

UPDATED: 06/17/2009

JUNE 2009

ORAL ARGUMENT

CALENDAR

06/17/2009

JUNE, 2009

June 1, 2009

**2:00 P.M., FRANKFORT TIME, MOTION PANEL,
JUDGE CAPERTON, PRES., JUDGE DIXON, AND
JUDGE NICKELL, ASSOC.**

June 9, 2009

**3:30 P.M. COURT MEETING – JUDGE KELLER’S
OFFICE, COVINGTON, KENTUCKY**

**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

BOWLING GREEN – Contact Connie DeVries – (270) 246-7411

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

DATE: Monday, June 15, 2009

11:00 AM PJ: KELLER, HON. MICHELLE M. CAPERTON, HON. MICHAEL O. LAMBERT, HON. JAMES H.
2008CA000518 ANTHONY THOMAS GRIMES v COMMONWEALTH OF KENTUCKY

Grimes appeals from the circuit court's denial of RCr 11.42 relief. Grimes, who was convicted of various sex crimes, alleges the trial court inappropriately dismissed his claims as being ones that could have been brought on direct appeal. He also alleges ineffective assistance of counsel based on counsel's alleged failure to advise Grimes of a plea deal.

DAVISS COUNTY

HON HENRY M GRIFFIN

Appellant Atty:

Appellant Name:

APRILE, JOSEPH II

GRIMES, ANTHONY

Appellee Atty:

Appellee Name:

MILLER, CHRISTIAN

COMMONWEALTH OF KENTUCKY

**** NOTE:**

01:00 PM PJ: KELLER, HON. MICHELLE M. CLAYTON, HON. DENISE G. LAMBERT, HON. JAMES H.
2008CA001655 JENNIFER WILLIAMS v LINK A. KARLEN

Mother appeals from the family court's order awarding custody to father. Mother argues the family court abused its discretion when it found she deceived father; when it removed child from mother's custody as child was doing well; and when it determined placement with father was better for child because mother is in military.

HARDIN COUNTY

HON PAMELA ADDINGTON

Appellant Atty:

Appellant Name:

JANES, DENNIS
WIBBELS, JOSEPH JR

WILLIAMS, JENNIFER

Appellee Atty:

Appellee Name:

WILSON, DAVID II

KARLEN, LINK

**** NOTE: ORIGINALLY ON 4/24/09 AT 1:45 PM IN FRANKFORT, KY**

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

DATE: Wednesday, June 17, 2009

10:15 AM PJ: KNOFF, HON. WILLIAM L. CLAYTON, HON. DENISE G. TAYLOR, HON. JEFF S.
2008CA001303 MARLENE WHITE v ASHLAND PARK NEIGHBORHOOD ASSOCIATION, INC.

Appeal from order of Fayette Circuit Court dismissing White's wrongful interference with business contract, conspiracy, and defamation claims against Ashland Park pursuant to CR 12.02(f). Issues include whether statements made by Ashland Park regarding White were protected speech and whether White's motion to amend her complaint was properly denied.

CIVIL	FAYETTE COUNTY	HON THOMAS L CLARK
	Appellant Atty:	Appellant Name:
	GRADDY, W. IV STROBO, RANDAL	WHITE, MARLENE

	Appellee Atty:	Appellee Name:
	HELMERS, DAVID	ASHLAND PARK NEIGHBORHOOD ASSOCIATION, INC.

	MEADE, TAMMY SCHAEFER, JUSTIN	HANSON, STEVE

** NOTE:

11:00 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. KNOFF, HON. WILLIAM L.
2008CA001524 DONNA CARPENTER v EDITH BAKER

Whether circuit court properly entered summary judgment concluding that a release barred appellant's claims against appellee.

CIVIL	MADISON COUNTY	HON GARY D PAYNE
	Appellant Atty:	Appellant Name:
	DAVIS, RODNEY	CARPENTER, DONNA

	Appellee Atty:	Appellee Name:
	BENNIE, JONATHAN HINEGARDNER, CHARLES	BAKER, EDITH

** NOTE:ORIGINALLY 3:00 PM

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

DATE: Wednesday, June 17, 2009

01:30 PM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. KNOPF, HON. WILLIAM L.
2008CA000875 JOHN E. CLARK v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by denying motion to suppress evidence.

CRIMINAL

MARION COUNTY

HON ALLAN RAY BERTRAM

Appellant Atty:

Appellant Name:

SPALDING, SAMUEL

CLARK, JOHN

Appellee Atty:

Appellee Name:

MILLER, CHRISTIAN

COMMONWEALTH OF KENTUCKY

** NOTE:ORIGINALLY 2:15 PM

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

DATE: Thursday, June 18, 2009

09:30 AM PJ: STUMBO, HON. JANET L. NICKELL, HON. C. SHEA WINE, HON. THOMAS B.
2008CA000506 AUBREY WAYNARD BAKER v COMMONWEALTH OF KENTUCKY
2008CA001632

MOR appeals from multiple convictions for flagrant nonsupport. Appellant alleges violation of prohibition against double jeopardy and challenges sufficiency of evidence.

