

UPDATED: 11/13/2014

NOVEMBER 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 11/13/2014

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NOVEMBER, 2014

THERE WILL BE NO COURT MEETING.

November 7, 2014

**11:00 A.M. (FRANKFORT TIME) MOTION PANEL,
JUDGE MOORE, PJ, CHIEF JUDGE ACREE AND
JUDGE STUMBO.**

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

FRANKFORT – Contact Patricia Brauer – (502) 573-7920

LEXINGTON – Contact Dana Carter – (859) 246-2132 or (859) 246-2133

MURRAY STATE UNIV.(MURRAY)– Contact Professor Ihsan Alkhatib – (270) 809-3459

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

DATE: Wednesday, November 12, 2014

01:00 PM PJ: COMBS, HON. SARA W. CAPERTON, HON. MICHAEL O. VANMETER, HON. LAURANCE B.

2013CA001514 CAROL HARRELL v UNIFUND CCR PARTNERS

Appellant challenges the dismissal of her counterclaim in case involving the Fair Debt Collection Practices Act. At issue is the propriety of collection of prejudgment interest involving a business that purchases charged-off debts on credit and debit cards.

CIVIL NELSON COUNTY HON CHARLES C. SIMMS

Appellant Atty:

LAWSON, JAMES
MCKENZIE, JAMES

Appellant Name:

HARRELL, CAROL

Appellee Atty:

TUCKER, JOSEPH

Appellee Name:

UNIFUND CCR PARTNERS

** NOTE:

02:30 PM PJ: CAPERTON, HON. MICHAEL O. COMBS, HON. SARA W. VANMETER, HON. LAURANCE B.

2013CA001988 QUEEN DEBORAH CA'MEL v LOUISVILLE METRO/JEFFERSON COUNTY

Appellant asserts that Louisville Metro Police Department erroneously made disciplinary charges and erroneously terminated officer as if she were still on probationary status, although she had achieved merit-protected status.

CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN

Appellant Atty:

LEIGHTTY, DAVID

Appellant Name:

CA'MEL, QUEEN

Appellee Atty:

DAUGHERTY, KRISTIE
DOBBINS, MARK
KEENE, SANDRA
SHOLAR, WALTER

Appellee Name:

LOUISVILLE METRO/JEFFERSON COUNTY

** NOTE:

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

DATE: Monday, November 17, 2014

01:00 PM PJ: STUMBO, HON. JANET L.

MAZE, HON. IRV

NICKELL, HON. C. SHEA

2013CA001932

DCI PROPERTIES-DKY, LLC v COPPAGE CONSTRUCTION COMPANY, INC.

Appeal from order granting motion to dismiss. Did trial court err in holding that Appellant's claim pursuant to KRS 376.220(3) should have been brought as compulsory counterclaim to earlier action
When does an action under KRS 376.220(3) accrue?

CIVIL

CAMPBELL COUNTY

HON FRED A STINE

Appellant Atty:

Appellant Name:

CRAIG, ROBERT

DCI PROPERTIES-DKY, LLC

Appellee Atty:

Appellee Name:

GURNEY, D.
ROBINSON, WILLIAM III
SUMNER, GRIFFIN

COPPAGE CONSTRUCTION COMPANY, INC.

** NOTE:

01:45 PM PJ: STUMBO, HON. JANET L.

MAZE, HON. IRV

NICKELL, HON. C. SHEA

2013CA001397

GERALD R. SMITH v COMMONWEALTH OF KENTUCKY

Appeal from conditional guilty plea to flagrant non-support. Issue is whether order upon which charge was grounded was an enforceable order thus triggering criminal liability.

CRIMINAL

SCOTT COUNTY

HON ROBERT G. JOHNSON

Appellant Atty:

Appellant Name:

LANDON, JOHN
SCHMIDT, KATHLEEN

SMITH, GERALD

Appellee Atty:

Appellee Name:

LAWSON, JAMES

COMMONWEALTH OF KENTUCKY

** NOTE:

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

DATE: Monday, November 17, 2014

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

MAZE, HON. IRV

STUMBO, HON. JANET L.

2013CA001106 HANDI-VAN, INC. v THE COMMUNITY CAB COMPANY, INC.

2013CA001107

2013CA001257

Whether trial court abused discretion in granting summary judgment in favor of appellees on claims of unfair trade practices, restraint of trade, monopolization, interference with contractual relationship, and violation of federal and state statutes and regulations? On cross-appeal, whether trial court erred in denying claims of sovereign and/or governmental immunity, as well as immunity under the Claims Against Local Governments Act—a matter of first impression?

CIVIL BOONE COUNTY HON JAMES R. SCHRAND

Appellant Atty:

VESPER, PAUL

Appellant Name:

HANDI-VAN, INC.

Appellee Atty:

GRAUS, STACEY
LINNEMAN, DANIEL

Appellee Name:

THE COMMUNITY CAB COMPANY, INC.

** NOTE:

LOCATION: MURRAY STATE UNIVERSITY, WRATHER AUDITORIUM, UNIVERSITY DRIVE, MURRAY, KENTUCKY

DATE: Thursday, November 20, 2014

10:00 AM PJ: TAYLOR, HON. JEFF S. DIXON, HON. DONNA L. LAMBERT, HON. JAMES H.
2014CA000095 RICHARD THOMPSON v ALEX ARGOTTE

Whether circuit court erred by granting appellees' motion for summary judgment in medical malpractice action.

CIVIL	MCCRACKEN COUNTY	HON TIMOTHY KALTENBACH
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HOLLOWAY, WENDELL		THOMPSON, RICHARD
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
CAMDEN, ANDIE		ARGOTTE, ALEX
O'BRYAN, CHRISTOPHER		
.....		
WALTER, RICHARD		MERCY HEALTH PARTNERS-LOURDES INC.
.....		

**** NOTE:**PREVIOUSLY AT 10:45 AM.**

10:45 AM PJ: DIXON, HON. DONNA L. LAMBERT, HON. JAMES H. TAYLOR, HON. JEFF S.
2013CA001934 COMMONWEALTH OF KENTUCKY v STEPHEN BARR

Appeal of summary judgment involving property ownership and trespass dispute.

CIVIL	BRECKINRIDGE COUNTY	HON BRUCE T. BUTLER, JUDGE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
WOMACK, JAMES		COMMONWEALTH OF KENTUCKY
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
NOT REPRESENTED BY COUNSEL,		ALL UNKNOWN DEFENDANTS CLAIMING ANY
		RIGHT, TITLE
.....		
SMITH, KENTON		BARR, STEPHEN
.....		

**** NOTE:**PREVIOUSLY AT 10:00 AM,**

LOCATION: MURRAY STATE UNIVERSITY, WRATHER AUDITORIUM, UNIVERSITY DRIVE, MURRAY, KENTUCKY

DATE: Thursday, November 20, 2014

02:15 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2013CA001680

T. G. v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by affirming the district court's adjudication of sodomy against appellant despite circuit court's recognition that hearsay evidence was admitted.

CHRISTIAN COUNTY

HON JOHN L. ATKINS

Appellant Atty:

Appellant Name:

CHEWNING, SANDS

G., T.

Appellee Atty:

Appellee Name:

CAVANAHA, DAVID
CONWAY, JACK
FOSTER, J
PRYOR, PATRICIA

COMMONWEALTH OF KENTUCKY

** NOTE:

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

DATE: Monday, November 24, 2014

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

ACREE, HON. GLENN E.

MOORE, HON. JOY A.

2013CA001855

GATEWAY AREA DEVELOPMENT DISTRICT, INC. v DAVID COPE

2013CA001937

Appeal of the trial court's failure to grant a directed verdict under KRS 61.101(2); the fact that the circuit court took judicial notice that Appellant was an employer under KRS 61.101(2); and the award of \$65,000.00 in attorneys' fees without making an analysis or findings as to the distinction between successful and unsuccessful claims.

CIVIL

ROWAN COUNTY

HON WILLIAM EVANS LANE

Appellant Atty:

Appellant Name:

MENDIONDO, ADRIAN

GATEWAY AREA DEVELOPMENT DISTRICT, INC.

STILZ, DANIEL

Appellee Atty:

Appellee Name:

BUCHER, ANTHONY

COPE, DAVID

** NOTE:

01:45 PM PJ: ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

MOORE, HON. JOY A.

2013CA000515

LESTER WAGNER v COMMONWEALTH OF KENTUCKY

Criminal; RCr 11.42: Whether the trial court properly denied Appellant's RCr 11.42 petition.

BELL COUNTY

HON ROBERT COSTANZO

Appellant Atty:

Appellant Name:

IVIE, MARGARET

WAGNER, LESTER

KRAUSE, MEREDITH

STAPLES, AMY

Appellee Atty:

Appellee Name:

BLONDELL, KAREN

COMMONWEALTH OF KENTUCKY

LENZ, SUSAN

** NOTE: