

UPDATED: 10/7/2013

OCTOBER 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 10/7/2013

Updated: 10/7/2013

OCTOBER, 2013

October 8, 2013

**09:00 A.M. MOTION PANEL: JUDGE NICKELL,
PRESIDING JUDGE, JUDGE COMBS AND JUDGE
MOORE.**

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

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

LOUISVILLE – Contact Danae Bransford - (502) 595-3440

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

DATE: Tuesday, October 8, 2013

01:30 PM PJ: MAZE, HON. IRV

STUMBO, HON. JANET L.

TAYLOR, HON. JEFF S.

2012CA000914

TIMOTHY C. SHANE v COMMONWEALTH OF KENTUCKY

Ineffective assistance of post-conviction counsel claim in case where defendant was implicated by DNA in a burglary and sex abuse case. Whether defendant may bring successive 11.42 claims. Whether trial court erred in denying Shane counsel and a hearing for 11.42 claim. Shane requests oral argument. However, issue is well-settled in the law and can be resolved on the record.

JEFFERSON COUNTY

HON F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

VANDENWALLBAKE, RENEE

SHANE, TIMOTHY

Appellee Atty:

Appellee Name:

BARR, DAVID

COMMONWEALTH OF KENTUCKY

**** NOTE: PREVIOUSLY ON AUGUST 22, 2013 @1:45 PM IN LOUISVILLE, KY**

2:15 PM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

STUMBO, HON. JANET L.

2011CA001444

RALSTON W. STEENROD v LOUISVILLE YACHT CLUB ASSOCIATION, INC.

2011CA001493

2011-CA-001444 – Whether circuit court erred by granting summary judgment in favor of Louisville Yacht Club Ass’n, to pay judgment amount and attorney fees/costs; ;2011-CA-001493 - Whether circuit court erred by excluding sums paid by insurance carrier from award of attorney fees/costs.

CIVIL

OLDHAM COUNTY

HON KAREN A. CONRAD

Appellant Atty:

Appellant Name:

MCTIGHE, CHADWICK

STEENROD, RALSTON

VISH, DAVID

WARD, T. JR.

Appellee Atty:

Appellee Name:

CARTER, JOHN

COUNTY OF OLDHAM, REVENUE CABINET

BUSH, RICHARD

LOUISVILLE YACHT CLUB ASSOCIATION, INC.

DOMENE, DAVID

MCADAM, THOMAS III

**** NOTE: PREVIOUSLY ON AUGUST 21, 2013 AT 1:00 PM IN LOUISVILLE, KY**

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

DATE: Thursday, October 17, 2013

01:30 PM PJ: STUMBO, HON. JANET L.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2011CA002151

LARRY BUTCH CARROLL v N. E. REED

MOR appeal challenging the validity of a county ordinance that requiring "fee pooling" of the money collected by the County Clerk and Sheriff's office.

CIVIL

EDMONSON COUNTY

HON RONNIE C DORTCH

Appellant Atty:

Appellant Name:

BRODERICK, DAVID

CARROLL, LARRY

DAVENPORT, CHRISTOPHER

Appellee Atty:

Appellee Name:

SMITH, AARON

REED, N.

VINCENT, GREGORY

** NOTE:

02:15 PM PJ: STUMBO, HON. JANET L.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2012CA001926

DANIEL HIMMEL v WILLIAM B. YARMUTH

Appeal from an order dismissing with prejudice a shareholder derivative action on the grounds that appellant's failed to make a pre-suit demand on the board of directors or that, alternatively, there was insufficient allegations stated in the complaint to support a finding that filing such a demand would be futile. Was CR 12.02 properly applied?

CIVIL

JEFFERSON COUNTY

HON JUDITH E MCDONALD-BURKMAN

Appellant Atty:

Appellant Name:

LINDLEY, HAMILTON

HIMMEL, DANIEL

RAZZOUK, JAY

ROBBINS, BRIAN

SALYERS, BENJAMIN

SEELY, KEVIN

Appellee Atty:

Appellee Name:

COOLIDGE, BRUCE

YARMUTH, WILLIAM

HAYNES, KENNETH

SNELL, VIRGINIA

STOPHER, EDWARD

WYRICK, MICHELLE

** NOTE:

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

DATE: Thursday, October 17, 2013

03:00 PM PJ: NICKELL, HON. C. SHEA

COMBS, HON. SARA W.

STUMBO, HON. JANET L.

2012CA000521

TONIA T. FREEMAN v BECKER LAW OFFICE, PLC

In a legal malpractice action, whether trial court: 1) misapplied the "case within a case" trial procedure; 2) erred in permitting attorney experts to testify in a premises liability action; 3) erred in admitting evidence of appellant's prior non-compliance with medical orders; and 4) properly instructed the jury.

CIVIL JEFFERSON COUNTY HON IRV MAZE

Appellant Atty:

**HEAVRIN, DONALD
MEYER, R.
PIERONI, CAROLINE**

Appellant Name:

FREEMAN, TONIA

Appellee Atty:

**COBB, JOSEPH
WEISS, GARY**

Appellee Name:

BECKER LAW OFFICE, PLC

**** NOTE:**

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

DATE: Tuesday, October 22, 2013

01:00 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

VANMETER, HON. LAURANCE B.

2012CA001655 **JOE S. WATKINS v RICHARD STIPP EADS**

2012CA001834

2012-CA-001655 – Whether circuit court erred by determining Watkins waived his right to redeem the real property and his right to require foreclosure sale. 2012-CA-001834 – Whether circuit court erred by applying the forfeiture clause in light of Sebastian v. Floyd.

CIVIL

BOURBON COUNTY

HON PAUL F ISAACS

Appellant Atty:

ANDERSON, BARBARA
ANDERSON, FREDERICK

Appellant Name:

WATKINS, JOE

Appellee Atty:

PREWITT, HENRY

Appellee Name:

EADS, RICHARD

** NOTE:

01:45 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

VANMETER, HON. LAURANCE B.

2012CA001966 **HEALTHCARE UNDERWRITERS GROUP v MARGARET STRANGE**

Whether circuit court erred by denying Healthcare Underwriters Group's motion to dismiss Strange for lack of standing; whether circuit court erred in its interpretation of the insurance policy.

CIVIL

FAYETTE COUNTY

HON JAMES D ISHMAEL

Appellant Atty:

COBURN, CHRISTOPHER
WHONSETLER, SCOTT
ZIKA, DAVID

Appellant Name:

HEALTHCARE UNDERWRITERS GROUP

Appellee Atty:

GARMER, WILLIAM
PRATHER, JEROME

Appellee Name:

STRANGE, MARGARET

** NOTE:

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

DATE: Tuesday, October 22, 2013

02:30 PM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

2012CA001935

THOMAS A. POST v LEE MASONRY PRODUCTS, INC.

Whether circuit court erred by determining that Lee owned no duty to inform Post the product was being incorrectly installed.

CIVIL

WOODFORD COUNTY

HON PAUL F ISAACS

Appellant Atty:

ARNOLD, CHARLES

Appellant Name:

POST, THOMAS

.....
Appellee Atty:

**HARNICE, PAUL
PETERS, FRED**

Appellee Name:

LEE MASONRY PRODUCTS, INC.

.....
**** NOTE:**
