

UPDATED 02/07/06

FEBRUARY 2006

ORAL ARGUMENT

CALENDAR

02/07/06

FEBRUARY, 2006

February 7, 2006 10:00 AM, FULL COURT MEETING

**MOTION PANEL, JUDGE MCANULTY, PRESIDING,
JUDGES SCHRODER AND VANMETER, ASSOC. (TO BE HELD
SOME TIME AFTER COURT MEETING)**

**1:30 - 2:00 PM, ORAL ARGUMENT #2004-CA-002422
BANK OF AMERICA VS. BOONE NATIONAL BANK,, ET AL.,
JUDGE KNOPF, PRES., JUDGES BARBER AND HENRY, ASSOC.**

**2:15 - 2:45 PM, ORAL ARGUMENT, 2004-CA-002440 (FROM
JANUARY), LOUISVILLE/JEFFERSON COUNTY METRO
GOVERNMENT VS. CHRISTIE RICHARDSON, CHIEF JUDGE
COMBS, PRES., JUDGES HENRY AND SCHRODER, ASSOC.**

**3:00 - 3:30 PM, ORAL ARGUMENT, 2004-CA-002350 &
2004-CA-002363, TIM MORGAN VS. CANDRIA SCOTT, ET AL.,
JUDGE POTTER, PRES., JUDGES GUIDUGLI AND HENRY,
ASSOC.**

**3:45 - 4:15 PM, ORAL ARGUMENT, 2005-CA-0700,
HELEN H. MOORHEAD V. J. WILLIAM MANNING, ET AL.,
JUDGE SCHRODER, PRES., CHIEF JUDGE COMBS AND
JUDGE HENRY, ASSOC.**

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

FRANKFORT, Contact Mary Zagale, (502) 573-7920

LOUISVILLE - Contact Shelly Hawes, Judge Knopf's Secretary, (502) 595-3440

GRAYSON (CARTER CO.) - Contact Larry Thompson, Circuit Ct. Clerk, (606) 474-6572

MORGANFIELD (UNION CO.) - Contact Sue Beaven, Circuit Ct. Clerk, (270) 389-2264

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

DATE: Tuesday, February 07, 2006

1:30 PM

PJ: KNOFF

BARBER

HENRY

2004CA002422

BANK OF AMERICA VS BOONE NATIONAL BANK ET AL.

BANK OF AMERICA APPEALS FROM AN ORDER PENALIZING IT UNDER KRS 382.365 FOR FAILING TO RELEASE A SATISFIED LIEN. THE BANK CONTENDS THAT THE FAILURE RESULTED FROM MISPROCESSING, WHICH SHOULD HAVE BEEN DEEMED "GOOD CAUSE" FOR STATUTORY PURPOSES.

CIVIL

BOONE COUNTY

STANLEY BILLINGSLEY, S

Appellant Atty:

Appellant Name:

.....
BAKER, JOSEPH L.
PLEATMAN, DEBRA S.

.....
BANK OF AMERICA
BANK OF AMERICA

Appellee Atty:

Appellee Name:

.....
KERR, THOMAS R

SHEPHERD, PHILLIP J

.....
BOONE NATIONAL BANK
LINDA D COOK
RONNIE L COOK
BOONE NATIONAL BANK
LINDA D COOK
RONNIE L COOK

2:15 PM

PJ: COMBS

HENRY

SCHRODER

2004CA002440

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT VS CHRISTIE RICHARDSON

WHETHER LOUISVILLE METRO GOVERNMENT ERRED IN FAILING TO PROVIDE A DEFENSE TO A POLICE OFFICER ACCUSED OF CRIMINAL CONDUCT COMMITTED IN THE COURSE OF DUTY.

CIVIL

JEFFERSON COUNTY

MICHAEL O MCDONALD

Appellant Atty:

Appellant Name:

.....
LILLY, N SCOTT
SPICKARD, SUSAN P.

.....
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

Appellee Atty:

Appellee Name:

.....
SCHOEN, J. KEY

.....
CHRISTIE RICHARDSON

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

DATE: Tuesday, February 07, 2006

3:00 PM PJ: POTTER GUIDUGLI HENRY

2004CA002350 TIM MORGAN VS CANDRIA SCOTT ET AL.

2004CA002363 APPEALS BY DEALER AND DRIVER OF DEALER'S VEHICLE STEMMING FROM ACCIDENT WHICH OCCURRED DURING A TEST-DRIVE. ISSUES INCLUDE SPECULATIVE DAMAGES, LACK OF MITIGATION INSTRUCTION NEGLIGENT ENTRUSTMENT, EDITING OF VIDEO DEPOSITIONS.

