

UPDATED: 2/6/2015

FEBRUARY 2015

ORAL ARGUMENT

CALENDAR

Report Updated On: 2/6/2015

2/6/2015

FEBRUARY, 2015

February 9, 2015

**1:30 – 2:00 P.M. (ET), ORAL ARGUMENT,
#2013-CA-1625/1630, PUBLIC SERVICE COMMISSION OF
KENTUCKY V. BRANDENBURG TELEPHONE
COMPANY – JUDGE NICKELL , PRESIDING JUDGE,
JUDGE MAZE AND JUDGE STUMBO, ASSOCIATES.**

**2:15 – 2:55 P.M. (ET), ORAL ARGUMENT, 40 MINUTES
#2013-CA-1695/1742, LOUISVILLE GAS AND ELECTRIC
COMPANY V. KENTUCKY WATERWAYS ALLIANCE –
JUDGE MAZE, PRESIDING JUDGE, JUDGE NICKELL
AND JUDGE STUMBO, ASSOCIATES.**

**3:00 P.M. (ET), MOTION PANEL, JUDGE JAMES
LAMBERT, PRESIDING JUDGE, JUDGE DIXON AND
JUDGE NICKELL, ASSOCIATES.**

February 10, 2015

11:00 A.M. –COURT MEETING

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

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

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

DATE: Monday, February 9, 2015

01:30 PM PJ: NICKELL, HON. C. SHEA

MAZE, HON. IRV

STUMBO, HON. JANET L.

2013CA001625

**PUBLIC SERVICE COMMISSION OF KENTUCKY v BRANDENBURG TELEPHONE
COMPANY**

2013CA001630

1) Whether trial court erred in reversing PSC's finding that Brandenburg Telephone Company overbilled Sprint for completing cell phone calls originating from out-of-state phone numbers, but dialed from inside Kentucky?
2) Whether trial court erred in finding PSC retroactively applied new interpretation of tariff? Whether Sprint was entitled to prospective relief? Whether trial court applied wrong standard of review? Whether PSC has affirmative duty to update telecommunications tariffs? Whether trial court orders violated federal law by treating interstate call as intrastate call?

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

**COLE, AARON
PINNEY, JOHN**

Appellant Name:

PUBLIC SERVICE COMMISSION OF KENTUCKY

Appellee Atty:

**DEPP, EDWARD
SELENT, JOHN**

Appellee Name:

BRANDENBURG TELEPHONE COMPANY

**BRENT, DOUGLAS
SCHENKENBERG, PHILIP**

SPRINT COMMUNICATIONS COMPANY, L.P.

**** NOTE: **PREVIOUSLY ON NOVEMBER 18, 2014 AT 10:00 AM, LEXINGTON, KENTUCKY**

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

DATE: Monday, February 9, 2015

02:15 PM PJ: MAZE, HON. IRV

NICKELL, HON. C. SHEA

STUMBO, HON. JANET L.

2013CA001695

LOUISVILLE GAS AND ELECTRIC COMPANY v KENTUCKY WATERWAYS ALLIANCE

2013CA001742

Appeals from circuit court order setting aside wastewater permit granted for coal ash pond. Whether Clean Water Act requires Cabinet to apply a case-by-case Best-Professional-Judgment standard to permit. Application of subsequent EPA interpretations to interpret sufficiency of wastewater treatment plan. Sufficiency of jurisdictional prerequisites for appeal.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:Appellant Name:

BENDER, JOHN
FITZPATRICK, CHRISTOPHER
LARKIN, RICHARD
RENZELMANN, JASON
SNYDER, SHERYL

LOUISVILLE GAS AND ELECTRIC COMPANY

Appellee Atty:Appellee Name:

STEPHENS, MARY

ENVIRONMENT CABINET

BARFIELD, MINDY
CRESS, LLOYD JR
HORNE, JOHN II

KENTUCKY CHAMBER OF COMMERCE

CHILDERS, JOE JR
ISSOD, ANDREA
SHOAF, NATHANIEL

KENTUCKY WATERWAYS ALLIANCE

**** NOTE: **40 MINUTE ORAL - PREVIOUSLY ON NOVEMBER 18, 2014 AT 11:30 AM, LEXINGTON, KENTUCKY**

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

DATE: Friday, February 20, 2015

01:00 PM PJ: JONES, HON. ALLISON E. CLAYTON, HON. DENISE G. VANMETER, HON. LAURANCE B.

2013CA001858 KENTUCKY RIVER FOOTHILLS DEVELOPMENT COUNCIL, INC. v CATHY PHIRMAN

Civil; Whether the trial court erroneously denied Appellant's Motion for Summary Judgment on the grounds of sovereign immunity, finding Appellant was not a government or quasi-government agency entitled to immunity?

CIVIL MADISON COUNTY HON WILLIAM G. CLOUSE

Appellant Atty:

MENDIONDO, ADRIAN

STILZ, DANIEL

Appellant Name:

**KENTUCKY RIVER FOOTHILLS DEVELOPMENT
COUNCIL, INC.**

Appellee Atty:

**DAVIS, TIMOTHY
HOOTS, DOUGLAS**

Appellee Name:

PHIRMAN, CATHY

**** NOTE:**

01:45 PM PJ: JONES, HON. ALLISON E. CLAYTON, HON. DENISE G. VANMETER, HON. LAURANCE B.

2014CA000152 WILLMER ROBINSON v COMMONWEALTH OF KENTUCKY

Civil; Whether the trial court properly affirmed the decision of the Board of Trustees of the Kentucky Retirement Systems denying Appellant's application for duty related disability benefits?

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

LAMBERT, JOSEPH

Appellant Name:

ROBINSON, WILLMER

Appellee Atty:

**RUPINEN , KATHERINE
STEELE, JENNIFER**

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Friday, February 20, 2015

02:30 PM PJ: CLAYTON, HON. DENISE G. JONES, HON. ALLISON E. VANMETER, HON. LAURANCE B.
2013CA001881 ADMINISTRATIVE OFFICE OF THE COURTS v MARTIN VIDAUD

Franklin Circuit Court reversed and remanded decision of AOC which dismissed an employee of AOC based upon a claim of sexual harassment.

CIVIL	FRANKLIN COUNTY	HON PHILLIP J. SHEPHERD
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
INMAN, J		ADMINISTRATIVE OFFICE OF THE COURTS
SEARS, SUSAN		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
CANON, DANIEL		VIDAUD, MARTIN

**** NOTE:**

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

DATE: Thursday, February 26, 2015

10:00 AM PJ: ACREE, HON. GLENN E. LAMBERT, HON. DEBRA HEMBREE NICKELL, HON. C. SHEA
2013CA001546 GARLOCK SEALING TECHNOLOGIES, LLC v DELORES ANN ROBERTSON

Civil; CR60.02: Whether the trial court erred when it dismissed Appellant's Kentucky Rule of Civil Procedure 60.03 action.

CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN

Appellant Atty: _____ **Appellant Name:** _____
HINKLE, CASEY GARLOCK SEALING TECHNOLOGIES, LLC
WELLS, TREVOR

.....

Appellee Atty: _____ **Appellee Name:** _____
BURKE, KEVIN ROBERTSON, DELORES
BURTON, SCARLETTE
POPPE, HANS JR
WHEAT, WARNER

.....

MOORE, JENNIFER THE OFFICIAL COMMITTEE OF ASBESTOS
SWETT, TREVOR III PERSONAL INJURY CLAIMANTS

.....

**** NOTE:**

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

DATE: Thursday, February 26, 2015

10:45 AM PJ: NICKELL, HON. C. SHEA

ACREE, HON. GLENN E.

LAMBERT, HON. DEBRA HEMBREE

2013CA001723

FIFTH THIRD BANK v SARA LALLIE DAVIS, CO-EXECUTIRIX

Where both Bank and Estate filed cross-motions for summary judgment, whether trial court properly ruled in Estate's favor upon finding Bank's mortgage and security interest were inferior to equitable liens asserted by Estate? Subquestions: Whether asset purchase agreement created equitable lien as matter of law? Whether trial court erred in finding Bank had actual knowledge of liens? Whether trial court erred in finding Bank's failure to follow its own lending policy entitled Estate to equitable relief?

CIVIL

MARION COUNTY

HON DAVID WILLIAMS

Appellant Atty:

MCGARVEY, JOHN
RICKMAN, SCOTT

Appellant Name:

FIFTH THIRD BANK

Appellee Atty:

BALL, CO-REP, THOMAS

BALL, ALINE

LAVIT, THEODORE

AVRITT, JAMES JR

WILLETT, JAMES III

BRAY, CO-REP, STAN

MILLER, JOHN

CHEN, GRACE

HAGAN, JUDE

SCHAFFER, CO-REP, PAUL

CHERRY, CO-REP, CARLOS

ENGLE-GRAY, KANDICE

NALLY-MARTIN, LISA

HIGDON, FREDERICK

HIGHBAUGH, CO-REP, VICKIE

STRICKLER, GEORGE JR

PATTON, CO-REP, JAMES

GEORGE, ELMER

Appellee Name:

BALL DEVELOPMENT CORPORATION, INC.

BALL, JAMES

BALL, JOHN

BALL, JOSEPH

BALL, THOMAS

BITTERSWEET ASSOCIATES, LLC

CHECK INTO CASH OF KENTUCKY, LLC

CHEN, GRACE

CHILDERS, VICKY

CITICAPITAL COMMERCIAL CORPORATION

CITIFINANCIAL, INC.

CITY OF LEBANON

COMMONWEALTH OF KENTUCKY

COXON, D.C., P.S.C., RODERICK

HIGHBAUGH'S FITNESS, LLC

HOUCHENS FOOD GROUP, INC.

J & M MONITORING, INC.

LEATHERS, BONITA

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

DATE: Thursday, February 26, 2015

LON, THY

LON, THY

CALL, STEVEN
NUNERY, DAVID

ROGERS, CO-EXECUTIRIX, ANN

NOT REPRESENTED BY COUNSEL,

SANTA BARBARA BANK & TRUST

O'DANIEL, H. JR

SPRINGFIELD STATE BANK

BALL, CO-REP, JOHN SR

STATEWIDE ENVIRONMENTAL SERVICES, INC.

MCCAULEY, DAWN

SUBWAY REAL ESTATE CORP.

MAYNARD, KATHERINE

THE CATO CORPORATION

DAVIS, CO-REP, NEIL

U. S. BANK

STEWART, JOSEPH

UNKNOWN TENANTS OF LEBANON TRADE
CENTER

**** NOTE:**
