

UPDATED 09/30/2005

OCTOBER 2005
ORAL ARGUMENT
CALENDAR

09/30/2005

OCTOBER 2005

October 10, 2005 1:30 P.M., MOTION PANEL, JUDGE DYCHE, PRES., JUDGE MINTON and JUDGE TAYLOR, ASSOC

October 11, 2005 10:00 A.M., FULL COURT MEETING

1:00 P.M., ORAL ARGUMENT, #2004-CA-1903,
LUCIO CLEMENTE V. COMMONWEALTH OF KENTUCKY
JUDGE COMBS, PRES., JUDGE MCANULTY AND SENIOR
JUDGE PAISLEY, ASSOC.

2:30 P.M., ORAL ARGUMENT, #2004-CA-2062, UPS CAPITAL
BUSINESS CREDIT V. C.R. CABLE CONSTRUCTION, INC., ET
AL., JUDGE DYCHE, PRES., JUDGE GUIDUGLI AND SENIOR
JUDGE PAISLEY, ASSOC.

3:15 P.M., ORAL ARGUMENT, #2004-CA-1838, CONSECO
FINANCE CORPORATION, ET AL. V. COMMONWEALTH OF
KENTUCKY, JUDGE GUIDUGLI, PRES., JUDGE DYCHE AND
SENIOR JUDGE PAISLEY, ASSOC.

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

FRANKFORT - Contact Sam Givens, 502-573-7920

LOUISVILLE - Contact Shelly Hawes, 502-595-3440

CHASE COLLEGE OF LAW - Contact Karen Ogburn, 859-572-5987

ASHLAND - Contact Janet Solomon, 606-329-2592

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, October 05, 2005

9:30 AM

PJ: ROSENBLUM

KNOPF

TACKETT

2004CA001489

LOUISVILLE METRO HOUSING AUTHORITY VS JULIUS BURNS

APPEAL FROM AWARD OF COMPENSATORY AND PUNITIVE DAMAGES AGAINST AUTHORITY STEMING FROM
EXPOSURE TO LEAD IN PUBLIC HOUSING

CIVIL

JEFFERSON COUNTY

ANN O'MALLEY SHAKE

Appellant Atty:

Appellant Name:

.....
DEJACO, LISA CATHERINE
HAYNES, KENNETH GREGORY

.....
LOUISVILLE METRO HOUSING AUTHORITY
LOUISVILLE METRO HOUSING AUTHORITY

Appellee Atty:

Appellee Name:

.....
COHEN, GLENN ALAN

.....
JULIUS BURNS

10:15 AM

PJ: KNOPF

ROSENBLUM

TACKETT

2004CA001764

COMMONWEALTH OF KENTUCKY VS DONALD ARMSTRONG ET AL.

THE COMMONWEALTH SEEKS REVIEW OF THE DENIAL OF ITS PETITION FOR A WRIT PROHIBITING THE DISTRICT
COURT FROM SUPPRESSING BREATH-TEST EVIDENCE IN A DRUNKEN CASE. THE DISTRICT COURT RULED THAT
THE ARRESTING OFFICER HAD NOT ACCOMMODATED THE DRIVER'S REQUEST FOR AN INDEPENDENT BLOOD
TEST.

CIVIL

JEFFERSON COUNTY

F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
SEXTON, DAVID A
STUMBO, GREGORY D.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
ARMSTRONG JR, DONALD E
JEWELL, FRANKLIN P

.....
DONALD ARMSTRONG
SHEILA CARTER BROADY

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, October 05, 2005

11:00 AM

PJ: KNOFF

ROSENBLUM

TACKETT

2004CA001536

SANDOZ PHARMACEUTICALS CORPORATION VS RONALD GUNDERSON
ET AL.

2004CA001537

THIS IS A CONSOLIDATED PRODUCTS-LIABILITY, MEDICAL-MALPRACTICE ACTION THAT RESULTED IN
JUDGMENTS AGAINST BOTH THE MANUFACTURER OF THE DRUG PARLODEL AND THE DOCTOR WHO
PRESCRIBED IT. THE APPELLANTS RAISE NUMEROUS GROUNDS OF ERROR, MOST HAVING TO DO WITH THE
ADMISSIBILITY OF TESTIMONY CONCERNING THE RISKINESS OF THE DRUG.

CIVIL

JEFFERSON COUNTY

BARRY WILLETT

Appellant Atty:

Appellant Name:

.....

BERGER, BRUCE J
HOLLINGSWORTH, JOE G
LATIMER, KATHARINE R
PATTERSON, DEBORAH H
SNELL, VIRGINIA HAMILTON

.....

SANDOZ PHARMACEUTICALS CORPORATION
SANDOZ PHARMACEUTICALS CORPORATION
SANDOZ PHARMACEUTICALS CORPORATION
SANDOZ PHARMACEUTICALS CORPORATION
SANDOZ PHARMACEUTICALS CORPORATION

Appellee Atty:

Appellee Name:

.....

FRANKLIN, LARRY B.

.....

JOHN J. FORD
JOHN J. FORD
NICHOLAS GUNDERSON
RONALD GUNDERSON
WESLEY GUNDERSON
JOHN J. FORD
JOHN J. FORD
NICHOLAS GUNDERSON
RONALD GUNDERSON
WESLEY GUNDERSON

HANCE, MICHAEL R

**NOTE: 40 MINUTES TOTAL SCHEDULED FOR ORAL ARGUMENTS

PANEL: EAST/SOUTHEAST

LOCATION: CARL D. PERKINS, FEDERAL BUILDING AND U.S. COURTHOUSE, 3RD FLOOR
COURTROOM, GREENUP AVENUE, ASHLAND, KENTUCKY

DATE: Tuesday, October 18, 2005

10:15 AM PJ: MCANULTY COMBS JOHNSON
2004CA001396 GEORGE ISON VS EDISON CREECH ET AL.

CIVIL: SUBSEQUENT DISCOVERY OF EVIDENCE REJECTED BY TRIAL COURT PURSUANT TO CR 60.02.

CIVIL HARLAN COUNTY RON JOHNSON

Appellant Atty:

Appellant Name:

.....
ALRED, RUSSELL D.

.....
GEORGE ISON

Appellee Atty:

Appellee Name:

.....
BUSROE JR, FREDERIC M
DOAN JR, OTIS

.....
EDISON CREECH
PAULINE ELDRIDGE

11:00 AM PJ: JOHNSON COMBS MCANULTY
2004CA001069 FLORAINE BRANHAM ET AL. VS DONALD MAYNARD

APPELLANT CLAIMS THE TRIAL COURT ERRED IN A WILL CONTEST ACTION (1) BY NOT SETTING ASIDE THE JURY'S VERDICT AS UNSUPPORTED BY THE EVIDENCE; (2) BY ERRONEOUSLY INSTRUCTING THE JURY; AND (3) BY ALLOWING COUNSEL TO MAKE INAPPROPRIATE ARGUMENTS TO THE JURY.

CIVIL PIKE COUNTY STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
JUSTICE, JOSEPH W.

.....
ALFRED BRANHAM
FLORAINE BRANHAM
FLORAINE BRANHAM

Appellee Atty:

Appellee Name:

.....
MAY, MARRS A

.....
DONALD MAYNARD

PANEL: EAST/SOUTHEAST

LOCATION: CARL D. PERKINS FEDERAL BUILDING AND U.S. COURTHOUSE, 3RD FLOOR
COURTROOM, GREENUP AVENUE, ASHLAND, KENTUCKY

DATE: Tuesday, October 18, 2005

1:30 PM PJ: JOHNSON COMBS MCANULTY
2004CA001704 EARL WILLIAMSON VS CYNTHIA SCHNEIDER ET AL.

WHETHER THE TRIAL COURT ERRED IN A MEDICAL NEGLIGENCE ACTION BY REFUSING TO ALLOW THE PLAINTIFF TO MENTION IN VOIR DIRE THE DEFENDANT EMPLOYER CAVE RUN CLINIC.

CIVIL ROWAN COUNTY BETH LEWIS MAZE

Appellant Atty:

Appellant Name:

.....
MULLINS, KRIS DOUGLAS
SAVAGE, JOE C.

.....
EARL WILLIAMSON
EARL WILLIAMSON

Appellee Atty:

Appellee Name:

.....
KOLOKOWSKY, LYNN RIKHOFF
ROBINSON, CLAYTON L.

.....
CYNTHIA SCHNEIDER
CYNTHIA SCHNEIDER
PROUDFOOT & ASSOCIATES P.S.C

2:15 PM PJ: JOHNSON COMBS MCANULTY
2004CA002141 JAMES COUCH VS KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION
ET AL.

WHETHER THE KUIC ERRED BY DETERMINING APPELLANT VOLUNTARILY QUIT HIS EMPLOYMENT.

CIVIL BREATHITT COUNTY LARRY MILLER

Appellant Atty:

Appellant Name:

.....
ALFANO, KAREN ANN

.....
JAMES P. COUCH

Appellee Atty:

Appellee Name:

.....
NOT REPRESENTED BY COUNSEL,
PEABODY, AMY O'NAN

.....
SCG
KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION

PANEL: EAST/SOUTHEAST

LOCATION: CARL D. PERKINS FEDERAL BUILDING AND U.S. COURTHOUSE, 3RD FLOOR
COURTROOM, GREENUP AVENUE, ASHLAND, KENTUCKY

DATE: Tuesday, October 18, 2005

3:00 PM PJ: JOHNSON COMBS MCANULTY
2004CA002145 ESTATE OF WILLIAM CLINTON BRYANT ET AL. VS MID-STATES PLASTICS,
INC.

WHETHER THE TRIAL COURT ERRED BY GRANTING SUMMARY JUDGMENT TO APPELLEE ON THE BASIS THAT IT
COULD NOT BE HELD VICARIOUSLY LIABLE.

CIVIL MONTGOMERY COUNTY BETH LEWIS MAZE

Appellant Atty:

Appellant Name:

.....
HERREN JR., THOMAS K.
HERREN, THOMAS K.

.....
WILLIAM CLINTON BRYANT JR.
ESTATE OF WILLIAM CLINTON BRYANT
ESTATE OF WILLIAM CLINTON BRYANT
TINA S BRYANT
TINA S BRYANT

Appellee Atty:

Appellee Name:

.....
CHESNUT, ANNE A.
OWEN, DAVID A.

.....
MID-STATES PLASTICS, INC.
MID-STATES PLASTICS, INC.

3:45 PM PJ: COMBS JOHNSON MCANULTY
2004CA001333 DANNY CHILDERS VS JAMES CHILDERS ET AL.

APPEAL CHALLENGES A JURY VERDICT THAT SET ASIDE A DEED FOR LACK OF MENTAL CAPACITY AND ALSO
SET ASIDE A POWER OF ATTORNEY FOR ALLEGED UNDUE INFLUENCE.

CIVIL PIKE COUNTY EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....
WEBSTER, LAWRENCE R.

.....
DANNY CHILDERS

Appellee Atty:

Appellee Name:

.....
CARTER, MILLER KENT

.....
BARBARA MANESS
BILLY CHILDERS
ELENE MAY
JAMES CHILDERS
LARRY CHILDERS
NEWELL GENE CHILDERS
WILLIAM JERRY CHILDERS

PANEL: NORTH/CENTRAL

LOCATION: CHASE LAW SCHOOL, MOOT COURTROOM, NUNN HALL, NUNN DRIVE, HIGHLAND HEIGHTS, KENTUCKY

DATE: Wednesday, October 12, 2005

9:30 AM PJ: MINTON SCHRODER TAYLOR
2004CA001928 HOMER BAKER VS CAMPBELL COUNTY BOARD OF EDUCATION

WHETHER CIRCUIT COURT ERRED IN DISMISSING COMPLAINT BASED UPON ALLEGATION OF A "WRONGFUL REFUSAL TO HIRE."

CIVIL CAMPBELL COUNTY LEONARD L KOPOWSKI

Appellant Atty:

Appellant Name:

.....
SCOTT, KENNETH W

.....
HOMER BAKER

Appellee Atty:

Appellee Name:

.....
EDMONDSON, GARRY L

.....
CAMPBELL COUNTY BOARD OF EDUCATION

REED, JASON V.

CAMPBELL COUNTY BOARD OF EDUCATION

10:15 AM PJ: MINTON SCHRODER TAYLOR
2004CA002233 HYATT CORPORATION OF DELAWARE VS YOUNG AND ASSOCIATES, INC.

WHETHER CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT ON INDEMNITY CLAIMS UNDER A WRITTEN CONTRACT THAT HAD BEEN ORALLY MODIFIED.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
DENTON, KURT R.

.....
HYATT CORPORATION OF DELAWARE

MORTON, JOHN C

HYATT CORPORATION OF DELAWARE

Appellee Atty:

Appellee Name:

.....
LUCCHESI, ANGELA D.

.....
YOUNG AND ASSOCIATES, INC.

11:00 AM PJ: TAYLOR MINTON SCHRODER
2004CA001528 PATHWAYS, INC. VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT PROPERLY AFFIRMED CABINET'S DECISION TO DENY MEDICAID REIMBURSEMENT FOR APPELLANT'S DEVELOPMENT EXPENSES.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
PRICE, STEPHEN R.

.....
PATHWAYS, INC.

Appellee Atty:

Appellee Name:

.....
HERKLOTZ, JOHANN F

.....
COMMONWEALTH OF KENTUCKY

JOHNSON, GRADY W

COMMONWEALTH OF KENTUCKY

**NOTE: PREVIOUSLY 3:00 PM

PANEL: FRANKFORT PANEL

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

DATE: Tuesday, October 11, 2005

1:00 PM PJ: COMBS MCANULTY PAISLEY
2004CA001903 LUCIO CLEMENTE VS COMMONWEALTH OF KENTUCKY

ASSAULT CONVICTION; SPANISH-SPEAKING DEFENDANT ALLEGES ERROR FOR COURT'S REFUSAL TO PERMIT HIM TO WITHDRAW A GUILTY PLEA WHEN HE HAD NO ACCESS TO AN ADEQUATE TRANSLATOR DURING PLEA NEGOTIATIONS. HE ALSO CLAIMS RCR. 11.42 VIOLATION.

CRIMINAL DAVIESS COUNTY HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....
CLARE, LISA BRIDGES
PRESTON, DAMON

.....
LUCIO LUNA CLEMENTE
LUCIO LUNA CLEMENTE

Appellee Atty:

Appellee Name:

.....
SHEPHERD, DENNIS W.

.....
COMMONWEALTH OF KENTUCKY

2:30 PM PJ: DYCHE GUIDUGLI PAISLEY
2004CA002062 UPS CAPITAL BUSINESS CREDIT VS C.R. CABLE CONSTRUCTION, INC. ET AL.

WHETHER ORDER FOR BANK TO MARSHAL ASSETS WAS ERROR; FINALITY

CIVIL CLARK COUNTY WILLIAM T JENNINGS

Appellant Atty:

Appellant Name:

.....
CROSBY, WILLIAM DUNCAN
DILGER, CRAIG C
FENTON, THOMAS C
MCGARVEY, JOHN T.
PONTOCALONI, EDWARD

.....
UPS CAPITAL BUSINESS CREDIT
UPS CAPITAL BUSINESS CREDIT
UPS CAPITAL BUSINESS CREDIT
UPS CAPITAL BUSINESS CREDIT
UPS CAPITAL BUSINESS CREDIT

Appellee Atty:

Appellee Name:

.....
GOFF II, KENNETH HAROLD
HENRY, KEVIN G
MOSELEY, MARK L.
ROSE, DAN M
WRIGHT, SARAH CHARLES

.....
T.D.A. PROPERTIES, INC.
C.R. CABLE CONSTRUCTION, INC.
ALLTEL COMMUNICATIONS PRODUCTS, INC.
C.R. CABLE CONSTRUCTION, INC.
C.R. CABLE CONSTRUCTION, INC.

PANEL: FRANKFORT PANEL

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

DATE: Tuesday, October 11, 2005

3:15 PM

PJ: GUIDUGLI

DYCHE

PAISLEY

2004CA001838

CONSECO FINANCE CORPORATION ET AL. VS COMMONWEALTH OF KENTUCKY

APPELLANTS (ASSIGNEES) WERE DENIED TAX REFUNDS THEY CLAIM ARE DUE UNDER BAD DEBT STATUTE (KRS 139.350).

CIVIL

FRANKLIN COUNTY

ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
WATSON, LYNN M

.....
CONSECO FINANCE CORPORATION
WELLS FARGO FINANCIAL KENTUCKY, INC.

Appellee Atty:

Appellee Name:

.....
HENDRIX, STEWART DOUGLAS

.....
COMMONWEALTH OF KENTUCKY