

UPDATED 10/03/06

OCTOBER 2006

ORAL ARGUMENT

CALENDAR

10/03/2006

OCTOBER 2006

October 10, 2006 10:00 A.M., FULL COURT MEETING

1:45 - 2:15 P.M., ORAL ARGUMENT, #2005-CA-1703, DOLLAR GENERAL PARTNERS V. UPCHURCH, SR. JUDGE PAISLEY, PRES., CHIEF JUDGE COMBS, AND JUDGE HENRY, ASSOC.

2:30 - 3:10 P.M., ORAL ARGUMENT, #2005-CA-1019 AND #2005-CA-1020, JOHN BIANCHI, D.M.D., V. CITY OF HARLAN, SR. JUDGE PAISLEY, PRES., CHIEF JUDGE COMBS, AND JUDGE HENRY, ASSOC.

October 11, 2006 9:30 - 10:00 A.M., ORAL ARGUMENT, #2005-CA-1739, CAROLYN MORGAN V. BETTY MORGAN, SR. JUDGE PAISLEY, PRES., CHIEF JUDGE COMBS AND JUDGE HENRY, ASSOC.

10:15 - 10:45 A.M., ORAL ARGUMENT, #2005-CA-466 AND #2005-CA-490, LESLIE RAMSEY V. GEORGE RAMSEY, CHIEF JUDGE COMBS, JUDGE HENRY AND SR. JUDGE PAISLEY, ASSOC.

11:00 - 11:30 A.M., ORAL ARGUMENT, #2005-CA-1888, B.C. V. CABINET FOR HEALTH AND FAMILY SERVICES, CHIEF JUDGE COMBS, PRES., JUDGE HENRY AND SR. JUDGE PAISLEY, ASSOC.

1:00 - 1:30 P.M., ORAL ARGUMENT, #2005-CA-957, #2005-CA-1010, AND #2005-CA-1132, BEAR CREEK CAPITAL, ET AL. V. TOEBBEN, LTD., ET AL., SPECIAL JUDGE MILLER, PRES., JUDGE GUIDUGLI AND JUDGE SCHRODER, ASSOC.

1:45 - 2:15 P.M., ORAL ARGUMENT, #2002-CA-1049, #2003-CA-520, AND #2004-CA-844, LESLIE RENN V. KENNETH ROSS, SPECIAL JUDGE MILLER, PRES., JUDGE BARBER, AND CHIEF JUDGE COMBS, ASSOC.

2:00 P.M., MOTION PANEL, JUDGE ABRAMSON, PRES., JUDGE HENRY AND SR. JUDGE KNOPF, ASSOC.

2:30 - 3:00 P.M., ORAL ARGUMENT, #2005-CA-2039 AND

**#2005-CA-2040, SMITH FOGLE V. GENERALI-U.S. BRANCH,
JUDGE GUIDUGLI, PRES., SPECIAL JUDGE MILLER AND
JUDGE SCHRODER, ASSOC.**

**3:15 - 3:45 P.M., ORAL ARGUMENT, #2006-CA-1873, JOHN DOE,
CLASS V. JOHN W. POTTER, SPECIAL JUDGE, BOONE
CIRCUIT COURT, ET AL., JUDGE ABRAMSON, PRES,
JUDGE HENRY AND SR. JUDGE KNOPF, 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

PADUCAH - Contact Susan Floyd or Judge Hines, 270-575-7292

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

DATE: Monday, October 02, 2006

2:00 PM PJ: ABRAMSON KNOF VANMETER
2005CA001841 MARK KING VS CAMPBELL COUNTY, KENTUCKY

KING APPEALS FROM THE DISMISSAL OF HIS DECLARATORY JUDGMENT ACTION CHALLENGING ONE OF CAMPBELL COUNTY'S OCCUPATIONAL LICENSE TAXES. HE CONTENDS THAT A RECENT AMENDMENT TO KRS 68.197 AUTHORIZING THE TAX IS UNCONSTITUTIONAL.

CIVIL CAMPBELL COUNTY JULIE REINHARDT WARD

Appellant Atty:

Appellant Name:

.....
SPARKS, ROBERT R

.....
MARK KING

Appellee Atty:

Appellee Name:

.....
MANDO, JEFFREY C.

