY , KELLY ALINE
BENNETT , ELIZABETH R

.....
THOROUGHbred GENERATING CO., LLC.
HILLARY LAMBERT
LESLIE BARRAS
ROGER BRUCKER
SIERRA CLUB
VALLEY WATCH INC

BROWN , CAROLYN M
EHRLER , ROBERT J

THOROUGHbred GENERATING CO., LLC.
KENTUCKY UTILITIES COMPANY
LOUISVILLE GAS & ELECTRIC COMPANY
WESTERN KENTUCKY ENERGY CORP.

FINNIGAN JR, JOHN J
FINTO , KEVIN J.
GRADDY IV, W. HENRY

DUKE ENERGY KENTUCKY INC.
THOROUGHbred GENERATING CO., LLC.
HILLARY LAMBERT
LESLIE BARRAS
ROGER BRUCKER
SIERRA CLUB
VALLEY WATCH INC

HAGERTY , TIMOTHY JOSEPH
JOHNSON , HARRY M.
NARAYAN , SANJAY
OVERSTREET , MARK
SHAMBLIN , PENNY A.
SMART , DAVID ARTHUR
UKEILEY , ROBERT STEVEN

KENTUCKY CHAMBER OF COMMERCE
THOROUGHbred GENERATING CO., LLC.
SIERRA CLUB
KENTUCKY POWER COMPANY
THOROUGHbred GENERATING CO., LLC.
EAST KENTUCKY POWER COOPERATIVE INC.
SIERRA CLUB
VALLEY WATCH INC
UTILITY AIR REGULATORY GROUP

WATT III, ROBERT M.

**NOTE:ORIGINALLY ON 7/30/08 AT 11:00 AM.