

**UPDATED: 04/29/2013**

# **JUNE 2013**

# **ORAL ARGUMENT**

# **CALENDAR**

Report Updated On: 04/29/2013

04/29/2013

**JUNE, 2013**

**JUNE 3, 2013**

**10:00 A.M., FRANKFORT TIME, MOTION PANEL,  
JUDGE DIXON, PRES., JUDGE MOORE AND  
JUDGE STUMBO, ASSOC.**

**JUNE 18, 2013**

**10:00 A.M. COURT MEETING IN LOUISVILLE,  
KENTUCKY. MEETING ROOM LOCATION  
TO BE DETERMINED.**

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

**LEXINGTON – Contact Dana Carter – (859) 246-2132**

**LOUISVILLE – Contact Melanie Montgomery – (502) 595-3430**

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

**DATE: Thursday, June 6, 2013**

01:00 PM PJ: CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

MAZE, HON. IRV

2011CA002301

**MARK WAINSCOTT v ROBERT C. WHITE**

Appeal from circuit court's reversal and remand of a merit board decision reinstating Waincott, a former police officer of the Louisville Metro PD, with a thirty-day suspension. Issue of whether board's decision was supported by substantial evidence, and was arbitrary, in allowing testimony of an investigator regarding medical records and in declining to force Waincott to undergo additional medical examination.

CIVIL

JEFFERSON COUNTY

HON MITCHELL PERRY

Appellant Atty:

LEIGHTTY, DAVID

Appellant Name:

WAINSCOTT, MARK

Appellee Atty:

DOBBINS, MARK  
KEENE, SANDRA

Appellee Name:

LOUISVILLE METRO POLICE MERIT BOARD

DAUGHERTY, KRISTIE

WHITE, ROBERT

\*\* NOTE:

01:45 PM PJ: MAZE, HON. IRV

CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

2012CA000235

**AMY PHILPOT v BEST BUY**

Appeal from dismissal of wrongful termination, retaliatory discharge, defamation and gender discrimination claims. Sufficiency of prima facie case of gender discrimination; Whether letter to management in support of co-worker was protected conduct under the Civil Rights Act; whether company's statements to Unemployment Ins. Commission were privileged; whether plaintiffs stated claims for defamation outside of privilege.

CIVIL

BULLITT COUNTY

HON RODNEY BURRESS

Appellant Atty:

GREGORY, HARRY III  
KIMBALL, PHILIP

Appellant Name:

PHILPOT, AMY

Appellee Atty:

CLEARY, RICHARD  
SLOAN, SEAN  
STOHNER, GEORGE  
SUMNER, GRIFFIN

Appellee Name:

BEST BUY

\*\* NOTE:

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

**DATE: Thursday, June 6, 2013**

02:30 PM PJ: MAZE, HON. IRV

CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

2012CA000671

**ANDREW T. GALLAGHER v MARJORIE G. GALLAGHER**

Appeals from findings & conclusions in dissolution degree. Excessive interlocutory award of maintenance & child support; calculating of wife's income for maintenance purposes; division of marital debt; calculation of value of non-marital contribution; calculation of value and division of stock options; valuation of vehicles; assignment of responsibility for withdrawals from 529 accounts; attorney fees.

**OLDHAM COUNTY****HON TIMOTHY E. FEELEY**

Appellant Atty:

Appellant Name:

CARTER, JOHN

GALLAGHER, ANDREW

Appellee Atty:

Appellee Name:

THEISS, JAMES

GALLAGHER, MARJORIE

**\*\* NOTE:**

03:30 PM PJ: MAZE, HON. IRV

CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

2012CA000957

**BILLY COX v COMMONWEALTH OF KENTUCKY**

Discretionary review from circuit court order affirming district court's findings regarding police roadblock. Whether roadblock met constitutional standards; whether officer's testimony met Daubert requirements.

**MARION COUNTY****HON ALLAN RAY BERTRAM**

Appellant Atty:

Appellant Name:

SIMMS, GREGORY

COX, BILLY

Appellee Atty:

Appellee Name:

CONWAY, JACK  
MATTINGLY, JOSEPH III  
NALLY-MARTIN, LISA

COMMONWEALTH OF KENTUCKY

**\*\* NOTE:**

**LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR,  
120 NORTH LIMESTONE, LEXINGTON, KENTUCKY**

**DATE: Wednesday, June 12, 2013**

01:00 PM PJ: STUMBO, HON. JANET L.

ACREE, HON. GLENN E.

MAZE, HON. IRV

2012CA000624 CASSANDRA FALK v ALLIANCE COAL, LLC

2012CA000625

Appeal from grant of summary judgment. Issues raised relate to effect of self insurance status on insured status of employee of subsidiary. KRS 342.0011(6).

CIVIL

FAYETTE COUNTY

HON JAMES D ISHMAEL

Appellant Atty:

Appellant Name:

BRADEN, ROGER  
WHITFIELD, JOHN

FALK, CASSANDRA

Appellee Atty:

Appellee Name:

BARR, P  
HOWARD, DANA

ALLIANCE COAL, LLC

\*\* NOTE:

01:45 PM PJ: STUMBO, HON. JANET L.

ACREE, HON. GLENN E.

VANMETER, HON. LAURANCE B.

2011CA002294 KINDRED NURSING CENTERS LIMITED PARTNERSHIP v JAMES OVERSTREET

2012CA000007

Does resident's rights statute, KRS 216.515 create a new category of injury that is not subject to the one year statute of limitations for personal injury? Who may properly maintain claim under KRS 216.515?

CIVIL

MERCER COUNTY

HON DARREN W. PECKLER

Appellant Atty:

Appellant Name:

CASSIDY, JAMES III  
LOMOND, KRISTIN  
MILLER, DONALD II

KINDRED NURSING CENTERS LIMITED  
PARTNERSHIP

Appellee Atty:

Appellee Name:

FANNIN, COREY  
SALYER, ROBERT

OVERSTREET, JAMES

\*\* NOTE: