

**UPDATED: 06/09/2010**

**JUNE 2010**

**ORAL ARGUMENT**

**CALENDAR**

**06/09/2010**

**JUNE, 2010**

**June 2, 2010**

**12:30 P.M., FRANKFORT TIME, MOTION PANEL,  
JUDGE DIXON, PRES., JUDGE THOMPSON, AND  
JUDGE WINE, ASSOC.**

**June 15, 2010**

**2:00 P.M. COURT MEETING WILL BE HELD AT  
REGENCY 3 OF THE REGENCY BALLROOM,  
HYATT REGENCY, LEXINGTON, KENTUCKY**

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

**LOUISVILLE – Contact Marti Dodd – (502) 595-3440**

**WARSAW – Contact Pam McIntyre – (859) 567-2388**

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

**DATE: Tuesday, June 8, 2010**

02:15 PM PJ: COMBS, HON. SARA W.

ACREE, HON. GLENN E.

WINE, HON. THOMAS B.

2009CA001494 ZEOCHEM, LLC v SUD-CHEMIE, INC.

Appeal from a summary judgment involving a dispute as to existence of a contract implied in law versus an express contract. Appellant also claims that an issue of material fact exists with respect to certain defenses that it had asserted, thus rendering summary judgment premature.

CIVIL JEFFERSON COUNTY HON JAMES M SHAKE

Appellant Atty:

HANLEY, JOHN

Appellant Name:

ZEOCHEM, LLC

Appellee Atty:

LANGDON, DOUGLAS  
ROSE, JOSHUA  
WETTLE, SUSAN

Appellee Name:

SUD-CHEMIE, INC.

\*\* NOTE:

03:00 PM PJ: WINE, HON. THOMAS B.

COMBS, HON. SARA W.

ACREE, HON. GLENN E.

2009CA001184 JOSEPH E. FLOCK v BROWN-FORMAN CORPORATION

Wrongful termination case where employee is claiming that employer fired him because of his age (60), because of his gender (male), and in retaliation for complaining about discrimination.

CIVIL JEFFERSON COUNTY HON JUDITH E MCDONALD-BURKMAN

Appellant Atty:

HAYWARD, SAMUEL  
KIMBALL, PHILIP

Appellant Name:

FLOCK, JOSEPH

Appellee Atty:

CRONAN, CHARLES  
PAULIN, KAREN

Appellee Name:

BROWN-FORMAN CORPORATION

\*\* NOTE:

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

**DATE: Wednesday, June 9, 2010**

10:00 AM PJ: ACREE, HON. GLENN E.

COMBS, HON. SARA W.

WINE, HON. THOMAS B.

2009CA000048 ROY GIBSON v KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

Civil; Insurance Fraud: Trial issues whether it was error to permit persons insured my KFB to sit on the jury. Whether certain hearsay testimony was properly admitted. Whether jury instructions were proper. Whether award of costs of investigation was proper.

CIVIL JEFFERSON COUNTY HON OSCAR G HOUSE

Appellant Atty:

DYCHE, ROBERT III

Appellant Name:

GIBSON, ROY

Appellee Atty:

ADANICK, PERRY

SANCHEZ, FABIAN

SPETH, GARY SR

Appellee Name:

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

SANCHEZ, FABIAN

SPETH, GARY

\*\* NOTE:

10:45 AM PJ: ACREE, HON. GLENN E.

COMBS, HON. SARA W.

WINE, HON. THOMAS B.

2009CA001250 KIMBALL LIVESAY v TIMOTHY SCOTT STATTS

Civil: Whether Family Court properly interpreted the marriage settlement agreement. Whether family court erred by not enforcing the information sharing requirements of the MSA and shifting burden of discovery to appellant. Whether family court properly denied appellant's request for costs and fees.

JEFFERSON COUNTY

Appellant Atty:

NORRIS, CHRISTINA

HON ELEANORE GARBER

Appellant Name:

LIVESAY, KIMBALL

Appellee Atty:

STRAW-BOONE, MELANIE

Appellee Name:

STATTS, TIMOTHY

\*\* NOTE:

**LOCATION: GALLATIN COUNTY COURTHOUSE, COURTROOM B, 100 MAIN STREET, WARSAW, KENTUCKY**

**DATE: Thursday, June 24, 2010**

12:00 PM PJ: THOMPSON, HON. KELLY

MOORE, HON. JOY A.

HENRY, HON. MICHAEL L.

2009CA000990 FIVE STAR LODGING, INC. v GEORGE CONSTRUCTION, LLC.

The issue on this appeal involves liability on a bond following entry of a default judgment against its insured, the appellee.

CIVIL FAYETTE COUNTY

HON THOMAS L CLARK

Appellant Atty:

Appellant Name:

MORRIS, JAMES

FIVE STAR LODGING, INC.

Appellee Atty:

Appellee Name:

HAYS, JOHN  
OAKLEY, K.

CUMBERLAND SURETY INSURANCE CO., INC.

PRICE \*CO-REP\*, GENE

GEORGE CONSTRUCTION, LLC.

\*\* NOTE:ORIGINALLY ON 6/15/2010 AT 10:30 AM IN LEXINGTON, KY

12:45 PM PJ: THOMPSON, HON. KELLY

MOORE, HON. JOY A.

HENRY, HON. MICHAEL L.

2009CA001298 DANIELLE N. BIDWELL v SHELTER MUTUAL INSURANCE COMPANY

Appellant appeals from a summary judgment in favor of appellee arguing that this Court should recognize the permissive user "step-down" provision in the insurance policy issued by appellee. The validity of step-down provisions applicable to permissive users is a matter of first impression.

CIVIL KENTON COUNTY

HON MARTIN J SHEEHAN

Appellant Atty:

Appellant Name:

ARNZEN, MARK  
STORM, BEVERLY

BIDWELL, DANIELLE

Appellee Atty:

Appellee Name:

TAYLOR, JAMES

SHELTER MUTUAL INSURANCE COMPANY

\*\* NOTE:ORIGINALLY ON 6/15/2010 AT 11:15 AM IN LEXINGTON, KY

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

**DATE: Monday, June 28, 2010**

10:00 AM PJ: KELLER, HON. MICHELLE M. CLAYTON, HON. DENISE G. BUCKINGHAM, HON. DAVID C.

2009CA001185 **BROWN SPRINKLER CORPORATION v SOMERSET- PULASKI COUNTY DEVELOPMENT FOUNDATION, INC.**

Brown Sprinkler Corp. appeals from summary judgment which dismissed its claim in quantum meruit for improvements Brown Sprinkler made in the amount of \$59,900.00 on the Appellee's property. Brown Sprinkler argues that the trial court erred when it concluded that it had an adequate legal remedy available by filing a valid mechanic and materialman's lien under KRS 376.010.

CIVIL PULASKI COUNTY HON JEFFREY T BURDETTE

Appellant Atty:

MERZ, CHARLES

Appellant Name:

BROWN SPRINKLER CORPORATION

Appellee Atty:

BORNSTEIN, ROBERT

ADAMS, JOHN

Appellee Name:

CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.

SOMERSET- PULASKI COUNTY DEVELOPMENT FOUNDATION, INC.

\*\* NOTE:PREVIOUSLY ON 6/23/10 AT 10:00 AM

10:45 AM PJ: BUCKINGHAM, HON. DAVID C. CLAYTON, HON. DENISE G. KELLER, HON. MICHELLE M.

2009CA001483 **MATTHEW YORK v PETZL AMERICA, INC.**

Personal injury/indemnity/arbitration.

CIVIL CUMBERLAND COUNTY HON EDDIE C LOVELACE

Appellant Atty:

SCHUETTE, BRIAN  
THOMAS, PATRICIA

Appellant Name:

YORK, MATTHEW

Appellee Atty:

LOVELL, MARC

Appellee Name:

PETZL AMERICA, INC.

\*\* NOTE:PREVIOUSLY ON 6/23/10 AT 10:45 AM

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

**DATE: Monday, June 28, 2010**

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11:30 AM PJ: BUCKINGHAM, HON. DAVID C. CAPERTON, HON. MICHAEL O. CLAYTON, HON. DENISE G.

2008CA001498 COUNTRYWAY INSURANCE COMPANY v MARGUERITE S. OAKES

2008CA001557

2009CA000958 Insurance coverage/choice of laws/arbitration.

CIVIL TODD COUNTY HON TYLER L GILL

Appellant Atty:

BARNES, DAVID  
TUCKER, DEANNA

Appellant Name:

COUNTRYWAY INSURANCE COMPANY

Appellee Atty:

MEHR, M.  
OAKES, DAVID

Appellee Name:

OAKES, MARGUERITE

\*\* NOTE:

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