

UPDATED: 3/14/2013

MARCH 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 3/14/2013

03/14/2013

MARCH, 2013

COURT MEETING WILL NOT BE HELD

March 5, 2013

**10:00 A.M. FRANKFORT TIME, MOTION PANEL,
JUDGE MICHELLE KELLER, PRES.,
JUDGE TAYLOR AND JUDGE VANMETER, ASSOC.**

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

FRANKFORT – Contact Sam Givens - (502) 573-7920

LOUISVILLE – Contact for University of Louisville – John-Paul Moody – (502) 852-6092

**LOCATION: ALLEN COURTROOM, BRANDEIS SCHOOL OF LAW, UNIVERSITY OF
LOUISVILLE, 2301 SOUTH THIRD STREET, LOUISVILLE, KENTUCKY**

DATE: Wednesday, March 20, 2013

10:00 AM PJ: KELLER, HON. MICHELLE M. STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2011CA001915 Dr JOHN L. DOYLE III v KENTUCKY BOARD OF MEDICAL LICENSURE

Dr. Doyle entered into agreed orders of dismissal dismissing petitions for judicial review from an order of suspension and indefinite restriction and an order of revocation as a condition precedent to having his license to practice medicine reinstated under a separate agreed order with the Kentucky Board of Medical Licensure. A year later he filed a CR 60.02 motion to vacate the agreed orders of dismissal. On appeal he argues the trial court erred in denying his CR 60.02 motion.

CIVIL	JEFFERSON COUNTY	HON AUDRA J. ECKERLE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
DEMOISEY, J		DOYLE, JOHN
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
DIAKOV, LEANNE VEST, C II		KENTUCKY BOARD OF MEDICAL LICENSURE
.....		

**** NOTE:**

10:45 AM PJ: KELLER, HON. MICHELLE M. STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2012CA000252 HUGH SCOTT v LOUISVILLE BEDDING COMPANY

Scott appeals from an order of the Jefferson Circuit Court denying his motion to compel arbitration.

CIVIL	JEFFERSON COUNTY	HON IRV MAZE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
MYERS, TODD		SCOTT, HUGH
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
ISON, ERIC KEANE, MARGARET LEWIS, BENJAMIN		LOUISVILLE BEDDING COMPANY
.....		

**** NOTE:**

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

DATE: Wednesday, March 27, 2013

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

ACREE, HON. GLENN E.

NICKELL, HON. C. SHEA

2011CA002003

LEON M. GRIDER v COMMONWEALTH OF KENTUCKY

Appellant is pharmacist convicted of trafficking in controlled substance, first degree. Direct appeal, asserts trial court erred in denying motion for mistrial, and right to ineffective assistance of counsel by failing to grant continuance when counsel was ill.

CRIMINAL

ADAIR COUNTY

HON JAMES L BOWLING

Appellant Atty:

APRILE, JOSEPH II

Appellant Name:

GRIDER, LEON

Appellee Atty:

ANDERSON, JEANNE
CONWAY, JACK

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:

01:45 PM PJ: MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

TAYLOR, HON. JEFF S.

2012CA000989

M. A. M. v COMMONWEALTH OF KENTUCKY

2012CA001165

Juvenile law case: Juvenile appeals from order placing him in the custody of the Cabinet, arguing that the trial court accepted his stipulation without questioning whether it was knowing and voluntary; and that he was denied due process prior to the commitment order upon a finding of contempt.

WOODFORD COUNTY

HON TAMRA GORMLEY

Appellant Atty:

ADKINS, LONDA
SCHMIDT, KATHLEEN

Appellant Name:

M., M.

Appellee Atty:

CONWAY, JACK
GEORGE, ALAN
SHAW, GORDON JR

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:PREVIOUSLY ON 3/27/13 AT 1:00 PM. IN LEXINGTON AND AT 1:45 PM IN LEXINGTON.

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

DATE: Wednesday, March 27, 2013

02:30 PM PJ: NICKELL, HON. C. SHEA

MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

2012CA000125 PATRICIA MARLOW, AS ADMINISTRATRIX v Dr JAMES BUCK

2012CA000189

Whether trial court erred in denying directed verdict in medical malpractice action where doctor admitted causing patient's death by inadvertently inserting needle into aorta during needle biopsy, but there may have been some other intervening event besides the doctor's breach of the standard of care that caused the death where patient died en route to operating room for surgery to repair bleeding puncture wound to aorta? Whether jury instructions were flawed? On cross-appeal, whether trial court erred in denying cross-examination of deceased's son's child psychologist about counseling records regarding loss of consortium claim? Whether trial court erred in excluding counseling records of deceased's children sought to be introduced through doctor's expert witness where the records were not mentioned in Rule 26 disclosure?

CIVIL

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

FREDERICK, CARL
FREDERICK, STEVEN

MARLOW, AS ADMINISTRATRIX, PATRICIA

Appellee Atty:

Appellee Name:

DESIMONE, ANDREW
MOLONEY, DONALD II

BUCK, JAMES

** NOTE:PREVIOUSLY ON 3/27/13 AT 2:30 IN LEXINGTON.

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

DATE: Wednesday, March 27, 2013

03:15 PM PJ: NICKELL, HON. C. SHEA

MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

2012CA000402

COLLIN ELAM v ALFRED SMITH

Whether trial court erred in preventing plaintiff, a passenger in a vehicle involved in a car collision, from identifying to jury the UIM carrier that had substituted the defendant's policy limits and paid the policy limits to the plaintiff, or did Earle v. Cobb, 156 S.W.3d 257 (Ky. 2004) allow such disclosure? Whether trial court erred in excluding plaintiff's cross-examination of medical defense expert about opinions of two IME's? Whether trial court erred in denying plaintiff's motion for partial summary judgment on basic reparation benefits claim where his insurance carrier filed an untimely response? Whether a new trial should occur because the jury awarded inadequate (\$0.00) damages?

CIVIL

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

GORHAM, CHARLES
MURPHY, PATRICK

Appellant Name:

ELAM, COLLIN

Appellee Atty:

MOORE, BRADLEY
STARNES, RANDALL

Appellee Name:

FRANZ, LISA

SAMMONS, ERIN
VOSE, LESLIE

HARCO NATIONAL INSURANCE COMPANY

GRAY, JONATHAN
REINHARDT, R

KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY

HOWARD, ELISABETH
THORNTON, GREGG

SMITH, ALFRED

** NOTE:PREVIOUSLY ON 3/27/13 AT 3:15 PM IN LEXINGTON.

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

DATE: Thursday, March 28, 2013

09:30 AM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

2012CA000644

ANTONIO CLAY v TODD MAGGARD

Whether circuit court erred by granting summary judgment in favor of appellees based upon sovereign immunity and failure to exhaust administrative remedies.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

PEALE, WILLIE JR

Appellant Name:

CLAY, ANTONIO

Appellee Atty:

FELTNER, CHRISTIAN

Appellee Name:

MAGGARD, TODD

**** NOTE:PREVIOUSLY ON 3/28/13 AT 9:30 AM IN LEXINGTON.**

10:15 AM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

2012CA000505

JAMES JOINTER v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by denying appellant's motion to suppress evidence based upon the "plain view" exception.

CRIMINAL

FAYETTE COUNTY

HON KIMBERLY N BUNNELL

Appellant Atty:

REEDER, DERRICK

Appellant Name:

JOINTER, JAMES

Appellee Atty:

LAWSON, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:PREVIOUSLY ON 3/28/13 AT 10:15 AM IN LEXINGTON.**

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

DATE: Thursday, March 28, 2013

11:45 AM PJ: TAYLOR, HON. JEFF S.

MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

2012CA000363

JOSHUA M. CHAPMAN v FIRST FARMERS BANK & TRUST COMPANY

Whether circuit court erred by granting summary judgment in favor of appellee on appellant's breach of contract and fraud claim.

CIVIL

GALLATIN COUNTY

HON JAMES R. SCHRAND

Appellant Atty:

Appellant Name:

CAREY, MARCUS

CHAPMAN, JOSHUA

Appellee Atty:

Appellee Name:

BAXTER, RUTH

FIRST FARMERS BANK & TRUST COMPANY

** NOTE:PREVIOUSLY ON 3/28/13 AT 11:45 AM IN LEXINGTON.