

UPDATED: 3/20/2014

MARCH 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 3/20/2014

03/20/2014

MARCH, 2014

COURT MEETING WILL NOT BE HELD

March 4, 2014

11:00 A.M. FRANKFORT TIME, MOTION PANEL,
JUDGE JOY MOORE, PRESIDING,
JUDGE LAMBERT AND JUDGE NICKELL, ASSOC.

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

**FRANKFORT – Contact Patricia Brauer - (502) 573-7920
LOUISVILLE – Contact Danae Bransford – (502) 595-3440
WILLIAMSTOWN – Sergeant Tim Slone – (859) 824-2773**

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

DATE: Wednesday, March 19, 2014

01:30 PM PJ: VANMETER, HON. LAURANCE B.

ACREE, HON. GLENN E.

TAYLOR, HON. JEFF S.

2013CA000632

MARTHA SPALDING v MARION COUNTY BOARD OF EDUCATION

Education: whether plaintiff was "certified employee" of school system, and entitled to contract renewal; applicability of equitable estoppel.

<p>CIVIL</p> <p style="text-align: center;">MARION COUNTY</p> <p>Appellant Atty: _____</p> <p>HUNT, WILLIAM WALTHER, JEFFREY</p> <p>-----</p> <p>Appellee Atty: _____</p> <p>CHENOWETH, ROBERT</p>	<p>HON DAN KELLY</p> <p>Appellant Name: _____</p> <p>SPALDING, MARTHA</p> <p>-----</p> <p>Appellee Name: _____</p> <p>MARION COUNTY BOARD OF EDUCATION</p>
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**** NOTE:**

02:15 PM PJ: ACREE, HON. GLENN E.

TAYLOR, HON. JEFF S.

VANMETER, HON. LAURANCE B.

2013CA000001

FARMERS NATIONAL BANK v COMMONWEALTH OF KENTUCKY

Civil: Whether Kentucky's system for collecting ad valorem property taxes, including the sale of certificates of tax delinquency, is constitutional.

<p>CIVIL</p> <p style="text-align: center;">FRANKLIN COUNTY</p> <p>Appellant Atty: _____</p> <p>MCGARVEY, JOHN SENN, M</p> <p>-----</p> <p>STAMPER, DEBRA</p> <p>-----</p> <p>Appellee Atty: _____</p> <p>DEMPSEY, FRANK RICE, BETHANY</p> <p>-----</p> <p>LILLY, N O'BRIEN, WILLIAM O'CONNELL, MICHAEL</p>	<p>HON WILLIAM E. MITCHELL</p> <p>Appellant Name: _____</p> <p>FARMERS NATIONAL BANK</p> <p>-----</p> <p>KENTUCKY BANKERS ASSOCIATION</p> <p>-----</p> <p>Appellee Name: _____</p> <p>COMMONWEALTH OF KENTUCKY</p> <p>-----</p> <p>O'CONNELL, MICHAEL</p>
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**** NOTE:**

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

DATE: Thursday, March 20, 2014

10:00 AM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

VANMETER, HON. LAURANCE B.

2013CA000669

JEFFREY PEARCE v BILLY WHITENACK, IN HIS OFFICIAL CAPACITY

Whether circuit court properly dismissed appellant's claims for his failure to exhaust all administrative remedies.

CIVIL

MERCER COUNTY

HON DARREN W. PECKLER

Appellant Atty:

GUTHRIE, BRADLEY

Appellant Name:

PEARCE, JEFFREY

Appellee Atty:

COLE, CHARLES
GREENBURG, DOUGLAS
WRIGHT, DERRICK

Appellee Name:

WHITENACK, BILLY

** NOTE:

10:45 AM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

VANMETER, HON. LAURANCE B.

2012CA001616

GARY D. NICHOLS v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's motion to suppress evidence and properly allowed introduction of KRE 404(b) evidence.

CRIMINAL

MARSHALL COUNTY

HON DENNIS R. FOUST

Appellant Atty:

SCHMIDT, KATHLEEN

Appellant Name:

NICHOLS, GARY

Appellee Atty:

HIGHTOWER, COURTNEY

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:

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

DATE: Thursday, March 20, 2014

11:30 AM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

VANMETER, HON. LAURANCE B.