.....
CAMPBELL COUNTY, KENTUCKY

VERST, JUSTIN D

CAMPBELL COUNTY, KENTUCKY

2:45 PM PJ: ABRAMSON BUCKINGHAM GUIDUGLI
2006CA000193 R. B. ET AL. VS COMMONWEALTH OF KENTUCKY ET AL.

R.G.B. APPEALS FROM THE TRIAL COURT'S ORDER TERMINATING HER PARENTAL RIGHTS BASED ON HER HISTORY OF ALCOHOLISM AND DRUG ABUSE. SHE CONTENDS THAT THE ORDER OF TERMINATION WAS IN ERROR GIVEN THAT SHE FULLY COMPLIED WITH ALL OF THE CABINET'S RECOMMENDATIONS IN HER CASE PLAN.

ADOPTION FAYETTE COUNTY TIMOTHY NEIL PHILPOT

Appellant Atty:

Appellant Name:

.....
STINETORF, J ROSS

.....
J. W. R. II

R. G. B.

Appellee Atty:

Appellee Name:

.....
MOSSBROOK, DAVID W.

.....
COMMONWEALTH OF KENTUCKY

WILSON, MELINDA G.

A. G. B.

B. A. R.

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

DATE: Monday, October 02, 2006

3:30 PM PJ: BUCKINGHAM COMBS MILLER
2005CA001652 MICHAEL PENNINGTON VS JENKINS-ESSEX CONSTRUCTION, INC.
PERSONAL INJURY.

CIVIL HARDIN COUNTY KELLY MARK EASTON

Appellant Atty:

Appellant Name:

.....
KELLEY, PAUL JASON
SALES, KENNETH L.
SATTERLEY, JOSEPH D.

.....
MICHAEL PENNINGTON
MICHAEL PENNINGTON
MICHAEL PENNINGTON

Appellee Atty:

Appellee Name:

.....
LANGDON, DOUGLAS W
OSBOURN, MARK A
PIEKARSKI, CHRISTOPHER M
WEGHER, VINCENT JOSEPH

.....
JENKINS-ESSEX CONSTRUCTION, INC.
JENKINS-ESSEX CONSTRUCTION, INC.
JENKINS-ESSEX CONSTRUCTION, INC.
JENKINS-ESSEX CONSTRUCTION, INC.

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

DATE: Tuesday, October 03, 2006

9:30 AM PJ: JOHNSON BUCKINGHAM TAYLOR
2005CA001700 CURTIS GORDON VS CITY OF SHIVELY, KENTUCKY ET AL.

WHETHER THE CIRCUIT COURT ERRED BY AFFIRMING THE CIVIL SERVICE COMMISSION'S DISCIPLINARY SUSPENSION OF A POLICE OFFICER.

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

MEADE, DON C
MILLER, MARK L.

CURTIS GORDON Jr
CURTIS GORDON Jr

Appellee Atty:

Appellee Name:

CATO JR, WALTER L.
CUNNINGHAM JR, WALKER C

CITY OF SHIVELY, KENTUCKY
SHIVELY CIVIL SERVICE COMMISSION

10:15 AM PJ: JOHNSON BUCKINGHAM TAYLOR
2005CA001925 SANDRA PETRONIS VS CHURCHILL DOWNS INCORPORATED

WHETHER THE CIRCUIT COURT ERRED BY GRANTING SUMMARY JUDGMENT AND DISMISSING APPELLANT'S NEGLIGENCE ACTION BASED ON KENTUCKY LAW RATHER THAN NEW YORK LAW AND BY RELYING ON THE EXCLUSIVITY PROVISION OF KENTUCKY'S WORKERS' COMPENSATION LAW.

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

BLUHM, DIANE E
SCIANTARELLI, KEVIN B

SANDRA PETRONIS
SANDRA PETRONIS

Appellee Atty:

Appellee Name:

LE MEUR, PATRICIA C
PARKER JR, JOHN F
SWAIN, WILLIAM P.

CHURCHILL DOWNS INCORPORATED
CHURCHILL DOWNS INCORPORATED
CHURCHILL DOWNS INCORPORATED

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

DATE: Tuesday, October 03, 2006

11:00 AM PJ: JOHNSON BUCKINGHAM TAYLOR

2006CA001001 BRUNSWICK BOWLING LEAGUE VS JOHN SIMS ET AL.

WHETHER THE WCB ERRED BY REVERSING THE CALJ'S RULING THAT THE CLAIMANT/EMPLOYEE HAD FAILED TO ESTABLISH A WORSENING OF HIS CONDITION IN A MOTION TO REOPEN HIS CLAIM.

WORKERS COMP WORKERS' COMP COUNTY JONATHAN LEE STANLEY

Appellant Atty:

Appellant Name:

.....
EDELEN, THOMAS M

.....
BRUNSWICK BOWLING LEAGUE

Appellee Atty:

Appellee Name:

.....
DAUB, WAYNE C

.....
JOHN SIMS

EMRICK, WILLIAM

WORKERS' COMPENSATION BOARD

LOWTHER, SHEILA C

SHEILA LOWTHER

1:30 PM PJ: TAYLOR BUCKINGHAM JOHNSON

2005CA002095 DEBRA IRELAND VS JONATHAN HODES, M.D.

WHETHER CIRCUIT COURT ERRED BY ADMISSION OF CERTAIN EVIDENCE.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
MORRIS II, DOUGLAS H

.....
DEBRA IRELAND

PLAYER, LEA A

DEBRA IRELAND

Appellee Atty:

Appellee Name:

.....
BROWN JR, DONALD K.

.....
JONATHAN E. HODES, M.D.

FALLER, RHODA GROSSBERG

JONATHAN E. HODES, M.D.

KLAUSING, JOSEPH CHARLES

JONATHAN E. HODES, M.D.

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

DATE: Tuesday, October 03, 2006

2:15 PM

PJ: BUCKINGHAM

JOHNSON

TAYLOR

2005CA002187

VICKY POORE ET AL. VS NATIONWIDE MUTUAL INSURANCE COMPANY

CHOICE OF LAWS/INSURANCE/AUTO ACCIDENT.

CIVIL

BULLITT COUNTY

THOMAS L. WALLER

Appellant Atty:

Appellant Name:

.....
DRAUT, A ANDREW

.....
CINDY L. POORE
JARROD W. POORE
VICKY POORE
VICKY POORE

Appellee Atty:

Appellee Name:

.....
KRAUSER, MICHAEL E
MOSER, ERIC S

.....
NATIONWIDE MUTUAL INSURANCE COMPANY
NATIONWIDE MUTUAL INSURANCE COMPANY

LOCATION: MCCRACKEN COUNTY COURTHOUSE, COURTROOM A, 301 S. 6TH STREET, PADUCAH, KENTUCKY

DATE: Thursday, October 05, 2006

9:15 AM

PJ: JOHNSON

BUCKINGHAM

TAYLOR

2006CA000895

CYNTHIA FRAZIER VS MORSEY, INC. ET AL.

WHETHER THE WCB ERRED BY APPLYING KRS 342.730(4) IN DETERMINING WHAT AGE THE CLAIMANT/SPOUSE WOULD QUALIFY FOR SOCIAL SECURITY BENEFITS BY REASON OF THE FACT THAT THE WORKER UPON WHOSE EARNING ENTITLEMENT IS BASED (HER DECEASED HUSBAND/THE EMPLOYEE) WOULD HAVE QUALIFIED FOR NORMAL OLD-AGE SOCIAL SECURITY RETIREMENT BENEFITS.

WORKERS COMP

WORKERS' COMP COUNTY

JONATHAN LEE STANLEY

Appellant Atty:

Appellant Name:

HOUSMAN, CRAIG

CYNTHIA FRAZIER

Appellee Atty:

Appellee Name:

EMRICK, WILLIAM

WORKERS' COMPENSATION BOARD

HUTSON, RICHARD CHRISTION

MORSEY, INC.

STEEN, IRENE

IRENE STEEN

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

DATE: Tuesday, October 10, 2006

1:45 PM

PJ: PAISLEY

COMBS

HENRY

2005CA001703

DOLLAR GENERAL PARTNERS VS ARNEY UPCHURCH

RETALIATION FOR FILING COMP CLAIM. SUFFICIENCY OF EVIDENCE. INSTRUCTIONS ON FRONT PAY AND BACK
PAY. JURY AWARD SPECULATIVE. PUNITIVE DAMAGES INSTRUCTION.

CIVIL

CLINTON COUNTY

EDDIE C LOVELACE

Appellant Atty:

Appellant Name:

.....
FRAZIER, KEITH D

.....
DOLLAR GENERAL PARTNERS

HARRIS JR, JAMES DOUGLAS

DOLLAR GENERAL PARTNERS

WASHKO, ELIZABETH S.

DOLLAR GENERAL PARTNERS

Appellee Atty:

Appellee Name:

.....
CARROLL, THOMAS E.

.....
ARNEY UPCHURCH

RAINS, MICHAEL AARON

ARNEY UPCHURCH

2:30 PM

PJ: PAISLEY

COMBS

HENRY

2005CA001019

JOHN BIANCHI, D.M.D. ET AL. VS CITY OF HARLAN ET AL.

2005CA001020

CONDEMNATION AND REVERSE CONDEMNATION. SEPARATE TRIALS. LATE ANSWER NOT PERMITTED.
CAPACITY OF CONDEMNOR.

CIVIL

HARLAN COUNTY

RON JOHNSON

Appellant Atty:

Appellant Name:

.....
BUTTERMORE JR, RODNEY E

.....
JOHN BIANCHI, D.M.D.

LEWIS BIANCHI

SANDY BIANCHI

Appellee Atty:

Appellee Name:

.....
LAWSON, SUSAN C

.....
CITY OF HARLAN

CITY OF HARLAN TOURIST AND CONVENTION COMMISSION

**NOTE:40 MINUTE ORAL

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

DATE: Wednesday, October 11, 2006

9:30 AM PJ: PAISLEY COMBS HENRY

2005CA001739 CAROLYN MORGAN VS BETTY MORGAN

AUTO ACCIDENT CASE. JURY FOUND FOR PLAINTIFF BUT AWARDED NO DAMAGES. DENIAL OF MOTION FOR NEW TRIAL.

CIVIL LAUREL COUNTY GREGORY A. LAY

Appellant Atty:

Appellant Name:

.....
BENTLEY, BRUCE RUSSELL

.....
CAROLYN JONES MORGAN

Appellee Atty:

Appellee Name:

.....
GOFORTH, MICHAEL A.

.....
BETTY MORGAN

10:15 AM PJ: COMBS HENRY PAISLEY

2005CA000466 LESLIE RAMSEY VS GEORGE RAMSEY

2005CA000490 DISSOLUTION OF MARRIAGE; APPEAL AND CROSS-APPEALS INVOLVED. TWO ISSUES PRIMARILY: (1) HUSBAND'S ALLEGED DISSIPATION OF MARITAL ASSETS IN ANTICIPATION OF DIVORCE; (2) IMPROPER LIMITATION ON AWARD OF MAINTENANCE TO WIFE.

CIVIL PIKE COUNTY LARRY E. THOMPSON

Appellant Atty:

Appellant Name:

.....
O'BRIEN, EILEEN M

.....
LESLIE WHITT RAMSEY

OSBORNE, CRYSTAL L.

LESLIE WHITT RAMSEY

Appellee Atty:

Appellee Name:

.....
SIPPLE, AGNES D.

.....
GEORGE FRANKLIN RAMSEY

11:00 AM PJ: COMBS HENRY PAISLEY

2005CA001888 B. C. VS CABINET FOR HEALTH AND FAMILY SERVICES ET AL.

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS SOUGHT BY CABINET IS CHALLENGED ON APPEAL BY THE MOTHER OF THE THREE MINOR CHILDREN.

ADOPTION HARLAN COUNTY D. JEFF CHOATE

Appellant Atty:

Appellant Name:

.....
WILSON-LEE, KELLIE DENISE

.....
B. J. C.

Appellee Atty:

Appellee Name:

.....
LAWSON, SUSAN C

.....
A. M. C.

A. N. C.

T. L. M. C.

SPURLOCK, STEPHEN D.

CABINET FOR HEALTH AND FAMILY SERVICES

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

DATE: Wednesday, October 11, 2006

1:00 PM

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

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

DATE: Wednesday, October 11, 2006

1:45 PM

PJ: MILLER

BARBER

COMBS

2002CA001049

LESLIE RENN ET AL. VS KENNETH ROSS ET AL.

2003CA000520;
2004CA000844

EASEMENTS: CONSOLIDATED APPEALS CONCERNING DENIED CLAIM OF EASEMENT ACROSS SEVERAL TRACTS
TO GAIN ACCESS TO PUBLIC ROADWAY.

CIVIL

WOODFORD COUNTY

PAUL F ISAACS

Appellant Atty:

Appellant Name:

MOORE, WILLIAM K

BEVERLY L. RENN

LESLIE T. RENN

TONYA A. RENN

Appellee Atty:

Appellee Name:

GILKISON, LINDA

LINDA GILKISON

GRADDY IV, W. HENRY

KENNETH ROSS

LAURI GARNER

ROSILYN POLAN

STUART LANDRUM

JOHNSON, JEFFREY A.

HHF, L.L.C.

RUSCHELL, STEPHEN M.

BROWN-FORMAN CORPORATION

STAPLES, G SCOTT

DONITA A. LODMELL

JAMES ROBERT LODMELL

WARD, ASHLEY W.

BROWN-FORMAN CORPORATION

WYLIE, CHARLES G

COURTNEY ENTERPRISES, INC.

2:30 PM

PJ: GUIDUGLI

MILLER

SCHRODER

2005CA002039

SMITH FOGLE VS GENERALI-U.S. BRANCH

2005CA002040

SUMMARY JUDGMENT ENTERED IN FAVOR OF INSURANCE COMPANY REGARDING CANCELLATION OF CAR
INSURANCE POLICY - ISSUES INVOLVE SUFFICIENCY OF MAILING OF NOTICE.

CIVIL

MARION COUNTY

DOUGHLAS M GEORGE

Appellant Atty:

Appellant Name:

SPRAGENS JR, ROBERT M.

SMITH FOGLE

Appellee Atty:

Appellee Name:

HARRALSON, BENJAMIN S

GENERALI-U.S. BRANCH

WATSON, LYNN M

GENERALI-U.S. BRANCH

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

DATE: Wednesday, October 11, 2006

3:15 PM

PJ: ABRAMSON

HENRY

KNOPF

2006CA001873

JOHN DOE, CLASS VS JOHN POTTER ET AL.

WRIT OF PROHIBITION

BOONE COUNTY

Appellant Atty:

Appellant Name:

.....
CHESLEY, STANLEY M

.....
JOHN DOE, CLASS

O'HARA, MICHAEL J

JOHN DOE, CLASS

STEINBERG, ROBERT ALAN

JOHN DOE, CLASS

Appellee Atty:

Appellee Name:

.....
BURLEIGH, WILLIAM R

.....
WILLIAM R BURLEIGH

GUILFOYLE, MARK D

ROGER J FOYS

ROMAN CATHOLIC DIOCESE OF COVINGTON

LAMBROS, THOMAS D

THOMAS D LAMBROS

POTTER, JOHN W.

JOHN W POTTER

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

DATE: Wednesday, October 18, 2006

1:30 PM

PJ: HUDDLESTON

HENRY

KNOPF

2005CA000602

CSX TRANSPORTATION, INC. VS JOHN O'BANNON

2005CA000715;
2005CA000939

FELA ACTION TO RECOVER DAMAGES FOR TOXIC ENCEPHALOPATHY RESULTING FROM EXPOSURE TO CHEMICAL SOLVENTS. ALLEGED FAILURE TO INSTRUCT ON FORSEEABILITY; LACK OF EVIDENCE AS TO FUTURE MEDICAL EXPENSES; IMPUTATION TO CSX OF KNOWLEDGE OF OTHER RAILROADS REGARDING SOLVENTS.

CIVIL

JEFFERSON COUNTY

ANN O'MALLEY SHAKE

Appellant Atty:

Appellant Name:

.....
KLAPHEKE, DAVID T
LAVERY, DARRYL SCOTT
PAYNE, ROD
SMITH, RAYMOND G
STOPHER, EDWARD H.

.....
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.

Appellee Atty:

Appellee Name:

.....
KELLEY, PAUL JASON
SALES, KENNETH L.
SATTERLEY, JOSEPH D.

.....
JOHN O'BANNON
JOHN O'BANNON
JOHN O'BANNON

**NOTE: 60 MINUTE ORAL