UPDATED: 7/2/2014

JULY 2014 ORAL ARGUMENT CALENDAR

Report Updated On: 7/2/2014

07/02/2014

<u>JULY, 2014</u>

July 8, 201411:00 AM, FRANKFORT TIME, MOTION PANEL,
JUDGE COMBS, PRESIDING JUDGE AND
JUDGE CLAYTON AND JUDGE VANMETER, ASSOC.

COURT MEETING WILL NOT BE HELD

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

LOUISVILLE – Contact Danae Bransford – (502) 595-3440 SHEPHERDSVILLE – Contact Paulita Keith – (502) 543-7104

LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE, COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY

DATE: Tuesday, July 22, 2014

11:00 AM PJ:		THOMPSON, HON. KELLY	ACREE, HON. GLENN E.	MAZE, HON. IRV	
		DEPARTMENT OF REVENUE	MENT OF REVENUE v ARMSTRONG UTILITIES, INC.		
			f Revenue appeals a judgment awarding a cable television company refunds on property m taxes alleging the taxes were based upon public service corporation assessments made ment.		
CIVIL		FRANKLIN COUNTY	HON PHILLIP J. SHEPHERD		
	Арр	ellant Atty:	Appellant N	Name:	
	DOWEL	L, DOUGLAS	DEPARTMENT (OF REVENUE	
	Арг	pellee Atty:	Appellee N	lame:	
		, THOMAS K, MITZI		UTILITIES, INC.	
** NOTE:					
11:45 AM	PJ:	MAZE, HON. IRV	ACREE, HON. GLENN E.	THOMPSON, HON. KELLY	
2013CA00	0612	UNITED INSURANCE COMP	ANY OF AMERICA v COMMONWEALTH O	FKENTUCKY	
2013CA00	0612	Appeal from order upholding cor	ANY OF AMERICA v COMMONWEALTH On the advantage of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the obligations on insurers and impairs the obligations on insurers and impairs the obligations of the obligations	Whether retroactive	
	0612	Appeal from order upholding cor application of Act imposes additi	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig	Whether retroactive	
		Appeal from order upholding cor application of Act imposes additi contracts.	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig	Whether retroactive gations of existing	
CIVIL	Арр	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY bellant Atty:	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty:	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA HOPSO	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY mellant Atty: Y, JOSEPH N, SCOTT	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA HOPSO MORRIS	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty: Y, JOSEPH N, SCOTT N, MARK	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY Mellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name:	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE THOMP	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N	Whether retroactive gations of existing ILLIP J. SHEPHERD Name: MPANY OF AMERICA	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE THOMP	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL SSON, CAROL	nstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N UNITED INSURANCE CO	Whether retroactive gations of existing ILLIP J. SHEPHERD Mame: MPANY OF AMERICA	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE THOMP	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY mellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL PSON, CAROL	hstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N UNITED INSURANCE CO	Whether retroactive gations of existing ILLIP J. SHEPHERD Mame: MPANY OF AMERICA	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE THOMP App CONWA ERVIN,	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY mellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL PSON, CAROL	hstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N UNITED INSURANCE CO	Whether retroactive gations of existing ILLIP J. SHEPHERD Mame: MPANY OF AMERICA	
CIVIL	App ARDER HEYMA HOPSO MORRIS RENZE SNYDE THOMP App CONWA ERVIN, WEST,	Appeal from order upholding cor application of Act imposes additi contracts. FRANKLIN COUNTY wellant Atty: Y, JOSEPH N, SCOTT N, MARK SSEY, BRIAN LMANN, JASON R, SHERYL SSON, CAROL wellee Atty: AY, JACK PETER	hstitutionality of Unclaimed Life Ins. Benefits Act. ional obligations on insurers and impairs the oblig HON PH Appellant N UNITED INSURANCE CO	Whether retroactive gations of existing ILLIP J. SHEPHERD Mame: MPANY OF AMERICA	

LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE, COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY

DATE: Tuesday, July 22, 2014

2013CA001226 COMMONWEALTH OF KENTUCKY v RIVERVALLEY BEHAVIORAL HEALTH CHFS appeals from circuit court order reversing Secretary's final order on claim involving Medicaid Reimbursement rates. Whether Cabinet's method of calculating reimbursement methodology was consistent with statutes and regulations. Existence and enforcement of an implied settlement agreement. CIVIL FRANKLIN COUNTY Appellant Atty: Appellant Name: HUNSAKER, ANN COMMONWEALTH OF KENTUCKY	12:45 PN	/ PJ	: MAZE, HON. IRV		ACREE, HON. GLENN E.	THOMPSON, HON. KELLY		
Reimbursement rates. Whether Cabinet's method of calculating reimbursement methodology was consistent with statutes and regulations. Existence and enforcement of an implied settlement agreement. CIVIL FRANKLIN COUNTY Appellant Atty: Appellant Name: HUNSAKER, ANN COMMONWEALTH OF KENTUCKY	2013CA001226		COMMONW	COMMONWEALTH OF KENTUCKY v RIVERVALLEY BEHAVIORAL HEALTH				
Appellant Atty: Appellant Name: HUNSAKER, ANN COMMONWEALTH OF KENTUCKY			Reimburseme consistent wit	ent rates. Whether Cabinet's m	nethod of calculating reimbursement r	methodology was		
HUNSAKER, ANN COMMONWEALTH OF KENTUCKY	CIVIL		FRANK		HON PHI	LLIP J. SHEPHERD		
· · · · ·	_	Α	ppellant Atty:		Appellant N	ame:		
Appellee Atty: Appellee Name:		HUNS	SAKER, ANN		COMMONWEALTH	OF KENTUCKY		
	_	Δ	ppellee Atty:		Appellee Na	ame:		
CHRISTIAN, CAROLE RIVERVALLEY BEHAVIORAL HEALTH		CHRISTIAN, CARC			RIVERVALLEY BEH	AVIORAL HEALTH		
PRICE, STEPHEN SR.	PRICI		E, STEPHEN SR.					
WOODARD, JOHN JR		woo	DARD, JOHN JR					

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 W. JEFFERSON STREET, LOUISVILLE, KY

DATE: Tuesday, July 29, 2014

1:30 AM	PJ:	DIXON, HON. DONNA L.	CLAYTON	HON. DENISE G.	JONES, HON. ALLISON E.	
013CA00	1400	WALTER M. BUTT	AND KAREN L. PETIGO v I	NDEPENDENCE CLU	IB VENTURE, LTD	
	Appeal of summary judgment a was an intervening change in the			nd denial of motion to set aside an interlocutory agreed order where there ne law.		
SIVIL		JEFFERSON CO	DUNTY	HON MARY M SHAW		
	Арр	cellant Atty:		Appellant Name:		
	LONG	NEYER, JOHN		WALTER M. BUTT	AND KAREN L. PETIGO	
	Ар	pellee Atty:		Appell	ee Name:	
TRAVIS, DAVID		S, DAVID		INDEPENDENCE CLUB VENTURE, LTD		
NOTE:	PREVI	OUSLY ON 7/29/14 @ 10:4	5 AM (ET).			
	PREVI	JONES, HON. ALLISON E.		HON. DENISE G.	DIXON, HON. DONNA L.	
1:00 PM	PJ:	JONES, HON. ALLISON E.			DIXON, HON. DONNA L.	
1:00 PM	PJ:	JONES, HON. ALLISON E. KASHMIRE COX v Criminal; Issue of firs	CLAYTON	TUCKY	endant incompetent to stand	
1:00 PM	PJ:	JONES, HON. ALLISON E. KASHMIRE COX v Criminal; Issue of firs	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	TUCKY court's order finding defe of Appeals on discretion	endant incompetent to stand	
1:00 PM	PJ: 1124	JONES, HON. ALLISON E. KASHMIRE COX v Criminal; Issue of firs trial, which the Circuit	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	TUCKY court's order finding defe of Appeals on discretion	endant incompetent to stand ary review.	
1:00 PM 013CA00	PJ: 1124 Арг	JONES, HON. ALLISON E. KASHMIRE COX v Criminal; Issue of firs trial, which the Circuit JEFFERSON CO	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	TUCKY court's order finding defe of Appeals on discretion H Appell	endant incompetent to stand ary review. HON MARY M SHAW	
1:00 PM 013CA00	PJ: 1124 <u>Apr</u> GOYET	JONES, HON. ALLISON E. KASHMIRE COX w Criminal; Issue of firs trial, which the Circui JEFFERSON Co pellant Atty:	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	TUCKY court's order finding defe of Appeals on discretion H Appell	endant incompetent to stand ary review. HON MARY M SHAW ant Name:	
01:00 PM	PJ: 1124 Apr GOYET HACKE	JONES, HON. ALLISON E. KASHMIRE COX V Criminal; Issue of first trial, which the Circuit JEFFERSON CO pellant Atty: TE, DANIEL	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	TUCKY court's order finding defe of Appeals on discretion H Appell	endant incompetent to stand ary review. HON MARY M SHAW ant Name:	
01:00 PM 2013CA00	PJ: 1124 GOYET HACKE SCHEIE	JONES, HON. ALLISON E. KASHMIRE COX w Criminal; Issue of firs trial, which the Circuit JEFFERSON Co pellant Atty: TE, DANIEL TT, BRUCE	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	Court's order finding defe of Appeals on discretion H Appell COX, I	endant incompetent to stand ary review. HON MARY M SHAW ant Name:	
01:00 PM 013CA00	PJ: 1124 GOYET HACKE SCHEIE	JONES, HON. ALLISON E. KASHMIRE COX W Criminal; Issue of first trial, which the Circuit JEFFERSON CO coellant Atty: TE, DANIEL ETT, BRUCE 3, JONATHAN	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	DUCKY Court's order finding defe of Appeals on discretion H Appell COX, I	endant incompetent to stand hary review. HON MARY M SHAW ant Name: KASHMIRE	
01:00 PM 2013CA00 	PJ: 1124 GOYET HACKE SCHEIE App CONW/	JONES, HON. ALLISON E. KASHMIRE COX W Criminal; Issue of first trial, which the Circuit JEFFERSON CO pellant Atty: TE, DANIEL ETT, BRUCE 3, JONATHAN pellee Atty:	CLAYTON COMMONWEALTH OF KEN at impression regarding District C it Court reversed. Before Court of	DUCKY Court's order finding defe of Appeals on discretion H Appell COX, I	endant incompetent to stand hary review. HON MARY M SHAW ant Name: KASHMIRE	

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 W. JEFFERSON STREET, LOUISVILLE, KY

DATE: Tuesday, July 29, 2014

01:45 PM	PJ:	JONES, HON. ALLISON E.	CLAYTON, HON. DENISE G.	DIXON, HON. DONNA L.	
2013CA00	1486	EIFLER TOWER CRANE CO	D., LLC v ARDIS E. GREENAMYER II		
			nmitted reversible error when it permitted Appelle ed and appealed in a sister state.	ee to collaterally attack a	
CIVIL	JEFFERSON COUNTY		НОН	HON MARY M SHAW	
	Ар	pellant Atty:	Appellant Name: EIFLER TOWER CRANE CO., LLC		
	STINN	ETT, WILLIAM			
	TAYLOR, GREGORY				
	Ар	pellee Atty:	Appellee Name:		
	ADAMS, GARRY JR		GREENAM	GREENAMYER, ARDIS	