CRIMINAL	WEBSTER COUNTY	HON C. RENE' WILLIAMS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BUCK, STEVEN		BAKER, AUBREY
SCHMIDT, KATHLEEN		
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<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BARR, DAVID		COMMONWEALTH OF KENTUCKY
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** NOTE:

10:15 AM PJ: WINE, HON. THOMAS B. NICKELL, HON. C. SHEA STUMBO, HON. JANET L.
2007CA001404 OTHELLO WASHINGTON v COMMONWEALTH OF KENTUCKY

Appeal as a matter of right from a conviction for robbery in the second degree and persistent felony offender in the first degree. Appellant argues - Investigative hearsay was improperly admitted at trial - Insufficiency of the evidence and that unconstitutional racial arguments were made at trial.

CRIMINAL	SCOTT COUNTY	HON PAUL F ISAACS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
PIGG, JOSEPH		WASHINGTON, OTHELLO
SCHMIDT, KATHLEEN		
YANG, ERIN		
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<u>Appellee Atty:</u>		<u>Appellee Name:</u>
SHACKELFORD, JAMES		COMMONWEALTH OF KENTUCKY
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** NOTE:

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

DATE: Thursday, June 18, 2009

11:00 AM PJ: NICKELL, HON. C. SHEA STUMBO, HON. JANET L. WINE, HON. THOMAS B.
2007CA001971 SHIRLEY A CUNNINGHAM Jr v MILDRED ABBOTT

2007CA001981
2007CA002173
2007CA002174

In fen-phen litigation, whether trial ct properly granted summary judgment on breach of fiduciary duty claim and dissolved a charity created by attorneys with excess settlement funds. Also, whether the trial court erroneously found the attorneys to be joint and severally liable, entered a baseline compensatory damage award and allowed those who had participated in the settlement to mount a collateral attack.

CIVIL BOONE COUNTY HON WILLIAM J WEHR

Appellant Atty:

HARMON, JEFFREY
MEADE-MCKENZIE, MARY

Appellant Name:

CUNNINGHAM, SHIRLEY

Appellee Atty:

FORD, ANGELA
BENTON, FRANK IV
LEET, BYRON
ROSE, C

Appellee Name:

ABBOTT, MILDRED
CHESLEY, STANLEY

CONNER, LUTHER JR

LA, BERTHA

WALLINGFORD (CO-REP), J.

THE KENTUCKY FUND FOR HEALTHY LIVING

** NOTE:50 MINUTE ORAL

01:30 PM PJ: STUMBO, HON. JANET L. NICKELL, HON. C. SHEA WINE, HON. THOMAS B.
2008CA000042 SHAWNEE TELECOM RESOURCES, INC. v KATHY BROWN

2008CA000167

MOR civil appeal and cross appeal from shareholder's appraisal action against telecom company, per KRS 271B.13-300. Issues include valuation of shares, whether trial court erred in certifying judgment on some, but not all, issues final, whether attorneyfee award was supported by evidence, whether the court erred in adopting the findings of the master commissioner and whether the trial court erred in its partial recusal.

CIVIL FAYETTE COUNTY HON GARY D PAYNE

Appellant Atty:

COOK, DERISE

Appellant Name:

SHAWNEE TELECOM RESOURCES, INC.

Appellee Atty:

CASE, CLARK

Appellee Name:

BROWN, KATHY

** NOTE:40 MINUTE ORAL ORIGINALLY AT 2:30 PM

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

DATE: Tuesday, June 23, 2009

11:00 AM PJ: BUCKINGHAM, HON. DAVID C. COMBS, HON. SARA W. THOMPSON, HON. KELLY
2008CA000262 JOSEPH B. ROBERTS v MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Priority of liens.

CIVIL HENDERSON COUNTY HON STEPHEN A. HAYDEN

Appellant Atty:

KASACAVAGE, KENNETH

Appellant Name:

ROBERTS, JOSEPH

Appellee Atty:

APPLE, TRENT

KIBBEY, JEFFREY

Appellee Name:

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

** NOTE:

11:45 AM PJ: BUCKINGHAM, HON. DAVID C. COMBS, HON. SARA W. THOMPSON, HON. KELLY
2008CA000531 COLLINS FINANCIAL SERVICES, INC. v SHEILA JOHNSON

Attorney fees.

CIVIL WARREN COUNTY HON JOHN R. GRISE

Appellant Atty:

MCDANIEL, LLOYD
STINNETT, WILLIAM

Appellant Name:

COLLINS FINANCIAL SERVICES, INC.

Appellee Atty:

ROBERTS, NANCY

Appellee Name:

JOHNSON, SHEILA

** NOTE:

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

DATE: Tuesday, June 23, 2009

01:30 PM PJ: THOMPSON, HON. KELLY COMBS, HON. SARA W. BUCKINGHAM, HON. DAVID C.

2008CA001089 CRAIG WEST v LEVEE LIFT, INC.

2008CA001095

Appellants were injured by an intoxicated driver who was employed by the appellee. Appellants received verdicts against the driver, however, the jury found no liability against his employer. Appellants argue that the trial court's refusal to give a proper jury instruction caused the verdict and argues other errors by the trial court.

CIVIL CHRISTIAN COUNTY HON ANDREW SELF

Appellant Atty:

THOMAS, DANIEL

Appellant Name:

WEST, CRAIG

Appellee Atty:

GORDON, JANET

Appellee Name:

GORDON, JANET

RORIE, WENDELL

WALTERS, JOHN

LEVEE LIFT, INC.

** NOTE: