

UPDATED: 07/19/2012

JULY 2012

ORAL ARGUMENT

CALENDAR

Report Updated On: 07/19/2012

07/19/2012

JULY, 2012

July 6, 2012

**10:00 AM, FRANKFORT TIME, MOTION PANEL,
JUDGE STUMBO, PRESIDING JUDGE AND
JUDGE THOMPSON AND JUDGE VANMETER, ASSOC.**

COURT MEETING WILL NOT BE HELD

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

FRANKFORT – Contact Mary Zagale - (502) 573-7920

ELIZABETHTOWN – Contact Belinda Peace – (270) 766-5039

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

LOUISVILLE – Contact Marti Dodd – (502) 595-3440

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

DATE: Thursday, July 12, 2012

02:00 PM PJ: CLAYTON, HON. DENISE G. ACREE, HON. GLENN E. KELLER, HON. MICHELLE M.

2010CA001971 CHRISTOPHER J. MCGORMAN Jr. v COMMONWEALTH OF KENTUCKY

Appeal of denial of RCr 11.42 and Cr 60.02 motions of fourteen year old who confessed to murder. Issues include competency, improper transfer to circuit court, failure to offer plea deal, failure to object to evidence and improper prosecutorial argument.

MADISON COUNTY

HON JEAN CHENAULT LOGUE

Appellant Atty:

Appellant Name:

**BURKE, DENNIS
SCHMIDT, KATHLEEN
SMITH, MEGGAN**

MCGORMAN, CHRISTOPHER

.....
Appellee Atty:

Appellee Name:

FERGUSON, TODD

COMMONWEALTH OF KENTUCKY
.....

**** NOTE:**

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

DATE: Monday, July 23, 2012

01:00 PM PJ: CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

MOORE, HON. JOY A.

2011CA000438

BOBBIE J. BRIDGES v JAMES A. EARHART

Summary judgment involving legal malpractice claims for two cases-fee and trust.

CIVIL

JEFFERSON COUNTY

HON BARRY WILLETT

Appellant Atty:

HODGE, CHRIS

Appellant Name:

BRIDGES, BOBBIE

Appellee Atty:

COBB, JOSEPH

Appellee Name:

EARHART, JAMES

**** NOTE:**

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

DATE: Monday, July 23, 2012

01:45 PM PJ: CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2011CA001015

STEVE BROOKS v OLDHAM COUNTY PLANNING COMMISSION

Does a subdivision plan violate ordinances and regulations; discovery issue; §1983 issue; whether plan could be reapproved.

<p>CIVIL</p> <p>Appellant Atty:</p> <p>TIGUE, MICHAEL</p> <hr/> <p>Appellee Atty:</p> <p>KEAL, R.</p> <p>CROSBY, DENIA</p> <p>CULBERTSON, PAUL</p> <p>HORTON, JAN</p> <p>KING, GREG</p> <p>KLINGENFUS, ROBERT</p> <p>MCINTYRE, JOSEPH</p> <p>MCWILLIAMS, JOSEPH</p> <p>PETITT, CAROL</p> <p>CARTER, JOHN</p> <p>DEJACO, LISA SNELL, VIRGINIA</p> <p>POTTS, W. JR</p>	<p>OLDHAM COUNTY</p>	<p>HON KAREN A. CONRAD</p> <p>Appellant Name:</p> <p>BROOKS, STEVE</p> <hr/> <p>Appellee Name:</p> <p>CITY OF CRESTWOOD, KENTUCKY</p> <p>CROSBY, DENIA</p> <p>CULBERTSON, PAUL</p> <p>HORTON, JAN</p> <p>KING, GREG</p> <p>KLINGENFUS, BOB</p> <p>MCINTYRE, JOE</p> <p>MCWILLIAMS, JOE</p> <p>OLDHAM COUNTY FISCAL COURT</p> <p>OLDHAM COUNTY PLANNING COMMISSION</p> <p>OLDHAM FARMS DEVELOPMENT, LLC</p> <p>POTTS, W.</p>
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**** NOTE:40 MINUTE ORAL**

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

DATE: Monday, July 23, 2012

03:30 PM PJ: CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2011CA000884

MATTHEW MILLER v AMBREEN FRASER

2011CA000905

Appeal of defense verdict in medical negligence case. Issues of expert testimony on causation, and instruction regarding informed consent. Cross-Appeal—was the condition foreseeable?

CIVIL WARREN COUNTY HON STEVE ALAN WILSON

Appellant Atty:

SCHUETTE, BRIAN

Appellant Name:

MILLER, MATTHEW

Appellee Atty:

MOORE, FRANK JR.

Appellee Name:

FRASER, AMBREEN

**** NOTE:PREVIOUSLY ON 5/24/12 AT 12:30 PM IN MAYFIELD, KY.**

**LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY**

DATE: Tuesday, July 24, 2012

10:00 AM PJ: STUMBO, HON. JANET L. ACREE, HON. GLENN E. NICKELL, HON. C. SHEA
2009CA000978 THE DREAMERS, LLC. v DON'S LUMBER & HARDWARE, INC.

Appeal from entry of Summary Judgment and order of sale of real estate based on a materialman's lien. The issues include whether the lien was properly perfected prior to filing of suit, whether Appellant Neal was a proper party who had guaranteed debt claimed by Appellee, and whether record supported grant of summary judgment.

CIVIL	HARDIN COUNTY	HON CHARLES C. SIMMS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BISHOP, ROBERT		THE DREAMERS, LLC.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COLEMAN, JERRY		DON'S LUMBER & HARDWARE, INC.
.....		

**** NOTE:**

10:45 AM PJ: STUMBO, HON. JANET L. ACREE, HON. GLENN E. NICKELL, HON. C. SHEA
2011CA001298 BILLY JONES v COMMONWEALTH OF KENTUCKY

Appeal from order in Circuit court denying appellant entrance to the deferred prosecution. Issue is whether the trial court has authority to order deferred prosecution over the objection of the prosecutor.

CRIMINAL	GRAVES COUNTY	HON TIMOTHY C STARK
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
RANDELL, THOMAS SCHMIDT, KATHLEEN		JONES, BILLY
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
CONWAY, JACK LAWSON, JAMES		COMMONWEALTH OF KENTUCKY
.....		

**** NOTE:**

**LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY**

DATE: Tuesday, July 24, 2012

11:30 AM PJ: ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

STUMBO, HON. JANET L.

2011CA001612

MONICA CARRUTHERS v MAX EDWARDS

Civil; Personal injury; Civil Procedure: Whether the circuit court erred in granting appellees' motion to dismiss appellant's personal injury claim pursuant to CR 12.

CIVIL

MCCRACKEN COUNTY

HON TIMOTHY KALTENBACH

Appellant Atty:

Appellant Name:

OAKES, DAVID

CARRUTHERS, MONICA

Appellee Atty:

Appellee Name:

HUTCHINS, THEODORE

EDWARDS, MAX

** NOTE:

01:00 PM PJ: STUMBO, HON. JANET L.

ACREE, HON. GLENN E.

THOMPSON, HON. KELLY

2011CA001613

DAVID COUNCIL v COMMONWEALTH OF KENTUCKY

Appeal from judgment and order revoking probation and imposing a 10 year sentence. Issues include whether trial court erred in entering judgment which imposed a probated 3 year sentence with a provision that in the event of probation, sentence would be ten years as a result of probation violation; whether notice of probation violation was issued without finding of probable cause; whether evidence was sufficient to support finding of probation violation, and; whether trial court erred in failing to admit evidence offered by Appellant in revocation hearing.

CRIMINAL

BALLARD COUNTY

HON TIMOTHY A. LANGFORD

Appellant Atty:

Appellant Name:

OGDEN, LEN JR

COUNCIL, DAVID

Appellee Atty:

Appellee Name:

CONWAY, JACK

HAVEY, JAMES

COMMONWEALTH OF KENTUCKY

** NOTE:

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

DATE: Wednesday, July 25, 2012

11:00 AM PJ: COMBS, HON. SARA W. DIXON, HON. DONNA L. VANMETER, HON. LAURANCE B.

**2011CA000816 KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM v PAXTON MEDIA
2011CA000817 GROUP, LLC**

Open records case in which the appellant objects to summary judgment ordering it to produce documents that it believed to be confidential and not subject to disclosure.

CIVIL WOODFORD COUNTY HON PAUL F ISAACS

Appellant Atty:

BAUGHMAN, BRENT

BORK, MELISSA

Appellant Name:

**KENTUCKY COMMUNITY & TECHNICAL COLLEGE
SYSTEM**

Appellee Atty:

**FLEISCHAKER, JON
ROGERS, JEREMY**

Appellee Name:

PAXTON MEDIA GROUP, LLC

**** NOTE:**

11:45 AM PJ: COMBS, HON. SARA W. DIXON, HON. DONNA L. VANMETER, HON. LAURANCE B.

2011CA000452 SAMUEL A. CRABTREE v COMMONWEALTH OF KENTUCKY

Case of first impression. Computer files that were never downloaded are alleged to be insufficient basis for a conviction of knowing possession of the material contained in the files.

CRIMINAL MADISON COUNTY HON WILLIAM G. CLOUSE

Appellant Atty:

PETERS, FRED

Appellant Name:

CRABTREE, SAMUEL

Appellee Atty:

**LAWSON, JAMES
LONG, WILLIAM JR**

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Tuesday, July 31, 2012

10:30 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. MAZE, HON. IRV
2011CA000758 CARL CLINE v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by failing to direct a verdict in favor of plaintiff; whether circuit court erred by admitting statements made to police; whether circuit court erred by imposing excessive restitution.

<p>CRIMINAL</p> <p style="text-align: center;">ADAIR COUNTY</p> <p>Appellant Atty: _____</p> <p>BALLIET, SUSAN SCHMIDT, KATHLEEN</p> <p>Appellee Atty: _____</p> <p>CONWAY, JACK HAVEY, JAMES</p>	<p>HON JAMES L BOWLING</p> <p>Appellant Name: _____</p> <p>CLINE, CARL</p> <p>Appellee Name: _____</p> <p>COMMONWEALTH OF KENTUCKY</p>
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**** NOTE:**

11:15 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. MAZE, HON. IRV
2011CA001148 SIGNATURE LP PIKEVILLE, LLC v NANETTE PINSON

Whether circuit court erred by denying the motion to compel arbitration.

<p>CIVIL</p> <p style="text-align: center;">PIKE COUNTY</p> <p>Appellant Atty: _____</p> <p>DUFOUR, SARAH FAULKNER, MICHAEL</p> <p>DYCHE, JOHN NEMES, JASON PHILLIPS, TIFFANY</p> <p>Appellee Atty: _____</p> <p>BOTTOMS, WILLIAM CARTER, MILLER HUNT, CHRISTOPHER MOSS, BRENT</p>	<p>HON EDDY COLEMAN</p> <p>Appellant Name: _____</p> <p>LP MANAGER, LLC</p> <p>SIGNATURE LP PIKEVILLE, LLC</p> <p>Appellee Name: _____</p> <p>PINSON, NANETTE</p>
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**** NOTE:**

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

DATE: Tuesday, July 31, 2012

01:30 PM PJ: TAYLOR, HON. JEFF S.

CLAYTON, HON. DENISE G.

MAZE, HON. IRV

2011CA000773

JIMMIE R. POLLARD v CSX TRANSPORTATION, INC.

Whether circuit court erred by denying plaintiff's motion for directed verdict upon plaintiff's injuries and upon comparative fault.

CIVIL

PERRY COUNTY

HON WILLIAM ENGLE

Appellant Atty:

Appellant Name:

ECKERT, THOMAS
HOLLON, ALVA JR
HOLLON, JOHN

POLLARD, JIMMIE

Appellee Atty:

Appellee Name:

NETTER, BRIAN
TURNER, JAMES

CSX TRANSPORTATION, INC.

** NOTE:

02:15 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2011CA001651

E. M. v COMMONWEALTH OF KENTUCKY

Whether family court had subject matter jurisdiction over the juvenile status offense under KRS 600.020(4); whether family court erred by denying appellant's motion for directed verdict; whether family court erred by considering appellant's prior juvenile record.

FAYETTE COUNTY

HON TIMOTHY NEIL PHILPOT

Appellant Atty:

Appellant Name:

SCHMIDT, KATHLEEN
VANDENWALLBAKE, RENEE

M., E.

Appellee Atty:

Appellee Name:

CONWAY, JACK
MESSER, ELIZABETH

COMMONWEALTH OF KENTUCKY

** NOTE:PREVIOUSLY ON 7/23/12 AT 2:45 PM IN FRANKFORT, KY