

UPDATED 03/08/06

MARCH 2006

ORAL ARGUMENT

CALENDAR

3/08/06

MARCH, 2006

March 6 2:00 PM, MOTION PANEL, JUDGE BUCKINGHAM, PRES.,
JUDGES DYCHE AND MINTON, ASSOC.

March 7 9:15 - 9:45 AM, ORAL ARGUMENT, #2005-CA-000274
COMMONWEALTH OF KY., CAB. FOR HEALTH AND FAMILY
SERVICES, ET AL., V. EPI CORPORATION, JUDGE BARBER,
PRES., JUDGES MINTON AND TACKETT, ASSOC.

10:00 AM, FULL COURT MEETING

1:00 - 1:30 PM, ORAL ARGUMENT, #2005-CA-000219
NITA BANDY V. NORFOLK SOUTHERN RAILWAY COMPANY,
ET AL., JUDGE BARBER, PRES., JUDGES MINTON AND
TACKETT, ASSOC.

1:45 - 2:15 PM, ORAL ARGUMENT, #2004-CA-001472,
2004-CA-001490, 2004-CA-1491, 2004-CA-2127, 2004-CA-2172
MIKAEL HUGENBERG V. WEST AMERICAN INSURANCE
COMPANY/OHIO CASUALTY GROUP, JUDGE MINTON, PRES.
JUDGES BARBER AND TACKETT, ASSOC.

2:30 - 3:00 PM, ORAL ARGUMENT, #2004-CA-002007,
CANDACE CATLETT, ET AL. V. NATIONAL CITY BANK OF
KENTUCKY, ET AL., JUDGE MINTON, PRES., JUDGES
BARBER AND TACKETT, ASSOC.

3:15 - 3:45 PM, ORAL ARGUMENT, #2004-CA-1678,
LINDA HARDISON V. ACORDIA OF KENTUCKY,
CHIEF JUDGE COMBS, PRES., JUDGES DYCHE AND
JOHNSON, ASSOC. (FROM FEBRUARY)

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

FRANKFORT - Contact Mary Zagale, (502) 573-7920

**LOUISVILLE (JUDICIAL CENTER) - Contact Shelly Hawes, Judge Knopf's Secretary,
(502)595-3440**

**LOUISVILLE (UNIVERSITY OF LOUISVILLE) - Contact Don Olson, Assistant Dean for
Administration, (502) 852-6092**

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

DATE: Monday, March 06, 2006

2:00 PM

PJ: MILLER

BARBER

MCANULTY

2005CA000712

WALLER AVENUE, LLC VS CATHERINE JEFFERSON ET AL.

PROPERTY; DENIAL OF APPELLANTS MOTION FOR ORDER OF SALE OF INDIVISIBLE PROPERTY PURSUANT TO KRS 389A.030.

CIVIL

FAYETTE COUNTY

THOMAS L CLARK

Appellant Atty:

Appellant Name:

TALBOTT III, JOHN S

WALLER AVENUE, LLC

Appellee Atty:

Appellee Name:

BRICE II, JOHN PATRICK

CITIZENS BANK & TRUST CO. OF JACKSON

BROWN, WILLIAM RODES

PNC BANK

HAROLD H. MULLIS

J. PAT WILLIAMS

TED W. HAHN

COMBS, JOHN A

WADE H. JEFFERSON III

CRENSHAW, BRAXTON

BYRON RIVERS JEFFERSON

CATHERINE DALY JEFFERSON

LINDA K. JEFFERSON

SUSAN MARIE JEFFERSON

UNKNOWN HEIRS OF SUSAN MARIE JEFFERSON

UNKNOWN SPOUSE OF BYRON RIVERS JEFFERSON

UNKNOWN SPOUSE OF CATHERINE DALY JEFFERSON

UNKNOWN SPOUSE OF SUSAN MARIE JEFFERSON

HODGE, JAMES T.

CITIZENS BANK & TRUST CO. OF JACKSON

PNC BANK

NAUMANN, MARY ELISABETH

HAROLD H. MULLIS

J. PAT WILLIAMS

TED W. HAHN

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

DATE: Tuesday, March 07, 2006

9:15 AM PJ: BARBER MINTON TACKETT
2005CA000274 COMMONWEALTH OF KY., CAB. FOR HEALTH AND FAMILY SERVICES ET
AL. VS EPI CORPORATION
APPEAL OF A DECISION ON RECOUPMENT OF INSURANCE BENEFITS.

CIVIL ANDERSON COUNTY WILLIAM F STEWART

Appellant Atty:

Appellant Name:

.....
ARNETT, ALEA AMBER

.....
COMMONWEALTH OF KY., CAB. FOR HEALTH AND FAMILY SERVICES
JAMES W. HOLSINGER M.D.

HERKLOTZ, JOHANN F

.....
COMMONWEALTH OF KY., CAB. FOR HEALTH AND FAMILY SERVICES
JAMES W. HOLSINGER M.D.

HUNSAKER, ANN T

.....
COMMONWEALTH OF KY., CAB. FOR HEALTH AND FAMILY SERVICES
JAMES W. HOLSINGER M.D.

Appellee Atty:

Appellee Name:

.....
CHUPPE, FRANK F.

.....
EPI CORPORATION

HABLE, KEVIN J

EPI CORPORATION

PRICE SR., STEPHEN R.

EPI CORPORATION

1:00 PM PJ: BARBER MINTON TACKETT
2005CA000219 NITA BANDY VS NORFOLK SOUTHERN RAILWAY COMPANY ET AL.
APPEAL OF JUDGMENT ON THE PLEADINGS.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
BUSALD, E. ANDRE

.....
NITA BANDY

RANKIN, HARRY D.

NITA BANDY

Appellee Atty:

Appellee Name:

.....
CETRULO, ROBERT BARRY

.....
CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC RAILWAY COMPANY
NORFOLK SOUTHERN RAILWAY COMPANY

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

DATE: Tuesday, March 07, 2006

1:45 PM PJ: MINTON BARBER TACKETT
2004CA001472 MIKAEL HUGENBERG VS WEST AMERICAN INSURANCE COMPANY/OHIO
CASUALTY GROUP

2004CA001490; 1) WHETHER CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT IN FAVOR OF PARENTS OF
2004CA001491; UNLICENSED 15-YEAR-OLD DRIVER ON NEGLIGENT SUPERVISION CLAIM OF INJURED PASSENGER; AND 2)
2004CA002127; WHETHER CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT DECLARING NEITHER THE PARENTS'
2004CA002172 HOMEOWNERS' POLICY NOR THEIR AUTO LIABILITY POLICY WAS OBLIGATED TO PROVIDE DEFENSE/INDEMNITY
UNDER ABOVE FACTS.

CIVIL KENTON COUNTY GREGORY M BARTLETT

Appellant Atty: Appellant Name:

.....

BUSALD, E. ANDRE MIKAEL HUGENBERG

WEBER, BRADFORD C MIKAEL HUGENBERG

Appellee Atty: Appellee Name:

.....

STEPNER, DONALD L WEST AMERICAN INSURANCE COMPANY/OHIO CASUALTY GROUP

2:30 PM PJ: MINTON BARBER TACKETT
2004CA002007 CANDACE CATLETT ET AL. VS NATIONAL CITY BANK OF KENTUCKY ET AL.

APPEAL FROM CIRCUIT COURT'S ORDER ENFORCING TERMS OF SETTLEMENT BASED UPON FINDING THAT
APPELLANTS' COUNSEL HAD ACTUAL AUTHORITY TO ENTER INTO SETTLEMENT AGREEMENT.

CIVIL FAYETTE COUNTY SHEILA R. ISAAC

Appellant Atty: Appellant Name:

.....

ANDERSON, BARBARA F. CANDACE M. CATLETT

ANDERSON, JERRY MICHAEL CATLETT

CANDACE M. CATLETT

MICHAEL CATLETT

Appellee Atty: Appellee Name:

.....

JOHNSON, BRIAN M. KENNETH C. MORGAN II

MARTIN, THEODORE R KENNETH C. MORGAN II

MILLER, THOMAS W. KERRY F. MORGAN

ROBERTSON III, WILLIAM CRAIG NATIONAL CITY BANK OF KENTUCKY

ROSE, DONALD R. KERRY F. MORGAN

WIER, ROBERT E. KEVIN R MORGAN

WOODALL, JON A KELLY C.S. MORGAN

WOODFORD, ELIZABETH C KERRY F. MORGAN

**NOTE: ORIGINALLY AT 3:15 PM

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

DATE: Tuesday, March 07, 2006

3:15 PM

PJ: COMBS

DYCHE

JOHNSON

2004CA001678

LINDA HARDISON VS ACORDIA OF KENTUCKY, INC.

EMPLOYMENT LAW ISSUES: DISCRIMINATION, TERMINATION, AND POST-EMPLOYMENT RETALIATION BY WAY
OF LITIGATION (I.E., COUNTERCLAIM FILED BY FORMER EMPLOYER).

CIVIL

JEFFERSON COUNTY

DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
LEIGHTTY, DAVID

.....
LINDA HARDISON

Appellee Atty:

Appellee Name:

.....
BUBA, VICKI L.

.....
ACORDIA OF KENTUCKY, INC.

CLAY, RICHARD H.C.

ACORDIA OF KENTUCKY, INC.

HYLAND, WENDY CAROLE

ACORDIA OF KENTUCKY, INC.

QUESENBERRY, KATHRYN A

ACORDIA OF KENTUCKY, INC.

**NOTE:ORIGINALLY ON FEBRUARY 8, 2006 AT 10:45 AM IN LOUISVILLE, KY

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

DATE: Wednesday, March 08, 2006

9:30 AM PJ: COMBS DYCHE HENRY

2004CA001981 JOSE PADILLA VS COMMONWEALTH OF KENTUCKY

DEFENDANT (APPELLANT) CHALLENGES DENIAL OF RCR 11.42 RELIEF BY TRIAL COURT WITHOUT AN EVIDENTIARY HEARING FOR ALLEGED FAILURE OF COUNSEL WHO NEGOTIATED PLEA AGREEMENT TO INVESTIGATE DEPORTATION CONSEQUENCES.

POST-CONVICTION HARDIN COUNTY KELLY MARK EASTON

Appellant Atty:

Appellant Name:

NEAL, RICHARD EDWIN
PRESTON, DAMON

JOSE R. PADILLA
JOSE R. PADILLA

Appellee Atty:

Appellee Name:

JUDY, BRIAN T.
STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: COMBS DYCHE HENRY

2004CA001132 DAN JACOBE ET AL. VS GREEN TREE FINANCIAL SERVICES LLC,

MODIFICATION OF MORTGAGE RATE ON MOBILE HOME (AWARDED AT AN INTERVENING ARBITRATION) IN DISPUTE; APPELLANT CHALLENGES SUMMARY JUDGMENT ALLOWING FOR FORECLOSURE.

CIVIL TAYLOR COUNTY DOUGHLAS M GEORGE

Appellant Atty:

Appellant Name:

SPALDING, JONATHAN R.

DAN JACOBE
SHARON JACOBE

Appellee Atty:

Appellee Name:

HILL, CHRISTOPHER M.
HOWARD, DOUGLAS C.

GREEN TREE FINANCIAL SERVICES LLC,
GREEN TREE FINANCIAL SERVICES LLC,

11:00 AM PJ: COMBS DYCHE HENRY

2004CA001593 GRIFFIN INDUSTRIES, INC. VS BOBBY MULLEN

2004CA001795 EMPLOYEE ALLEGES RETALIATORY FIRING RELATED TO HIS PURSUIT OF WORKERS' COMPENSATION BENEFITS AND ARGUES THAT ADVERSE JURY VERDICT SHOULD HAVE BEEN SUBJECT TO A JNOV DUE TO OVERWHELMING NATURE OF EVIDENCE IN HIS FAVOR.

CIVIL LOGAN COUNTY TYLER L GILL

Appellant Atty:

Appellant Name:

HILS, LYNDA MARIE
NALLEY, DAVID C

GRIFFIN INDUSTRIES, INC.
GRIFFIN INDUSTRIES, INC.

Appellee Atty:

Appellee Name:

LINDSEY, MICHAEL D

BOBBY J. MULLEN

LOCATION: ALLEN COURTROOM, BRANDEIS SCHOOL OF LAW, UNIVERSITY OF LOUISVILLE, 2301 SOUTH THIRD STREET, LOUISVILLE, KENTUCKY
DATE: Tuesday, March 21, 2006

9:30 AM PJ: TAYLOR BUCKINGHAM JOHNSON
2005CA000164 DARRYL BAKER VS COMMONWEALTH OF KENTUCKY

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT OF ACQUITTAL UPON THEFT BY UNLAWFUL TAKING UNDER \$300; WHETHER CIRCUIT COURT IMPROPERLY RESTRICTED CROSS-EXAMINATION OF COMMONWEALTH'S WITNESS.

CRIMINAL FAYETTE COUNTY JAMES D ISHMAEL JR

Appellant Atty:

Appellant Name:

.....
POTTER, SAMUEL N
PRESTON, DAMON

.....
DARRYL KEITH BAKER
DARRYL KEITH BAKER

Appellee Atty:

Appellee Name:

.....
LOGAN, KRISTIN N.
STUMBO, GREGORY D.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: TAYLOR BUCKINGHAM JOHNSON
2004CA002424 LAURA CECIL VS WALGREEN COMPANY

2005CA000406;
2005CA000571 WHETHER CIRCUIT COURT PROPERLY CONCLUDED THAT APPELLANT COULD NOT ASSERT A PRIVATE CAUSE OF ACTION AGAINST APPELLEE UNDER KRS 620.030 AND DID NOT STATE CAUSE OF ACTION UNDER CHILD SEXUAL ABUSE AND PORNOGRAPHY ACT 18 USC 2251.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
MERRILL ESQ, THOMAS B.
TAYLOR, JOHN ALLEN

.....
LAURA ELIZABETH CECIL
LAURA ELIZABETH CECIL

Appellee Atty:

Appellee Name:

.....
SITLINGER, LEE E.

.....
WALGREEN COMPANY

LOCATION: ALLEN COURTROOM, BRANDEIS SCHOOL OF LAW, UNIVERSITY OF LOUISVILLE, 2301 SOUTH THIRD STREET, LOUISVILLE, KENTUCKY

DATE: Tuesday, March 21, 2006

11:00 AM PJ: TAYLOR BUCKINGHAM JOHNSON

2004CA001850 KEVIN MCCOMBS VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT ERRONEOUSLY EXCLUDED EVIDENCE; WHETHER CIRCUIT COURT PROPERLY CONCLUDED A "CROWBAR" WAS A DANGEROUS INSTRUMENT OR DANGEROUS WEAPON UNDER KRS 500.080.

CRIMINAL BULLITT COUNTY THOMAS L. WALLER

Appellant Atty:

Appellant Name:

.....
CARBY, DAVID WAYNE

.....
KEVIN TODD MCCOMBS

FARRIS, ERIC GRIFFIN

KEVIN TODD MCCOMBS

RAKES, LORIE B

KEVIN TODD MCCOMBS

REMINGTON, LEE RENEE

KEVIN TODD MCCOMBS

Appellee Atty:

Appellee Name:

.....
CROSS, JEFFREY A

.....
COMMONWEALTH OF KENTUCKY

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY

1:30 PM PJ: TAYLOR BUCKINGHAM JOHNSON

2005CA000413 LORETTA WRIGHT VS HIGHLAND CLEANERS, INC.

WHETHER CIRCUIT COURT PROPERLY DISMISSED APPELLANT'S ACTION FO FAILURE TO ITEMIZE DAMAGES.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
ADAMS JR, GARRY RICHARD

.....
LORETTA WRIGHT

CLAY, THOMAS E.

LORETTA WRIGHT

Appellee Atty:

Appellee Name:

.....
ALEXANDER III, STUART E.

.....
HIGHLAND CLEANERS, INC.

SCHOEN, KATHLEEN M. W.

HIGHLAND CLEANERS, INC.

WALSH IV, WILL J.

HIGHLAND CLEANERS, INC.

LOCATION: ALLEN COURTROOM, BRANDEIS SCHOOL OF LAW, UNIVERSITY OF LOUISVILLE, 2301 SOUTH THIRD STREET, LOUISVILLE, KENTUCKY

DATE: Tuesday, March 21, 2006

2:15 PM PJ: BUCKINGHAM JOHNSON TAYLOR
2005CA000495 DONALD ARMSTRONG ET AL. VS COMMONWEALTH OF KENTUCKY
CRIMINAL/HIPAA/DUI.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
GOLD, PAUL S

.....
BRIAN MICHAEL ROWLAND

MAZZOLI, MICHAEL R.

DONALD ARMSTRONG

Appellee Atty:

Appellee Name:

.....
SEXTON, DAVID A

.....
COMMONWEALTH OF KENTUCKY

3:00 PM PJ: BUCKINGHAM JOHNSON TACKETT
2003CA002509 MID STATES STEEL PRODUCTS CO. VS THE UNIVERSITY OF KENTUCKY
2003CA002694; CONSTRUCTION CASE
2004CA001434

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
ALLEN, WILLIAM W.

.....
MID STATES STEEL PRODUCTS CO.

Appellee Atty:

Appellee Name:

.....
STIDHAM, LYNN C

.....
THE UNIVERSITY OF KENTUCKY

****NOTE: 50 MINUTE ORAL ARGUMENT**