CIVIL PIKE COUNTY STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
CHESNUT, PAMELA ADAMS

.....
TIM MORGAN

Appellee Atty:

Appellee Name:

.....
BLACKBURN, RHONDA JENNINGS

.....
CANDRIA SCOTT
JAMES E. SCOTT Jr

JOHNSON, GARY C.

.....
CANDRIA SCOTT
JAMES E. SCOTT Jr

3:45 PM PJ: SCHRODER COMBS HENRY

2005CA000700 HELEN MOORHEAD VS J. MANNING ET AL.

A PARTY TO A CONTRACT APPEALS THE DENIAL OF ATTORNEY FEES PURSUANT TO THE CONTRACT.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
DWYER, JOHN H.

.....
HELEN H. MOORHEAD

ZIELKE, LAURENCE

HELEN H. MOORHEAD

Appellee Atty:

Appellee Name:

.....
KISER, W. DAVID

.....
HAZEL MANNING
J. WILLIAM MANNING

**NOTE: ORIGINALLY ON 1/11/06, LOUISVILLE, KY

LOCATION: CARTER COUNTY JUSTICE CENTER, CIRCUIT COURTROOM, 100 EAST
MAIN STREET, GRAYSON, KENTUCKY

DATE: Wednesday, February 08, 2006

9:30 AM PJ: SCHRODER GUIDUGLI MCANULTY

2004CA001574 JOHNNY CARPENTER VS GINA HINES ET AL.

CARPENTER APPEALS THE DENIAL OF HIS CR 60.02 MOTION CONTESTING PATERNITY.

CIVIL LAUREL COUNTY RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
SCOVILLE, WARREN N.

.....
JOHNNY CARPENTER

Appellee Atty:

Appellee Name:

.....
SMITH, MARCIA A.

.....
GINA F. HINES

NATALIE HINES

10:15 AM PJ: SCHRODER GUIDUGLI MCANULTY

2004CA002088 ERIN STEPHENS VS JIMMIE STEPHENS ET AL.

THE PATERNAL GRANDPARENTS ARE SEEKING CUSTODY IN A DIVORCE ACTION.

CIVIL BOYD COUNTY MARC I ROSEN

Appellant Atty:

Appellant Name:

.....
COPLEY, RHONDA M.

.....
ERIN STEPHENS

Appellee Atty:

Appellee Name:

.....
FRYE, TRACY D

.....
CRAIG STEPHENS

SERGEANT, MARY HALL

ANN STEPHENS

JIMMIE STEPHENS

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

DATE: Thursday, February 09, 2006

10:00 AM PJ: JOHNSON COMBS DYCHE
2004CA001868 D.F. VS COMMONWEALTH OF KENTUCKY

APPELLANT, ON DISCRETIONARY REVIEW, CONTENDS THE CIRCUIT COURT ERRED BY AFFIRMING THE JUVENILE COURT'S AMENDED DISPOSITIONAL ORDER THAT INCREASED THE JUVENILE'S RESTITUTION BASED UPON A MOTION MADE MORE THAN 90 DAYS AFTER THE ENTRY OF A DISPOSITIONAL ORDER.

DR CRIMINAL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
GOYETTE, DANIEL T.
HEFT, FRANK WM
NOLL, LINDA JEAN

.....
D.F.
D.F.
D.F.

Appellee Atty:

Appellee Name:

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

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:45 AM PJ: JOHNSON COMBS DYCHE
2004CA002644 ROBERT PERRY VS COMMONWEALTH OF KENTUCKY

WHETHER THERE WAS SUFFICIENT EVIDENCE TO SUPPORT THE TRIAL COURT'S FINDINGS OF GUILT ON THREE COUNTS OF THEFT AND ITS SETTING OF THE AMOUNT OF RESTITUTION DUE.

CRIMINAL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
BATES, CHRISTOPHER A.

.....
ROBERT MICHAEL PERRY

Appellee Atty:

Appellee Name:

.....
FLOYD JR, SAMUEL J
STUMBO, GREGORY D.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

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

DATE: Thursday, February 09, 2006

11:30 AM PJ: JOHNSON COMBS DYCHE
2005CA000359 HIGHLANDER MORTGAGE COMPANY VS KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION ET AL.

APPELLANT/EMPLOYER CONTENDS THE CIRCUIT COURT ERRED BY AFFIRMING THE KUIC'S DECISION WHICH UPHELD A REFEREE'S DECISION TO AWARD UNEMPLOYMENT INSURANCE BENEFITS TO APPELLEE BECAUSE APPELLANT CLAIMS THE APPELLEE VOLUNTARILY QUIT HER JOB.

CIVIL JEFFERSON COUNTY BARRY WILLETT

Appellant Atty:

Appellant Name:

.....
HELERINGER, ROBERT L

.....
HIGHLANDER MORTGAGE COMPANY

Appellee Atty:

Appellee Name:

.....
DELFINO, ANGELA

.....
ANGELA DELFINO

PEABODY, AMY O'NAN

KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION

1:30 PM PJ: COMBS DYCHE JOHNSON
2005CA000093 ELMO MARTIN ET AL. VS COM. OF KY. DEPT. OF TRANSPORTATION BUREAU OF HIGHWAYS

WERE APPELLANTS ENTITLED TO ASSERT A CLAIM FOR ECONOMIC DAMAGES WHEN KY DOT FAILED TO COMPLY WITH KRS 416.670 (RE: RIGHT TO RE-PURCHASE CONDEMNED PROPERTY)?

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

.....
WARREN, R. DALE

.....
ELMO MARTIN

MARTHA MARTIN

Appellee Atty:

Appellee Name:

.....
GARDNER, RANDALL L

.....
COM. OF KY. DEPT. OF TRANSPORTATION BUREAU OF HIGHWAYS

GIST, HALLIE GENEVA

COM. OF KY. DEPT. OF TRANSPORTATION BUREAU OF HIGHWAYS

**NOTE:ORIGINALLY ON 2/8/06 AT 11:30 AM SAME LOCATION

LOCATION: UNION COUNTY COURTHOUSE, 100 WEST MAIN STREET,
MORGANFIELD, KENTUCKY

DATE: Thursday, February 23, 2006

10:00 AM PJ: TAYLOR TACKETT VANMETER
2004CA002598 FINANCE AND ADMINISTRATION CABINET, DEPARTMENT OF REVENUE VS
MORRIS BEYER ET AL.
WHETHER KRS 138.450 IS UNCONSTITUTIONAL; WHETHER ACTION WAS FILED IN PROPER VENUE.

DR CIVIL MCCRACKEN COUNTY R JEFFREY HINES

Appellant Atty: Appellant Name:
.....
DICKERSON, STEPHEN G FINANCE AND ADMINISTRATION CABINET, DEPARTMENT OF REVENUE
Appellee Atty: Appellee Name:
.....
JACKSON, J RONALD LINDA BEYER
MORRIS BEYER

10:45 AM PJ: TAYLOR TACKETT VANMETER
2004CA001719 SUNNYSIDE HOMES OF ROCKLEDGE, INC., ET AL. VS WENDELL GORDON
WHETHER CIRCUIT COURT PROPERLY CONCLUDED APPELLANT DEFAULTED UPON PROMISSORY NOTE.

CIVIL MARSHALL COUNTY DENNIS R. FOUST

Appellant Atty: Appellant Name:
.....
TILLEY, JOHN C KEVIN MOE
MICHAEL MORLEY
PHILLIP HUTCHINGS
SUNNYSIDE HOMES OF ROCKLEDGE, INC.,
Appellee Atty: Appellee Name:
.....
LONG II, GEORGE E WENDELL E. GORDON
WHITLOW, MARK C. WENDELL E. GORDON

1:30 PM PJ: TAYLOR TACKETT VANMETER
2005CA000252 VERNON MCCOMBS VS COMMONWEALTH OF KENTUCKY
WHETHER CIRCUIT COURT COMMITTED ERROR BY DENYING APPELLANT'S MOTION TO WITHDRAW GUILTY
PLEA.

CRIMINAL HARDIN COUNTY KELLY MARK EASTON

Appellant Atty: Appellant Name:
.....
HALBLEIB, IRVIN J. VERNON MCCOMBS
PRESTON, DAMON VERNON MCCOMBS
Appellee Atty: Appellee Name:
.....
STETLER, TAMI ALLEN COMMONWEALTH OF KENTUCKY

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

DATE: Tuesday, February 28, 2006

10:30 AM

PJ: TACKETT

ROSENBLUM

KNOPF

2004CA002270

CAPE PUBLICATIONS D/B/A THE COURIER-JOURNAL VS CITY OF LOUISVILLE

CIVIL; COURIER JOURNAL APPEALS FROM CITY'S REFUSAL TO DISCLOSE JOB EVALUATIONS OF METRO PARK SYSTEM EMPLOYEE

CIVIL

JEFFERSON COUNTY

LISABETH HUGHES ABRAM

Appellant Atty:

Appellant Name:

.....
FLEISCHAKER, JON L.
MEYER, R. KENYON
PACK, ASHLEY CLEEK

.....
CAPE PUBLICATIONS D/B/A THE COURIER-JOURNAL
CAPE PUBLICATIONS D/B/A THE COURIER-JOURNAL
CAPE PUBLICATIONS D/B/A THE COURIER-JOURNAL

Appellee Atty:

Appellee Name:

.....
HICKERSON-HARRIS, STEPHANIE

.....
CITY OF LOUISVILLE