2012CA001893

ANTHONY JACKSON v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's motion to suppress evidence and properly denied appellant's motion to amend theft charge to a misdemeanor.

CRIMINAL

FAYETTE COUNTY

HON JAMES D ISHMAEL

Appellant Atty:

Appellant Name:

**BENWARD, KATIE
SCHMIDT, KATHLEEN**

JACKSON, ANTHONY

Appellee Atty:

Appellee Name:

ABNER, DAVID

COMMONWEALTH OF KENTUCKY

**** NOTE:**

LOCATION: GRANT COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 2ND FLOOR, 224 SOUTH MAIN STREET, WILLIAMSTOWN, KENTUCKY

DATE: Monday, March 24, 2014

11:30 AM PJ: MOORE, HON. JOY A.

JONES, HON. ALLISON E.

MAZE, HON. IRV

2013CA000710

PEYTON REYNOLDS v CHILDERS OIL COMPANY

Civil case: Did the trial court err in granting summary judgment wherein the Appellants argue that they have a private cause of action for nuisance, trespass and negligence for water contamination by a corporation?

CIVIL

LETCHER COUNTY

HON JAMES L BOWLING

Appellant Atty:

MCMILLIN, ANNE
WILLIS, DAMON

Appellant Name:

REYNOLDS, PEYTON

Appellee Atty:

GOLDEN, J.
MEADOWS, DREW

Appellee Name:

CHILDERS OIL COMPANY

**** NOTE:**

01:00 PM PJ: MAZE, HON. IRV

JONES, HON. ALLISON E.

MOORE, HON. JOY A.

2013CA000431

BRIAN P. EPPERSON v COMMONWEALTH OF KENTUCKY

Appeal from convictions for Manslaughter, Assault, and DUI. Whether trial court abused its discretion by denying motion for continuance following amendment of indictment the morning of the trial. Whether DUI statute violates equal protection in its treatment of drivers depending on possession of a prescription. Whether trial court abused its discretion by admitting expired blood test. Appellant requests oral argument.

CRIMINAL

POWELL COUNTY

HON FRANK ALLEN FLETCHER

Appellant Atty:

WARD, DAVID

Appellant Name:

EPPERSON, BRIAN

Appellee Atty:

ANDERSON, JEANNE

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

LOCATION: GRANT COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 2ND FLOOR, 224 SOUTH MAIN STREET, WILLIAMSTOWN, KENTUCKY

DATE: Monday, March 24, 2014

01:45 PM PJ: MAZE, HON. IRV

JONES, HON. ALLISON E.

MOORE, HON. JOY A.

2013CA000959

LP PIKEVILLE, LLC v GINGER WRIGHT

Appeal from denial of motion to dismiss or to compel arbitration per a written agreement between parties. Whether resident's guardian had sufficient authority to execute arbitration agreement and to bind the resident to it. Appellant requests oral argument.

CIVIL

PIKE COUNTY

HON EDDY COLEMAN

Appellant Atty:

Appellant Name:

BRYMER, LAURA

LP PIKEVILLE, LLC

DYCHE, JOHN

NEMES, JASON

Appellee Atty:

Appellee Name:

CLARK, RANDY

WRIGHT, GINGER

** NOTE:

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

DATE: Thursday, March 27, 2014

01:00 PM PJ: CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2013CA000064

CHRISTY LARIMORE, v TRAVELERS INSURANCE COMPANY

An appeal of the grant of summary judgment in which the trial court dismissed claims of bad faith against an insurance company for its refusal to pay underinsured motorist benefits.

CIVIL

JEFFERSON COUNTY

HON SUSAN SCHULTZ GIBSON

Appellant Atty:

Appellant Name:

SITLINGER, LEE

LARIMORE, CHRISTY

Appellee Atty:

Appellee Name:

GREER, TODD
HOVNATANIAN, LEVON
MARTIN, CHRISTOPHER
OWEN, ROBERT
SMITH, RAYMOND
STEPHENSON, BRIAN
STOPHER, CHARLES
STOPHER, EDWARD

TRAVELERS INSURANCE COMPANY

** NOTE: