

UPDATED: 8/21/2014

AUGUST 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 8/21/2014

Updated: 08/21/2014

AUGUST, 2014

AUGUST 12, 2014

9:30 A.M. – FRANKFORT TIME, MOTION PANEL,
CHIEF JUDGE ACREE, PRES., JUDGE CAPERTON
AND JUDGE MOORE, ASSOC.

AUGUST 12, 2014

11:00 AM COURT MEETING

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

FRANKFORT – Contact Patricia Brauer or Sam Givens- (502) 573-7920

LOUISVILLE – Contact Danae Bransford or Rachel Brawner - (502) 595-3430

BURLINGTON- Contact Diane Murray – (859) 334-3270

HAZARD – Contact Rhonda, Judge Engle’s Secretary – (606) 435-6004

**LOCATION: PERRY COUNTY HALL OF JUSTICE, 545 MAIN STREET, HAZARD,
KENTUCKY**

DATE: Tuesday, August 19, 2014

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

COMBS, HON. SARA W.

THOMPSON, HON. KELLY

2012CA000477

SCOTT PHELPS v AMERICAN RELIABLE INSURANCE COMPANY

2012CA001603

Appeal from results of jury trial in one case and grant of summary judgment in second. In wind and water damage suit against insurer jury found that Appellants had already received compensation for all damages from Kentucky Farm Bureau. The issues from the jury trial include whether trial court erred in its interpretation of policy as a matter of law, failure to grant directed verdict and erred in instructions. Also raised are several evidentiary issues and failure to bifurcate trial. Companion appeal against American Reliable Ins. Co. challenges grant of summary judgment in favor of insurer on grounds of res judicata and collateral estoppel.

CIVIL

PULASKI COUNTY

HON DAVID A. TAPP

Appellant Atty:

CARROLL, THOMAS
GREGORY, SARA
THOMPSON, JOSEPH

Appellant Name:

PHELPS, SCOTT

Appellee Atty:

QUICK, KIM

NOT REPRESENTED BY COUNSEL,

CLARK, WENDELL III
HILL, CHRISTOPHER

Appellee Name:

AMERICAN RELIABLE INSURANCE COMPANY

GREEN TREE INSURANCE AGENCY, INC.

GREENTREE SERVICING, LLC

** NOTE:

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

DATE: Wednesday, August 20, 2014

01:15 PM PJ: JONES, HON. ALLISON E.

MAZE, HON. IRV

MOORE, HON. JOY A.

2013CA000929

PIKE COUNTY FISCAL COURT v UTILITY MANAGEMENT GROUP, LLC

Civil; Did trial court err by granting summary judgment finding the Kentucky Open Meeting laws were unconstitutional, void for vagueness, unenforceable and regarding retroactivity.

CIVIL

PIKE COUNTY

HON JOHN DAVID CAUDILL

Appellant Atty:

Appellant Name:

HAYS, JOHN

PIKE COUNTY FISCAL COURT

Appellee Atty:

Appellee Name:

TRUE, J.

UTILITY MANAGEMENT GROUP, LLC

**** NOTE: **PREVIOUSLY ON 3/24/14 @ 10:45 AM IN GRANT CO., KENTUCKY**

2:00 PM PJ: MAZE, HON. IRV

LAMBERT, HON. JAMES H.

MOORE, HON. JOY A.

2013CA000617

GARY BRANDENBURG v COMMONWEALTH OF KENTUCKY

Appeal from of writ of prohibition. Whether a writ of prohibition is the proper method for seeking interlocutory review of district court's suppression ruling in criminal action; existence of adequate remedy by appeal; irreparable injury; whether prior appeal tolls time for speedy trial.

CRIMINAL

KENTON COUNTY

HON PATRICIA M SUMME

Appellant Atty:

Appellant Name:

COX, DARRELL

BRANDENBURG, GARY

MOSER, KEVIN

Appellee Atty:

Appellee Name:

EDMONDSON, GARRY

COMMONWEALTH OF KENTUCKY

NORDLOH, CHRISTOPHER

EASTERLING, KENNETH

EASTERLING, KENNETH

**** NOTE: **40 MINUTE ORAL - PREVIOUSLY ON APRIL 24, 2014 @1:45 PM AND JUNE 23, 2014 @ 1:45 PM.**

LOCATION: BOONE COUNTY JUSTICE CENTER, 6025 ROGERS LANE, 4TH FLOOR COURTROOM, BURLINGTON, KENTUCKY

DATE: Tuesday, August 26, 2014

01:00 PM PJ: JONES, HON. ALLISON E. CAPERTON, HON. MICHAEL O. MOORE, HON. JOY A.

2013CA001050 KENTUCKY SPIRIT HEALTH PLAN, INC. v COMMONWEALTH OF KENTUCKY

2013CA001201

Civil; Whether the circuit court was in error in holding that section 39.13 of the contract did not give Kentucky Spirit the right to terminate but was instead a notice of non-renewal provision.
On cross appeal, whether the liquidated damages provision under section 39.11 of the contract applies.

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

BREETZ, BETHANY
COLLIER, PHILLIP
CRAIG, JANET
FLYNN, CHRISTOPHER
JOHNSON, ELIZABETH
OVERSTREET, MARK

Appellant Name:

KENTUCKY SPIRIT HEALTH PLAN, INC.

Appellee Atty:

BOHNERT, KENNETH
SULLIVAN, RICHARD

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE: **40 MINUTE ORAL

02:00 PM PJ: JONES, HON. ALLISON E. CAPERTON, HON. MICHAEL O. MOORE, HON. JOY A.

2013CA001552 NORTON FAMILY TRUST v SJ LAND HOLDINGS, LLC

Civil; Whether the trail court erred in eliminating the real property restrictions placed on the Appellee and whether the trees planted as a buffer substantially comply with requirements of the deed.

CIVIL CLARK COUNTY HON WILLIAM G. CLOUSE

Appellant Atty:

REDFORD, CARROLL III

Appellant Name:

NORTON FAMILY TRUST

Appellee Atty:

MOORMAN, KEITH

Appellee Name:

SJ LAND HOLDINGS, LLC

ROMPF, JOHN JR

TIERNEY, RONALD

** NOTE: