

UPDATED 11/16/06

NOVEMBER 2006

ORAL ARGUMENT

CALENDAR

11/16/2006

NOVEMBER 2006

November 1, 2006    COURT MEETING WILL NOT BE HELD IN NOVEMBER.

9:15 - 9:45 P.M., ORAL ARGUMENT, #2005-CA-2233,  
GLORIA GEORGE V. THEODORE LAVIT, ET AL.,  
JUDGE ABRAMSON, PRES., S.R. JUDGE KNOFF  
AND JUDGE GUIDUGLI, ASSOC.

10:00 - 10:30 A.M., ORAL ARGUMENT, #2006-CA-0102,  
DOYLE ENGLE, ET AL. V. DEBORAH BAILEY, ET AL.  
JUDGE ABRAMSON, PRES., JUDGE GUIDUGLI, AND  
JUDGE VANMETER, ASSOC.

1:45 - 2:15 P.M., ORAL ARGUMENT, #2005-CA-1967,  
CHILDERS OIL COMPANY, INC. V. BERTHA ADKINS, ET AL.  
SR. JUDGE HUDDLESTON, PRES., S.R. JUDGE PAISLEY AND,  
JUDGE VANMETER, ASSOC.

2:30 - 3:00 P.M., ORAL ARGUMENT, #2005-CA-2364,  
DEBRA MOORE, V. EARL MOORE, ET AL.,  
SR. JUDGE PAISLEY, PRES., S.R. JUDGE HUDDLESTON, AND  
JUDGE VANMETER, ASSOC.

November 15, 2006    2:00 P.M., MOTION PANEL, JUDGE DIXON, PRES.,  
JUDGE TAYLOR AND SR. JUDGE PAISLEY, ASSOC.

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

**FRANKFORT - Contact Mary Zagale, 502-573-7920**  
**LOUISVILLE - Contact Connie McCay, 502-595-3440**  
**HARTFORD - Contact Kristal Stewart, 270-298-3671**

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

DATE: Wednesday, November 01, 2006

9:15 AM PJ: ABRAMSON GUIDUGLI KNOFF  
2005CA002233 GLORIA GEORGE VS THEODORE LAVIT ET AL.

GEORGE FILED A CIVIL ACTION AGAINST LAVIT FOR ABUSE OF PROCESS RESULTING FROM ALLEGEDLY INTENTIONAL MISCONDUCT BY LAVIT DURING A TRIAL IN A SEPARATE PROCEEDING INVOLVING THE SAME PARTIES THAT RESULTED IN A MISTRIAL. GEORGE NOW APPEALS FROM TRIAL COURT'S GRANTING OF MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM.

CIVIL MARION COUNTY JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....  
HECTUS, C. THOMAS  
PERKINS, RANDAL K

.....  
GLORIA JEAN GEORGE  
GLORIA JEAN GEORGE

Appellee Atty:

Appellee Name:

.....  
COLEMAN, REFORD H.

.....  
STEVE MASTERSON  
THEODORE H. LAVIT

10:00 AM PJ: ABRAMSON GUIDUGLI VANMETER  
2006CA000102 D.E. ET AL. VS D.B. ET AL.

PATERNAL GRANDPARENTS APPEAL FROM AN ORDER TRANSFERRING EMERGENCY CUSTODY OF GRANDCHILD FROM THEM TO THE MATERNAL GRANDMOTHER. THEY CONTEND THAT THE TRIAL COURT ABUSED ITS DISCRETION AND MIS-APPLIED THE BEST-INTEREST STANDARD.

CIVIL HARLAN COUNTY GENE CLARK

Appellant Atty:

Appellant Name:

.....  
DOAN JR, OTIS

.....  
D.E.  
S.E.

Appellee Atty:

Appellee Name:

.....  
ALRED, RUSSELL D.

.....  
C.G.E.  
D.B.  
D.D.B.  
J.B.

\*\*NOTE: ORIGINALLY AT 3:15 PM

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

DATE: Wednesday, November 01, 2006

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1:45 PM PJ: HUDDLESTON PAISLEY VANMETER

2005CA001967 CHILDERS OIL COMPANY, INC. VS BERTHA ADKINS ET AL.

AGE DISCRIMINATION: CHALLENGE, INTER ALIA, TO AWARD OF DAMAGES FOR EMOTIONAL DISTRESS, AWARD OF PUNITIVE DAMAGES AND AWARD OF ATTORNEY FEES

CIVIL PIKE COUNTY STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....  
FORGY JR, LAWRENCE E

.....  
CHILDERS OIL COMPANY, INC.

HALL, DARRELL

CHILDERS OIL COMPANY, INC.

Appellee Atty:

Appellee Name:

.....  
WEBSTER, LAWRENCE R.

.....  
BERTHA L. ADKINS

LAWRENCE R. WEBSTER

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2:30 PM PJ: PAISLEY HUDDLESTON VANMETER

2005CA002364 DEBRA MOORE VS EARL MOORE ET AL.

INTERPRETATION OF WILL; INTENT OF TESTATOR; CONVEYANCE OF PROPERTY PRIOR TO DEATH.

CIVIL KNOTT COUNTY JOSEPH F. BAMBERGER

Appellant Atty:

Appellant Name:

.....  
SMALLWOOD JR, GENE

.....  
DEBRA C. MOORE

Appellee Atty:

Appellee Name:

.....  
HUFF, WINTER R.

.....  
EARL M. MOORE

JAMES T. MOORE

LOCATION: OHIO COUNTY COMMUNITY CENTER, 130 EAST WASHINGTON STREET, SUITE 300, HARTFORD, KENTUCKY

DATE: Tuesday, November 14, 2006

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11:00 AM PJ: TAYLOR DIXON KNOFF

2005CA001715 DAVID ROBBINS VS CMI, INC.

WHETHER CIRCUIT COURT PROPERLY "VOIDED" DISTRICT COURT'S ORDER TO COMPEL ATTENDANCE OF WITNESS IN FLORIDA UNDER KRS 421.240.

CIVIL DAVIESS COUNTY THOMAS O CASTLEN

Appellant Atty:

Appellant Name:

.....  
TULLIS, JOHN W

.....  
DAVID ROBBINS

Appellee Atty:

Appellee Name:

.....  
HOLBROOK, ALLEN W  
MOUNTJOY, JESSE T

.....  
CMI, INC.  
CMI, INC.

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1:00 PM PJ: TAYLOR DIXON KNOFF

2005CA002382 ROBERT MACK VS MARY AMMONS

WHETHER CIRCUIT COURT ERRED IN ADMITTING CERTAIN TESTIMONY OF FORMER SPOUSE.

CIVIL HARDIN COUNTY KELLY MARK EASTON

Appellant Atty:

Appellant Name:

.....  
ROLES, ALAN W.

.....  
ROBERT E. MACK JR

Appellee Atty:

Appellee Name:

.....  
WATSON, LYNN M

.....  
MARY W. AMMONS

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1:45 PM PJ: TAYLOR DIXON KNOFF

2005CA002164 ELEANOR HUNTON ET AL. VS CITY OF BOWLING GREEN

WHETHER CIRCUIT COURT PROPERLY ENTERED SUMMARY JUDGMENT CONCLUDING THAT APPELLEE AS A LANDLORD OWED NO DUTY TO PREVENT EXPOSURE TO ASBESTOS.

CIVIL WARREN COUNTY JOHN R. GRISE

Appellant Atty:

Appellant Name:

.....  
KELLEY, PAUL JASON

.....  
ELEANOR JEAN HUNTON

SALES, KENNETH L.

ELEANOR JEAN HUNTON

ELEANOR JEAN HUNTON

SATTERLEY, JOSEPH D.

ELEANOR JEAN HUNTON

ELEANOR JEAN HUNTON

ELEANOR JEAN HUNTON

Appellee Atty:

Appellee Name:

.....  
HARMON, H. EUGENE

.....  
CITY OF BOWLING GREEN

SATTERFIELD, DIXIE R.

CITY OF BOWLING GREEN

LOCATION: OHIO COUNTY COMMUNITY CENTER, 130 EAST WASHINGTON STREET, SUITE 300, HARTFORD, KENTUCKY

DATE: Tuesday, November 14, 2006

2:30 PM

PJ: KNOPF

DIXON

TAYLOR

2005CA001215

W. B. VS COMMONWEALTH OF KENTUCKY

ON DISCRETIONARY REVIEW FROM CIRCUIT COURT, AN APPEAL FROM JUVENILE COURT CONVICTING THE CHILD OF SEXUAL ABUSE 1ST. THE JUVENILE COURT REFUSED TO RECOGNIZE AN "INFANCY DEFENSE" AND OTHER TRIAL ERRORS ALLEGED.

DR CRIMINAL

HENDERSON COUNTY

STEPHEN A. HAYDEN

Appellant Atty:

Appellant Name:

.....  
ARNOLD, TIMOTHY G.  
PRESTON, DAMON

.....  
W. D. B.  
W. D. B.

Appellee Atty:

Appellee Name:

.....  
RYAN, PERRY T

.....  
COMMONWEALTH OF KENTUCKY

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

DATE: Wednesday, November 15, 2006

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8:45 AM PJ: ACREE KNOFF VANMETER  
2005CA001588 JAMES BAKER VS COMMONWEALTH OF KENTUCKY, KENTUCKY RETIREMENT SYSTEMS ET AL.

CIVIL; ADMINISTRATIVE LAW, STATE RETIREE WHO RETURNS TO WORK FOR DIFFERENT STATE AGENCY CLAIMS ENTITLEMENT TO STATE PAYMENT "IN FULL" OF ALL HOSPITAL AND MEDICAL PREMIUMS PURSUANT TO KRS 61.702(3): DOES AGENCY HAVE AUTHORITY TO AFFECT APPLICABILITY OF KRS 61.702(3) IN APPELLANT'S CIRCUMSTANCE?

CIVIL FRANKLIN COUNTY ROBERT G. JOHNSON

Appellant Atty:

Appellant Name:

.....  
DUFF, DONALD

.....  
JAMES M. BAKER

Appellee Atty:

Appellee Name:

.....  
SHARP II, BROWN J

.....  
BOARD OF TRUSTEES OF THE KENTUCKY RETIREMENT SYSTEM  
COMMONWEALTH OF KENTUCKY, KENTUCKY RETIREMENT SYSTEMS

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10:15 AM PJ: JOHNSON MILLER WINE  
2005CA001690 WHITNEY BRIDGERS VS COMMONWEALTH OF KENTUCKY

WHETHER TRIAL COURT ERRED WHEN IT (1) FAILED TO SUPPRESS EVIDENCE OF SOBRIETY TESTS; (2) ADMITTED BREATH TEST RESULTS WHEN COM. FAILED TO PROVE MACHINE WORKING PROPERLY; (3) ADMITTED BREATH TEST RESULTS AND DENIED BRIDGER'S MOTION FOR DIRECTED VERDICT AND FAILED TO INSTRUCT JURY RELIABILITY WHEN COM. FAILED TO INTRODUCE EVIDENCE TO SHOW BREATH TEST RELIABLE; (4) DENIED BRIDGER'S MOTION FOR DIRECTED VERDICT WHEN COM. FAILED TO INTRODUCE EVIDENCE TO WHAT INTOXILYZER TEST MEASURES.

DR CRIMINAL SPENCER COUNTY CHARLES R. HICKMAN

Appellant Atty:

Appellant Name:

.....  
SEAY, JOHN D.

.....  
WHITNEY BRIDGERS

Appellee Atty:

Appellee Name:

.....  
BALLARD III, FIELDING E.

.....  
COMMONWEALTH OF KENTUCKY

ERBE SR, LEIGH

COMMONWEALTH OF KENTUCKY

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY

\*\*NOTE: ORIGINALLY 3:00 PM

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

DATE: Wednesday, November 15, 2006

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11:00 AM PJ: JOHNSON MILLER WINE

2006CA000330 B.J. VS COMMONWEALTH OF KENTUCKY

WHETHER IT WAS UNCONSTITUTIONAL FOR THE FAMILY COURT TO TRY APPELLANT AS A STATUS OFFENDER (HABITUAL TRUANT) IN HIS ABSENCE AND ALSO TO PROCEED WITH THE DISPOSITION OF HIS CASE IN HIS ABSENCE WHEN HE HAD NOT WAIVED HIS PRESENCE AND WHETHER SUCH ACTIONS VIOLATED APPELLANT'S DUE PROCESS.

JEFFERSON COUNTY

ELEANORE GARBER

Appellant Atty:

Appellant Name:

.....  
GOYETTE, DANIEL T.  
HEFT JR, FRANK WM  
MEEK, TERRA LYNN

.....  
B.J.  
B.J.  
B.J.

Appellee Atty:

Appellee Name:

.....  
SEXTON, DAVID A

.....  
COMMONWEALTH OF KENTUCKY

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1:30 PM PJ: JOHNSON MILLER WINE

2005CA002338 DEBRA GILBERT VS PRIME, INC. ET AL.

WHETHER THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT TO APPELLEES AS APPELLANT CLAIMS (1) GENUINE ISSUE OF MATERIAL FACTS EXIST AS TO WHETHER OR NOT THERE WAS A SETTLEMENT OF APPELLEE'S PROPERTY DAMAGE CLAIM AND (2) AN INSURANCE COMPANY MUST IN CLEAR AND CONCISE LANGUAGE ADVISE ITS INSURED THAT A CLAIM UNDER THE INSURED'S COLLISION COVERAGE MUST BE MADE WITHIN TWO YEARS TO PRESERVE SUBROGATION RIGHTS.

CIVIL

JEFFERSON COUNTY

JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....  
FORE, SARAH MEGAN  
THEILER II, CHARLES E.

.....  
DEBRA GILBERT  
DEBRA GILBERT

Appellee Atty:

Appellee Name:

.....  
FORE, F. LARKIN

.....  
MICHAEL M. BALDANZA  
PRIME, INC.  
NATIONWIDE MUTUAL INSURANCE COMPANY



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

DATE: Wednesday, November 15, 2006

2:15 PM

PJ: JOHNSON

MILLER

WINE

2005CA002249

HARRY HUPP VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED IN LIMITING DEFENSE COUNSEL'S CROSS-EXAMINATION OF THE SOLE COMPLAINING WITNESS DENYING APPELLANT'S RIGHT TO IMPEACH HER CREDIBILITY AND WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING THE COMMONWEALTH'S MOTION FOR MISTRIAL WHEN IT WAS NOT MANIFESTLY NECESSARY AND WHETHER APPELLANT'S CHARGES SHOULD HAVE BEEN DISMISSED DUE TO A VIOLATION OF DOUBLE JEOPARDY.

CIVIL

JEFFERSON COUNTY

F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....  
LAMBERTUS, DAVID A

.....  
HARRY W. HUPP

Appellee Atty:

Appellee Name:

.....  
SEXTON, DAVID A

.....  
COMMONWEALTH OF KENTUCKY

\*\*NOTE: WAS SCHEDULED AT 9:30 AM

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

DATE: Tuesday, November 28, 2006

11:00 AM PJ: MILLER GUIDUGLI SCHRODER  
2005CA000957 BEAR CREEK CAPITAL, LLC ET AL. VS TOEBBEN, LTD. ET AL.

2005CA001010;  
2005CA001132

CIVIL; FRANKLIN CIRCUIT COURT GRANTED SUMMARY JUDGMENT IN CASE INVOLVING VARIOUS PROPERTY OWNERS' CHALLENGE TO THE CITY OF CRESCENT SPRINGS' ISSUANCE OF \$56 MILLION IN INDUSTRIAL REVENUE BONDS; JUDGMENT VACATED BOND ISSUE; ISSUES - APPLICATION OF THE STATUTE OF REPOSE; STANDARD OF REVIEW OF ADM. DECISION; ISSUES - PLAINTIFFS WAIVER OF RIGHTS BY FAILURE TO PARTICIPATE IN ADM. PROCESS; STANDARD OF REVIEW OF ADM. DECISION; IMPOSITION OF SPECIAL NOTICE REQUIREMENT UPON KPABAC?

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

RAMSEY, JAMIE M.

BEAR CREEK CAPITAL, LLC

BUTTERMILK TOWNE CENTER, LLC

SPOOR, RICHARD D

BEAR CREEK CAPITAL, LLC

BUTTERMILK TOWNE CENTER, LLC

TRAUTH, JOSEPH L

BEAR CREEK CAPITAL, LLC

BUTTERMILK TOWNE CENTER, LLC

Appellee Atty:

Appellee Name:

DETERS, JEREMY J.

KENTON COUNTY BOARD OF EDUCATION

DUSING, GERALD F

KENTON COUNTY PUBLIC LIBRARY BOARD

EDMONDSON, GARRY L

NORTHERN KENTUCKY AREA PLANNING COMMISSION

HERRICK, JAMES M

KENTUCKY PRIVATE ACTIVITY BOND ALLOCATION COMMITTEE

NOT REPRESENTED BY COUNSEL,

KENTON COUNTY COOPERATIVE EXTENSION SERVICE

LASALLE BANK NATIONAL ASSOCIATION

PATTEN JR, JOHN G

NORTHERN KENTUCKY INDEPENDENT DISTRICT HEALTH DEPT.

ROWEKAMP, LEONARD G

BARBARA SHERMAN

JOHN C. SHERMAN

MATTHIAS TOEBBEN

TOEBBEN, LTD.

STEWART, MARY ANN

KENTON COUNTY PUBLIC LIBRARY BOARD

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY

SUMME, PETER

CITY OF CRESCENT SPRINGS

CLAIRE MORICONI

DALE RAMSEY

JIM COLLETT

MIKE DAUGHERTY

NICK BERRY

SCOTT SANTANGELO

VOELKER, BRANDON N.

COUNTY OF KENTON

\*\*NOTE: ORAL ARGUMENT PERTAINING TO ISSUES PRESENTED IN MOTION