

2/12/2009

**FEBRUARY 2009**

**ORAL ARGUMENT**

**CALENDAR**

02/12/2009

**FEBRUARY, 2009**

**February 3, 2009**

**10:00 A.M., FULL COURT MEETING**

**AFTER COURT MEETING, MOTION PANEL,  
JUDGE MOORE, PRES., JUDGE KELLER, AND  
JUDGE VANMETER, ASSOC.**

**1:15 – 1:45 P.M., ORAL ARGUMENT, #2008-CA-000202,  
SARAH TAYLOR V. COMMONWEALTH,  
SR. JUDGE KNOPF, PRES., JUDGE JAMES LAMBERT  
AND JUDGE VANMETER, ASSOC.**

**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**

**BARDSTOWN – Contact Diane Thompson (502) 348-3648 or 3691**

**BOWLING GREEN (WKU location) – Contact Rachel Manning (270) 745-5416**

**BOWLING GREEN (Judicial Ctr. location) – Contact Connie DeVries (270) 746-7411**

**COVINGTON – Contact Jennie Wolking (859) 292-6531**

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

DATE: Tuesday, February 03, 2009

1:15 PM

PJ: KNOPF

LAMBERT, (JAMES)

VANMETER

2008CA000202

SARAH TAYLOR VS COMMONWEALTH OF KENTUCKY

Criminal Direct appeal; reckless homicide; issues: (1) did trial court erroneously limit cross-examination & evidence re: shaken baby syndrome? (2) did trial court erroneously prevent Taylor from questioning expert's bias per KRE 703?

CRIMINAL

FAYETTE COUNTY

SHEILA R. ISAAC

Appellant Atty:

Appellant Name:

.....  
SCHMIDT , KATHLEEN K.

.....  
SARAH TAYLOR

YANG , ERIN HOFFMAN

SARAH TAYLOR

Appellee Atty:

Appellee Name:

.....  
SHACKELFORD , JAMES C

.....  
COMMONWEALTH OF KENTUCKY

LOCATION: WESTERN KENTUCKY UNIVERSITY, MASS MEDIA AND TECHNOLOGY HALL, ROOM 166, NORMAL DRIVE, BOWLING GREEN, KENTUCKY

DATE: Wednesday, February 18, 2009

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1:30 PM PJ: STUMBO TAYLOR GRAVES  
2008CA000780 BRENT WASSON VS KENNETH MORRIS

Appeal from summary judgment on claim that Sheriff failed to relay to state trooper danger of domestic call resulting in trooper's near fatal injury; issues include did special relationship exist between sheriff and Trooper; assumption of risk by trooper, and: sovereign or qualified immunity.

CIVIL BUTLER COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....  
SCHUETTE , BRIAN LEE

.....  
BRENT WASSON

Appellee Atty:

Appellee Name:

.....  
MCGILL , MATTHEW M

.....  
KENNETH MORRIS

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2:15 PM PJ: TAYLOR STUMBO GRAVES  
2008CA001923 WILLIAM LYONS ET AL. VS OLD CHICAGO PIZZA ET AL.

Whether ALJ properly denied petition for attorney fees.

WORKERS COMP WORKERS' COMP COUNTY WILLIAM BRUCE COWDEN

Appellant Atty:

Appellant Name:

.....  
CATLETT JR., ROBERT L.

.....  
ROBERT L. CATLETT Jr  
WILLIAM P. LYONS

Appellee Atty:

Appellee Name:

.....  
AUBREY , JOEL W

LOVAN , DWIGHT T

MANNO , ANDREW F

.....  
OLD CHICAGO PIZZA

WORKERS' COMPENSATION BOARD

ANDREW MANNO

LOCATION: WESTERN KENTUCKY UNIVERSITY, MASS MEDIA AND TECHNOLOGY HALL, ROOM 166, NORMAL DRIVE, BOWLING GREEN, KENTUCKY

DATE: Wednesday, February 18, 2009

3:00 PM

PJ: TAYLOR

LAMBERT, (JAMES)

GRAVES

2008CA001099

R. M. ET AL. VS R. B. ET AL.

Whether circuit court erred by denying appellant's petition for termination of parental rights and adoption.

CASEY COUNTY

JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....  
BAKER , JONATHAN R

.....  
R. M.  
R. M.

Appellee Atty:

Appellee Name:

.....  
DUNN , GREGORY Y  
NOT REPRESENTED BY COUNSEL ,  
THOMAS , DONALD A

.....  
A. E. B.  
T. B.  
R. B.

\*\*NOTE:ORIGINALLY ON 1/27/09 AT 2:00 PM IN FRANKFORT, KY

LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200  
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY

DATE: Monday, February 23, 2009

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10:30 AM PJ: COMBS CAPERTON CLAYTON  
2007CA002545 WILLIAM PORTER ET AL. VS SHELBYVILLE CEMETERY COMPANY ET AL.

Appeal is from a dismissal of a lawsuit for lack of standing against a cemetery seeking to enforce compliance with its corporate charter and bylaws.

CIVIL SHELBY COUNTY CHARLES R. HICKMAN

Appellant Atty:

Appellant Name:

.....  
LINKER , ALAN N

.....  
BARBARA PORTER

PRATHER , DONALD T

WILLIAM PORTER

BARBARA PORTER

ROELANDT , RAYMOND R

WILLIAM PORTER

BARBARA PORTER

WILLIAM PORTER

Appellee Atty:

Appellee Name:

.....  
DUTTON III, C GILMORE

.....  
ANN KINSOLVING

CHARLES T. LONG

EDGAR VAUGHN III

ELLEN TOPMILLER

GUTHRIE GOODMAN III

J. ROBERT WALTERS

SHELBYVILLE CEMETERY COMPANY

HARDIN , HEATHER MARIE

ANN KINSOLVING

CHARLES T. LONG

EDGAR VAUGHN III

ELLEN TOPMILLER

GUTHRIE GOODMAN III

J. ROBERT WALTERS

SHELBYVILLE CEMETERY COMPANY

\*\*NOTE:ORIGINALLY 2/4/09 AT 10:30 AM

LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200  
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY

DATE: Monday, February 23, 2009

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11:15 AM PJ: CAPERTON COMBS CLAYTON  
2008CA000564 JOSEPH HARDESTY ET AL. VS SCOT-BILT HOMES, INC. ET AL.

Implied warranty of habitability.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....  
PARKER , GEORGE P.

.....  
JOSEPH L. HARDESTY

RATTERMAN , DAVID B

JULIE L. HARDESTY

JOSEPH L. HARDESTY

STEPHENS , ANGELA RICHIE

JULIE L. HARDESTY

JOSEPH L. HARDESTY

WADE , JAMES C.

JULIE L. HARDESTY

JOSEPH L. HARDESTY

JULIE L. HARDESTY

Appellee Atty:

Appellee Name:

.....  
STOVALL , GERALD L

.....  
KENNETH S. BURNS

SCOT-BILT HOMES, INC.

VEENEMAN , BRIAN ANDREW

KENNETH S. BURNS

SCOT-BILT HOMES, INC.

\*\*NOTE:ORIGINALLY ON 2/4/09 AT 11:15 AM.

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1:45 PM PJ: CLAYTON COMBS CAPERTON  
2008CA000622 PINE TREE VILLA, LLC ET AL. VS CARLA OLSON

Appeal of trial court's decision which denied appellant's motion to enforce an Alternative Dispute Resolution Agreement concerning a long term care negligence claim.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....  
GWIN , ROBERT Y

.....  
LOUISVILLE REHABILITATION AND NURSING CENTER

PINE TREE VILLA, LLC

PEARSON , MARCIA L

LOUISVILLE REHABILITATION AND NURSING CENTER

PINE TREE VILLA, LLC

Appellee Atty:

Appellee Name:

.....  
MUSSLER JR., THEODORE L.

.....  
CARLA OLSON

\*\*NOTE:ORIGINALLY 2/4/09 AT 2:15 PM AND 1:30 PM.

LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200  
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY

DATE: Monday, February 23, 2009

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2:30 PM PJ: CLAYTON COMBS CAPERTON  
2007CA002527 ANN PATMON ET AL. VS LANIER HOBBS

Appeal of trial court order regarding judgment against managing members of a limited liability corporation pursuant to KRS 275.170. Issue of first impression concerning what constitutes a diverted opportunity for fiduciary duty purposes.

CIVIL JEFFERSON COUNTY MITCHELL PERRY

Appellant Atty:

Appellant Name:

.....  
MCTIGHE , CHADWICK AARON

.....  
ANN PATMON

RAMSEY , IAN T

ANN PATMON

ANN PATMON

ANN PATMON

Appellee Atty:

Appellee Name:

.....  
FORE , F. LARKIN

.....  
LANIER HOBBS

WHITTLE , SARAH FORE

LANIER HOBBS

\*\*NOTE:PREVIOUSLY ON 2/4/09 AT 1:30 IN BARDSTOWN, KY AND ON 3/23/09 AT 1:30 IN FRANKFORT, KY.



LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,  
COVINGTON, KENTUCKY

DATE: Tuesday, February 24, 2009

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10:00 AM PJ: MOORE KELLER THOMPSON  
2007CA002599 GENEVA HAGER VS ALLSTATE INSURANCE COMPANY

Insurance bad faith claim where the jury returned a verdict finding Appellee did not violate KRS 304.12-230 in negotiating, investing and evaluating Appellant's claim. Appellant also appeals the trial court's failure to certify a class of similarly situated individuals.

FAYETTE COUNTY

THOMAS L CLARK

Appellant Atty:

Appellant Name:

.....  
CROSBY , LAUREN LEA

.....  
GENEVA HAGER

GOLDEN , J. DALE

GENEVA HAGER

REED , KAELIN GOHEEN

GENEVA HAGER

Appellee Atty:

Appellee Name:

.....  
BARFIELD , MINDY G.

.....  
ALLSTATE INSURANCE COMPANY

MORGAN , GRAHMN NEW

ALLSTATE INSURANCE COMPANY

**\*\*NOTE: 60 MINUTE ORAL**

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11:15 AM PJ: THOMPSON KELLER MOORE  
2007CA002562 HOUSING AUTHORITY OF COVINGTON VS CLARISSA TURNER

On discretionary review, the Housing Authority appeals the judgment of the Kenton District Court denying the appellant an eviction of appellee and argues that federal law preempts KRS 383.660 of the Uniform Residential Landlord Tenant Act. Appellant alleges that the tenant's nephew was in possession of drugs on the premises and under their one strike and out policy the appellee must be evicted. Appellee argues that she remedied the problem by barring her nephew from the premises.

DR CIVIL

KENTON COUNTY

PATRICIA M SUMME

Appellant Atty:

Appellant Name:

.....  
MCMURTRY , STEPHEN T.

.....  
HOUSING AUTHORITY OF COVINGTON

Appellee Atty:

Appellee Name:

.....  
CHRISTY , BRADLEY S

.....  
CLARISSA TURNER

SMITH , ACENA JOHNSON

CLARISSA TURNER

LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,  
COVINGTON, KENTUCKY

DATE: Tuesday February 24, 2009

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.....

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1:30 PM PJ: KELLER MOORE THOMPSON

2007CA001978 EUGENE GOSS ET AL. VS JOHN DOE #1-37 ET AL.

2007CA002039; Legal malpractice claim arose from Lexington Micro City Govt child abuse cases. Issue is whether malpractice claims of the  
2007CA002041; "Doe's" are ripe for adjudication. Trial court held that they are not. Appellants and Appellees argue that the case is ripe for  
2007CA002080 adjudication. Appellants argue trial ct erred when it found attorney-client relationship existed between attys and "Doe's."  
Appellees argue trial ct erred when it found, if ripe, "Doe's" did not suffer damage because they received re-dress of claims.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....  
FULKERSON , CALVIN R.

.....  
EUGENE GOSS

TREVEY , DAVID ANDREW

MARK DAVID GOSS

VESSELS , CHRISTINA L

EUGENE GOSS

MARK DAVID GOSS

EUGENE GOSS

Appellee Atty:

Appellee Name:

.....  
MORRIS , JAMES MICHAEL

.....  
JOHN DOE #1-37

OTHER SIMILARLY-SITUATED JOHN DOE & JANE DOE VICTIMS

MORRIS , SHARON K.

JANE DOE #1-6

JOHN DOE #1-37

OTHER SIMILARLY-SITUATED JOHN DOE & JANE DOE VICTIMS

LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Friday, February 27, 2009

1:30 PM

PJ: BUCKINGHAM

DIXON

NICKELL

2008CA001056

CITY OF PIKEVILLE ET AL. VS PIKE COUNTY, KY. ET AL.

Election contest/alleged voting irregularities/annexation.

CIVIL

PIKE COUNTY

EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....  
DAVIS JR, RUSSELL H.

.....  
CITY OF PIKEVILLE  
DONOVAN BLACKBURN  
FRANK E. JUSTICE

Appellee Atty:

Appellee Name:

.....  
CASE , RALPH ROLAND  
LEAR JR, WILLIAM M

.....  
PIKE COUNTY, KY.  
ANNE THOMPSON CASSADY  
BALLARD W. CASSADY  
ANNE THOMPSON CASSADY  
BALLARD W. CASSADY

ZELLEN , LYNN

\*\*NOTE:PREVIOUSLY ON 2/3/09 AT 9:00 IN FRANKFORT, KY