

UPDATED 06/24/2008

JUNE 2008

ORAL ARGUMENT

CALENDAR

06/24/2008

JUNE, 2008

June 9, 2008

**2:00 P.M., MOTION PANEL, JUDGE LAMBERT, PRES.,
JUDGE ACREE, AND JUDGE MOORE, ASSOC.**

June 17, 2008

**2:00 P.M. COURT MEETING – HYATT LEXINGTON,
HENRY CLAY BOARD ROOM**

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

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

MT. STERLING – Contact Sue Esteppe – (859) 498-0488

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

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

DATE: Tuesday, June 03, 2008

9:30 AM PJ: STUMBO CAPERTON BUCKINGHAM
2006CA002194 MICHAEL WILSON VS COMMONWEALTH OF KENTUCKY

MOR criminal appeal alleging error in trial court's failure to give tendered instructions on self defense, EED, voluntary intoxication and 4th degree assault.

CRIMINAL ROBERTSON COUNTY ROBERT W. MCGINNIS

Appellant Atty:

Appellant Name:

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

.....
MICHAEL LEE WILSON
MICHAEL LEE WILSON

Appellee Atty:

Appellee Name:

.....
ABNER , DAVID BRYAN

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: STUMBO CAPERTON BUCKINGHAM
2007CA001423 JAMES HAMILTON VS ELIZABETH HAMILTON

MOR appeal from post decree order dividing funds held in non-dissolution related litigation; issues include amount of funds to be divided, award of attorney fee and propriety of court in permitting withdrawal of motion.

CIVIL FAYETTE COUNTY JO ANN WISE

Appellant Atty:

Appellant Name:

.....
BAGBY , GLEN S.
LYONS JR., J. ROBERT

.....
JAMES D. HAMILTON
JAMES D. HAMILTON

Appellee Atty:

Appellee Name:

.....
KOFFMAN , NORA ANN
WILSON , NATALIE S

.....
ELIZABETH S. HAMILTON
ELIZABETH S. HAMILTON

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

DATE: Tuesday, June 03, 2008

11:00 AM PJ: STUMBO CAPERTON BUCKINGHAM
2008CA000442 JOYCE WHITE ET AL. VS CUMBERLAND VALLEY MANOR ET AL.

MOR appeal from denial of attorney fee to successful litigant in medical fee dispute; issue is standard for imposition of costs.

WORKERS COMP WORKERS' COMP COUNTY FRANKLIN STIVERS

Appellant Atty:

Appellant Name:

.....
BABAT , BRETT
DAVIS , THOMAS W

.....
BRETT BABAT
JOYCE G. WHITE
THOMAS W. DAVIS

Appellee Atty:

Appellee Name:

.....
COLEMAN , JOHN B
HUTSON , RICHARD CHRISTION
LOVAN , DWIGHT T

.....
JOHN B. COLEMAN
CUMBERLAND VALLEY MANOR
WORKERS' COMPENSATION BOARD

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

DATE: Monday, June 09, 2008

9:30 AM PJ: CLAYTON VANMETER KNOPF
2006CA002593 CSX TRANSPORTATION, INC. VS TERRY WILLIAMS

Numerous assertions of error, including the trial court's failure to address the jury's exposure to publicity during the trial; court's failure to instruct the jury of federal law; error in admitting and barring evidence; and, the verdict was unsupported by the evidence.

CIVIL JEFFERSON COUNTY TOM MCDONALD

Appellant Atty:

Appellant Name:

.....
KLAPHEKE , DAVID T
PAYNE , ROD
STOPHER , EDWARD H.

.....
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.

Appellee Atty:

Appellee Name:

.....
KELLEY , PAUL JASON
SALES , KENNETH L.
SATTERLEY , JOSEPH D.

.....
TERRY WILLIAMS
TERRY WILLIAMS
TERRY WILLIAMS

10:15 AM PJ: CLAYTON VANMETER KNOPF
2007CA001354 KIM HARPER VS NATIONAL HEALTH SERVICES ET AL.

Denial of CR 60.02 relief which followed grant of summary judgment to appellee on claims of negligent hiring and vicarious liability for sexual harassment.

CIVIL JEFFERSON COUNTY MITCHELL PERRY

Appellant Atty:

Appellant Name:

.....
CLAY , THOMAS E.

.....
KIM HARPER

Appellee Atty:

Appellee Name:

.....
KLAPHEKE , DAVID T

.....
LANDCORP ASHPS COMPANY
NATIONAL HEALTH SERVICES

11:00 AM PJ: CLAYTON VANMETER KNOPF
2007CA000979 JEREMY DOWNS VS EUNICE DOWNS

Issue of first impression regarding whether a constrictive trust of life insurance proceeds was established for the benefit of a child pursuant to a divorce judgment between the parents of the child.

CIVIL NELSON COUNTY CHARLES C. SIMMS III

Appellant Atty:

Appellant Name:

.....
KELLEY JR, JOHN S.

.....
JEREMY CARL DOWNS

Appellee Atty:

Appellee Name:

.....
HUTCHINS , WILLIAM T

.....
EUNICE DOWNS

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

DATE: Wednesday, June 11, 2008

10:00 AM PJ: VANMETER CLAYTON KNOPF
2007CA001356 LOUISVILLE/JEFFERSON COUNTY METRO ETHICS COMMISSION VS H.J.
("BUD") SCHARDEIN ET AL.

Local government: whether Louisville Metro Government Ethics Code applies to board members and appointed employees of Louisville/Jefferson Metro Sewer District. KRS 65.003.

CIVIL JEFFERSON COUNTY A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

.....
EARL , TREVOR L
REED II, JOHN S

.....
LOUISVILLE/JEFFERSON COUNTY METRO ETHICS COMMISSION
LOUISVILLE/JEFFERSON COUNTY METRO ETHICS COMMISSION

Appellee Atty:

Appellee Name:

.....
LAWSON , JAMES HAYS
ZIELKE , LAURENCE J.

.....
H.J. ("BUD") SCHARDEIN Jr
DEREK GUTHRIE
H.J. ("BUD") SCHARDEIN Jr

10:45 AM PJ: KNOPF CLAYTON VANMETER
2006CA001919 PATRICIA CONWAY ET AL. VS SALT RIVER ELECTRIC COOPERATIVE
COOPERATION

Appeal from order of summary judgment.

BULLITT COUNTY STEPHEN P RYAN

Appellant Atty:

Appellant Name:

.....
HOWLAND , BIXLER W.

.....
DAVID CROSS
HAROLD MCLAUGHLIN
PATRICIA L. CONWAY
PAUL PRICE

SPAINHOUR JR, JOHN E.

DAVID CROSS
HAROLD MCLAUGHLIN
PATRICIA L. CONWAY
PAUL PRICE

Appellee Atty:

Appellee Name:

.....
BECKMAN , REGINA RAPIER
HUBBARD , JOHN DOUGLAS

.....
SALT RIVER ELECTRIC COOPERATIVE COOPERATION
SALT RIVER ELECTRIC COOPERATIVE COOPERATION

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

DATE: Wednesday, June 11, 2008

1:00 PM PJ: ACREE DIXON TAYLOR
2007CA000175 STEVIE WORLEY VS COMMONWEALTH OF KENTUCKY

Criminal: Worley appeals a conviction of manslaughter and sentence of 18 years. The issues are: (1) whether the trial court erred in determining the "castle doctrine" inapplicable to this case; (2) whether the trial court erred in the manner in which it addressed missing evidence; (3) whether the trial court erred by disallowing the testimony of Worley's ballistics expert; and (4) whether the trial court erred by disallowing "reverse 404(b)" evidence.

CRIMINAL WHITLEY COUNTY PAUL E. BRADEN

Appellant Atty:

Appellant Name:

.....
HORSMAN , LINDA ROBERTS
SCHMIDT , KATHLEEN K.

.....
STEVIE EARL WORLEY
STEVIE EARL WORLEY

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
FLOYD JR, SAMUEL J

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

1:45 PM PJ: ACREE DIXON TAYLOR
2007CA001521 LINDA ANGEL VS METROPOLITAN PROPERTY AND CASUALTY INSURANCE
COMPANY

Civil; Torts; Damages: Angel appeals the Clark Circuit Court's order granting partial summary judgment in favor of Metropolitan. The issue is whether a claim for post traumatic stress disorder is a compensable claim under Metropolitan's UIM coverage and KRS chapter 304.39.

CIVIL CLARK COUNTY JULIA HYLTON ADAMS

Appellant Atty:

Appellant Name:

.....
WEINBERG , DAVID A.

.....
LINDA ANGEL

Appellee Atty:

Appellee Name:

.....
INGRAM , FARRAH W
TUCKER , DEANNA M.

.....
METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY
METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY

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

DATE: Thursday, June 12, 2008

10:15 AM PJ: TAYLOR ACREE DIXON
2007CA000864 HERBERT BROOKS VS COMMONWEALTH OF KENTUCKY

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

POST-CONVICTION CAMPBELL COUNTY JULIE REINHARDT WARD

Appellant Atty:

Appellant Name:

.....
WOLOSHIN , MARK HARRIS

.....
HERBERT BROOKS

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK

.....
COMMONWEALTH OF KENTUCKY

SHACKELFORD , JAMES C

COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY 1:30 PM

11:00 AM PJ: TAYLOR ACREE DIXON
2007CA001127 RICHARD CRAWFORD VS EXTENDED STAY AMERICA, LLC

Whether circuit court properly entered summary judgment dismissing appellant's premises liability claim against appellee.

CIVIL FAYETTE COUNTY THOMAS L CLARK

Appellant Atty:

Appellant Name:

.....
GRASCH JR, ALBERT F
MITCHELL , ELIZABETH K

.....
RICHARD CRAWFORD
RICHARD CRAWFORD

Appellee Atty:

Appellee Name:

.....
CLARK , ROBERT DAVID

.....
EXTENDED STAY AMERICA, LLC

WILSON , MELISSA A.

EXTENDED STAY AMERICA, LLC

LOCATION: MONTGOMERY COUNTY CIRCUIT COURTROOM, COURTHOUSE, 1
COURT STREET, MT. STERLING, KENTUCKY

DATE: Thursday, June 12, 2008

11:00 AM

PJ: COMBS

NICKELL

GRAVES

2007CA000753

LAFE WARD VS COMMONWEALTH OF KENTUCKY

Challenge to constitutionality of statutes involving DUI and charging wanton murder as void for vagueness.

CRIMINAL

PIKE COUNTY

EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....
OWENS , STEPHEN W
RABIL , VINCENT F.

.....
LAFE WARD JR
LAFE WARD JR

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
CROSS , JEFFREY A

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

**NOTE:RESCHEDULED FROM 10:00 A.M.

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

DATE: Thursday, June 19, 2008

2:00 PM

PJ: TAYLOR

DIXON

LAMBERT

2005CA001922

LISA STRATTON VS E. P. I. HEALTHCARE, LLC

2005CA002138

CIVIL

ANDERSON COUNTY

REBECCA M OVERSTREET

Appellant Atty:

Appellant Name:

.....
SMITH , BRENTLEY P

.....
LISA STRATTON

Appellee Atty:

Appellee Name:

.....
CLAYTON , TARA J.

.....
E. P. I. HEALTHCARE, LLC

OLDHAM , WILLIAM K

E. P. I. HEALTHCARE, LLC

**NOTE:SHOW CAUSE HEARING