

UPDATED: 6/9/2014

JUNE 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 6/9/2014

Updated 06/09/2014

JUNE, 2014

JUNE 9, 2014

**2:00 P.M., FRANKFORT TIME, MOTION PANEL,
JUDGE JONES, PRES., JUDGE STUMBO AND
JUDGE VANMETER, ASSOC.**

JUNE 17, 2014

**10:00 A.M. COURT MEETING IN COVINGTON,
KENTUCKY AT THE MARRIOTT, THE KENTUCKY
ROOM.**

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

FRANKFORT – Contact Patricia Brauer – (502) 573-7920

LOUISVILLE – Contact Danae Bransford – (502) 595-3440

MADISONVILLE – Contact Karen McKnight – (270) 824-7501

NEWPORT – Contact Kathy Burggraf - (859) 669-1212

STANFORD – Contact Teresa Reed – (606) 365-2535

LOCATION: LINCOLN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 101 E. MAIN STREET, STANFORD, KENTUCKY

DATE: Tuesday, June 10, 2014

02:30 PM PJ: CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

NICKELL, HON. C. SHEA

2013CA000436

BETH ANN J. KLOIBER v DANIEL KLOIBER DYNASTY TRUST

Dismissal of case involving fraudulent conveyance of marital assets and breach of fiduciary duty.

CIVIL

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

BECKER, FRANK

Appellant Name:

KLOIBER, BETH

Appellee Atty:

DYCHE, JOHN
HOVIOUS, R.
MILLER, MASON
RAMBICURE, WILLIAM

Appellee Name:

DANIEL KLOIBER DYNASTY TRUST

INMAN, JAMES

FROST BROWN TODD, LLC

GREEN, RONALD

HARGROVE, JAMES

COAN, S
SALOMON, JONATHAN
TACHAU, DAVID

PNC DELAWARE TRUST CO.

** NOTE:

LOCATION: CAMPBELL COUNTY CIRCUIT COURT, 330 YORK STREET, THIRD FLOOR, COURTROOM 2, NEWPORT, KENTUCKY

DATE: Monday, June 16, 2014

01:00 PM PJ: JONES, HON. ALLISON E. STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2013CA001247 JASON W. GREGORY v COMMONWEALTH OF KENTUCKY

Criminal; Appeal from conditional guilty plea; whether trial court erred when it denied Appellant's motion to suppress statements made to law enforcement.

CRIMINAL	JEFFERSON COUNTY	HON JUDITH E MCDONALD-BURKMAN
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HACKETT, BRUCE		GREGORY, JASON
REHO, JOSHUA		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BARR, DAVID		COMMONWEALTH OF KENTUCKY

**** NOTE:**

01:45 PM PJ: JONES, HON. ALLISON E. STUMBO, HON. JANET L. THOMPSON, HON. KELLY
2013CA001562 HOLLY BLAKEY v CLIFTON BUNCH

Family; Whether trial court erred by failing to dismiss the action or adopt the Pulaski Family Court as appropriate venue; whether trial court improperly considered evidence of domestic violence and an ECO; whether trial court's findings are supported by substantial evidence.

	RUSSELL COUNTY	HON JENNIFER UPCHURCH EDWARDS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
GIBSON, RALPH		BLAKEY, HOLLY

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COOPER, LESLIE		BUNCH, CLIFTON
DEHART, MATTHEW		

**** NOTE:**

LOCATION: CAMPBELL COUNTY CIRCUIT COURT, 330 YORK STREET, THIRD FLOOR, COURTROOM 2, NEWPORT, KENTUCKY

DATE: Monday, June 16, 2014

02:30 PM PJ: STUMBO, HON. JANET L. JONES, HON. ALLISON E. THOMPSON, HON. KELLY
2013CA001436 KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY v FRANCIS DIXON

Appeal from order of trial court finding that the insured's homeowners' policy covered an insured charged with shooting and killing his brother-in-law while on the insured premises. Does use of firearm fit within definition of occurrence and does intentional act exclusion apply? Does fact that insured has been found permanently incompetent to stand trial matter in determining issues?

CIVIL LETCHER COUNTY HON SAMUEL T WRIGHT

Appellant Atty:

RISLEY, MICHAEL

WIREMAN, MARCIA

Appellant Name:

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

Appellee Atty:

DOTSON, DANIEL

LEWIS, DEBORAH

Appellee Name:

DIXON, FRANCIS

DIXON, ROBERT

**** NOTE:**

03:15 PM PJ: THOMPSON, HON. KELLY JONES, HON. ALLISON E. STUMBO, HON. JANET L.
2012CA001672 TRACY NAPIER v COMMONWEALTH OF KENTUCKY

Appeal from jury conviction for first-degree assault with a sentence of ten years. Appellant argues there was error in allowing a deposition regarding a firearm comparison report and that the firearm identification is not a valid scientific method; failure of the prosecutor to turn over notes was a violation of Brady; there was error by allowing a laptop to go into the jury room to replay an interview; there were improper conclusions allowed to be testified to by the detective and that lesser included instructions should have been granted.

CRIMINAL PERRY COUNTY HON WILLIAM ENGLE

Appellant Atty:

SCHMIDT, KATHLEEN

YANG, ROBERT

Appellant Name:

NAPIER, TRACY

Appellee Atty:

MOORE, JASON

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Monday, June 23, 2014

01:00 PM PJ: LAMBERT, HON. JAMES H.

ACREE, HON. GLENN E.

MAZE, HON. IRV

2009CA001819

DAHLENBURG BONAR v STANLEY MORRIS CHESLEY

Passed motion to dismiss. This appeal arises from the Diocese of Covington Sex Abuse class action suit and is related to a fee dispute between the law firms who were class counsel. Issues include whether the Appellants are entitled to a new trial based on the appellee's actions to affect the court proceedings regarding the fee award for all attorneys in the underlying sex abuse class action case.

CIVIL

BOONE COUNTY

HON STEPHEN K MERSHON

Appellant Atty:

CLAY, THOMAS
RAMBICURE, WILLIAM

Appellant Name:

BONAR, DAHLENBURG

Appellee Atty:

BENTON, FRANK IV
GARY, JAMES

Appellee Name:

CHESLEY, STANLEY
STEINBERG, ROBERT

** NOTE: **PREVIOUSLY ON APRIL 24, 2014 @ 12:30 PM.

01:45 PM PJ: MAZE, HON. IRV

LAMBERT, HON. JAMES H.

MOORE, HON. JOY A.

2013CA000617

GARY BRANDENBURG v COMMONWEALTH OF KENTUCKY

Appeal from of writ of prohibition. Whether a writ of prohibition is the proper method for seeking interlocutory review of district court's suppression ruling in criminal action; existence of adequate remedy by appeal; irreparable injury; whether prior appeal tolls time for speedy trial.

CRIMINAL

KENTON COUNTY

HON PATRICIA M SUMME

Appellant Atty:

COX, DARRELL
MOSER, KEVIN

Appellant Name:

BRANDENBURG, GARY

Appellee Atty:

EDMONDSON, GARRY
NORDLOH, CHRISTOPHER

Appellee Name:

COMMONWEALTH OF KENTUCKY

EASTERLING, KENNETH

EASTERLING, KENNETH

** NOTE: 40 MINUTE ORAL - **PREVIOUSLY ON APRIL 24, 2014 @1:15 PM.

**LOCATION: HOPKINS COUNTY JUSTICE CENTER, CIRCUIT COURTROOM II, 120
EAST CENTER STREET, MADISONVILLE, KENTUCKY**

DATE: Thursday, June 26, 2014

10:30 AM PJ: ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

TAYLOR, HON. JEFF S.

2014CA000154 LOUISVILLE TRANSPORTATION COMPANY v ERIC NEWMAN

2014CA000279

Workers Compensation: Whether the Board erred as a matter of law when it concluded that Appellees' pre-existing active condition did not have to be in accordance with the 5th edition of the AMA Guidelines; and whether the board erred as a matter of law concerning Appellant's pre and post wages.

WORKERS COMP

WORKERS' COMP COUNTY

HON FRANKLIN STIVERS

Appellant Atty:

Appellant Name:

KINNEY, STEPHANIE

LOUISVILLE TRANSPORTATION COMPANY

Appellee Atty:

Appellee Name:

JENNINGS, CHED

NEWMAN, ERIC

ROARK, GRANT

ROARK, GRANT

LOVAN, DWIGHT

WORKERS' COMPENSATION BOARD

** NOTE:

11:15 AM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

2013CA000806 ALLEN GREY v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by denying appellant's CR 60.02 motion.

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

MCWILLIAMS, JOSHUA

GREY, ALLEN

STAPLES, AMY

Appellee Atty:

Appellee Name:

LARSON, RAYMOND

COMMONWEALTH OF KENTUCKY

MILLER, CHRISTIAN

** NOTE:

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

DATE: Friday, June 27, 2014

10:30 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. JONES, HON. ALLISON E.
2013CA000209 JOHN H. KITCHENS v DELISA JEAN PENDLEY

Whether a right of way easement existed over appellant's real property.

CIVIL	BUTLER COUNTY	HON MICHAEL L. MCKOWN
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
MILLIKEN, W.		KITCHENS, JOHN
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
DEYE, RICHARD		PENDLEY, DELISA
.....		

**** NOTE: PREVIOUSLY ON 2/20/2014 AT 11:30 AM.**

11:15 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. JONES, HON. ALLISON E.
2013CA000132 B.G. PROPERTIES, INC. v AEP INDUSTRIES, INC.

Whether circuit court properly rendered summary judgment directing sale of certain real property and awarding appellee "rent credit."

CIVIL	WARREN COUNTY	HON STEVE ALAN WILSON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
ANDERSON, DAVID ENGLISH, CHARLES JR.		B.G. PROPERTIES, INC.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COHEN, GLENN CONTI, JASON		AEP INDUSTRIES, INC.
.....		

**** NOTE: PREVIOUSLY ON 2/20/2014 AT 1:30 PM.**

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

DATE: Monday, June 30, 2014

1:00 PM PJ: MAZE, HON. IRV MOORE, HON. JOY A. VANMETER, HON. LAURANCE B.

2012CA002142 CHARLES G. MIDDLETON III v PNC BANK, N.A., IN ITS INDIVIDUAL CAPACITY FOR ITS ACTIONS

Appeal from summary judgment in favor of bank/trustee on claims of breach of fiduciary duty. Focus is on a 1980 Agreement discussing liabilities and discretion of bank/trustee(s). Also, trial court's failure to address KRS 286.3-277 Appellants seek further proof as well as damages for alleged damage to trust's value. Whether genuine issues of fact remain concerning breach and damages. Appellant requests oral argument.

CIVIL JEFFERSON COUNTY HON SUSAN SCHULTZ GIBSON

Appellant Atty:

GRAY, ELISABETH
MIDDLETON, CHARLES III
O'CONNELL, MICHAEL

Appellant Name:

MIDDLETON, CHARLES

Appellee Atty:

CLAY, RICHARD

BREETZ, BETHANY

GRIFFITH, ROBERT
OWSLEY, DAVID II

Appellee Name:

PARTHENON LLC

PNC BANK, N.A., IN ITS INDIVIDUAL CAPACITY
FOR ITS ACTIONS

** NOTE:

01:45 PM PJ: CAPERTON, HON. MICHAEL O. COMBS, HON. SARA W. VANMETER, HON. LAURANCE B.

2014CA000175 JESSIE HALL v DANIEL WATSON

MARSHALL COUNTY

HON ROBERT DAN MATTINGLY

Appellant Atty:

DERENARD, LISA

Appellant Name:

HALL, JESSIE

Appellee Atty:

BRIEN, CHARLES

Appellee Name:

WATSON, DANIEL

** NOTE: