

**UPDATED: 09/21/2011**

# **OCTOBER 2011**

# **ORAL ARGUMENT**

# **CALENDAR**

Report Updated On: 09/21/2011

Updated 09/21/2011

**OCTOBER, 2011**

**October 4, 2011**

**10:00 A.M. MOTION PANEL, JUDGE STUMBO,  
PRESIDING JUDGE, JUDGE ACREE AND  
JUDGE CLAYTON.**

**October 12, 2011**

**ORAL ARGUMENTS TO BE HELD AT  
(OLD) WHITLEY COUNTY COURTHOUSE:**

**9:30 – 10:00 A.M. ORAL ARGUMENT,  
THOMAS D. RIFFE V. MELISSA L. RIFFE,  
2011-CA-000397, CHIEF JUDGE TAYLOR,  
PRESIDING JUDGE, JUDGE DIXON AND  
JUDGE JAMES LAMBERT, ASSOC.**

**10:15 -10:45 A.M. ORAL ARGUMENT,  
CHRIS ROSS V. BRANDY ROSS, 2011-CA-000222,  
CHIEF JUDGE TAYLOR, PRESIDING JUDGE,  
JUDGE DIXON AND JUDGE JAMES LAMBERT, ASSOC.**

**11:00 -11:30 A.M. ORAL ARGUMENT,  
DAVID DUNAWAY V. COMMONWEALTH OF  
KENTUCKY, 2010-CA-001657, CHIEF JUDGE TAYLOR,  
PRESIDING JUDGE, JUDGE DIXON AND  
JUDGE JAMES LAMBERT, ASSOC.**

**October 12, 2011**

**2:00 P.M. COURT MEETING TO BE HELD AT  
CUMBERLAND FALLS STATE PARK,  
MOONBOW CONFERENCE ROOM**

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

**FRANKFORT – Contact Mary Zagale - (502) 573-7920**

**LOUISVILLE – Contact Marti Dodd – (502) 595-3440**

**WILLIAMSBURG – Contact Gary Barton – (606) 549-2973**

**LOCATION: WHITLEY COUNTY COURTHOUSE, 200 MAIN STREET,  
WILLIAMSBURG, KENTUCKY**

**DATE: Wednesday, October 12, 2011**

**09:30 AM** PJ: TAYLOR, HON. JEFF S. DIXON, HON. DONNA L. LAMBERT, HON. JAMES H.  
2011CA000397 THOMAS D. RIFFE v MELISSA L. RIFFE

Whether circuit court erred by ordering maintenance; whether child custody determination was proper.

**GREENUP COUNTY**

**HON JEFFREY L. PRESTON**

Appellant Atty:

Appellant Name:

GALLAHER, DAMIAN

RIFFE, THOMAS

Appellee Atty:

Appellee Name:

FRYE, MICHAEL  
FRYE, TRACY  
THOMAS, ELIZABETH

RIFFE, MELISSA

**\*\* NOTE:**

**10:15 AM** PJ: TAYLOR, HON. JEFF S. DIXON, HON. DONNA L. LAMBERT, HON. JAMES H.  
2011CA000222 CHRIS ROSS v BRANDY ROSS

Whether circuit court properly modified child custody.

**GREENUP COUNTY**

**HON JEFFREY L. PRESTON**

Appellant Atty:

Appellant Name:

HOLMES, ELAINA

ROSS, CHRIS

Appellee Atty:

Appellee Name:

CRAFT, PAUL

ROSS, BRANDY

**\*\* NOTE:**

**LOCATION: WHITLEY COUNTY COURTHOUSE, 200 MAIN STREET,  
WILLIAMSBURG, KENTUCKY**

**DATE: Wednesday, October 12, 2011**

11:00 AM PJ: TAYLOR, HON. JEFF S.

DIXON, HON. DONNA L.

LAMBERT, HON. JAMES H.

2010CA001657

DAVID DUNAWAY v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's RCr 11.42 motion.

LEE COUNTY

HON THOMAS P. JONES

Appellant Atty:

Appellant Name:

BURTON, CHARNEL

DUNAWAY, DAVID

Appellee Atty:

Appellee Name:

FUCHS, GREGORY

COMMONWEALTH OF KENTUCKY

\*\* NOTE:

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

**DATE: Wednesday, October 19, 2011**

**02:15 PM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.**  
**2010CA001464 FREDRICK CLARKE v RIVERSIDE PAVING AND CONTRACTING, INC.**

Whether circuit court erred by finding that appellee did not suffer discrimination or retaliatory discharge in the work place.

**CIVIL JEFFERSON COUNTY HON BRIAN C. EDWARDS**

Appellant Atty:

GREGORY, HARRY III  
KIMBALL, PHILIP  
SCHROERING, JACQUELINE

Appellant Name:

CLARKE, FREDRICK

Appellee Atty:

FORE, F.  
WHITTLE, SARAH

Appellee Name:

RIVERSIDE PAVING AND CONTRACTING, INC.

**\*\* NOTE:PREVIOUSLY ON SEPTEMBER 14, 2011 AT 1:00 PM IN LOUISVILLE, KENTUCKY**

**03:00 PM PJ: LAMBERT, HON. JOSEPH E. CLAYTON, HON. DENISE G. TAYLOR, HON. JEFF S.**  
**2010CA000176 ASIA BUCALO v COMMONWEALTH OF KENTUCKY**

Appeal from an order denying Appellant's motion to suppress evidence taken following a traffic stop. Appellant alleges that her detention was illegally extended so that a K-9 unit could sniff her car and that police lacked probable cause for the search. Appellant entered a conditional guilty plea to a variety of drug-related offenses.

**CRIMINAL HARDIN COUNTY HON KEN M. HOWARD**

Appellant Atty:

SCHMIDT, KATHLEEN  
YANG, ERIN

Appellant Name:

BUCALO, ASIA

Appellee Atty:

FERGUSON, TODD

Appellee Name:

COMMONWEALTH OF KENTUCKY

**\*\* NOTE:**

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

**DATE: Tuesday, October 25, 2011**

11:00 AM PJ: STUMBO, HON. JANET L.

CLAYTON, HON. DENISE G.

THOMPSON, HON. KELLY

2010CA001128 THE NEW LEXINGTON CLINIC v GREGORY COOPER

2010CA001129

2010CA001182

2010CA001183

MOR appeal from a grant of summary judgment by circuit court in action to recover damages for violation of fiduciary duties by director and other employees of medical clinic committed when director set up competing medical clinic staffed with employees of appellant. Issues are whether trial court erred in holding that Provisions of KRS 281B .8-300 have supplanted the common law actions for breach of fiduciary duty and whether appellant has a cause of action for tortious interference of contract.

CIVIL

FAYETTE COUNTY

HON KIMBERLY N BUNNELL

Appellant Atty:

FAUGHN, DAVID  
MILLER, THOMAS  
WOODFORD, ELIZABETH

Appellant Name:

THE NEW LEXINGTON CLINIC

Appellee Atty:

CHESNUT, ANNE  
MARTIN, THEODORE

Appellee Name:

BAPTIST PHYSICIANS LEXINGTON, INC.

KESSINGER, BENJAMIN III  
MENDIONDO, ADRIAN

COOPER, GREGORY

\*\* NOTE:

11:45 AM PJ: THOMPSON, HON. KELLY

CLAYTON, HON. DENISE G.

STUMBO, HON. JANET L.

2010CA001784 BRANDON TRUE v FATH BLUEGRASS MANOR APARTMENT

Appeal from summary judgment in landlord-tenant dispute wherein injuries were sustained due to a fall through a defective balcony railing. Appellant urges review in light of the recent Supreme Court decision in Kentucky River Medical Center v. McIntosh, 319 S.W.3d 385 (Ky. 2010). Appellant argues that the landlord had a duty to repair the balcony carefully and prudently and, therefore, rendering a jury question.

CIVIL

KENTON COUNTY

HON MARTIN J SHEEHAN

Appellant Atty:

BLANKENSHIP, RANDY

Appellant Name:

TRUE, BRANDON

Appellee Atty:

THUMANN, ROBERT

Appellee Name:

FATH BLUEGRASS MANOR APARTMENT

\*\* NOTE:



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

**DATE: Thursday, October 27, 2011**

10:45 AM PJ: CAPERTON, HON. MICHAEL O. NICKELL, HON. C. SHEA WINE, HON. THOMAS B.

2010CA001185 VIRGIN MOBILE USA, L.P. v COMMONWEALTH OF KENTUCKY ON BEHALF OF

2010CA001266

KRS 65.7621-exemption and remitting on universal service charge on cell phone connections.

CIVIL JEFFERSON COUNTY HON JAMES M SHAKE

Appellant Atty:

EIFLER, TIMOTHY  
HURST, MARK

Appellant Name:

VIRGIN MOBILE USA, L.P.

Appellee Atty:

GOLDBERG, JONATHAN  
LUHRS, JENNIFER  
WEST, JAN

Appellee Name:

COMMONWEALTH OF KENTUCKY ON BEHALF  
OF

LOYD, MARK JR

CTIA-THE WIRELESS ASSOCIATION

O'BRIEN, THOMAS III

TRACFONE WIRELESS INC.

\*\* NOTE:

11:30 AM PJ: WINE, HON. THOMAS B. CAPERTON, HON. MICHAEL O. NICKELL, HON. C. SHEA

2010CA001898 CARL LANORE v DEBORAH LANORE

Carl appeals from an order striking the entry of appearance by his counsel and issuing against him in dissolution proceedings.

JEFFERSON COUNTY HON STEPHEN M. GEORGE

Appellant Atty:

BAIRD, JONATHAN

Appellant Name:

LANORE, CARL

Appellee Atty:

WINNER, LOUIS

Appellee Name:

LANORE, DEBORAH

\*\* NOTE:



