

UPDATED: 02/03/2011

# **MARCH 2011**

# **ORAL ARGUMENT**

# **CALENDAR**

Report Updated On: 02/03/2011

02/03/2011

**MARCH, 2011**

**March 7, 2011**

**1:30 P.M. FRANKFORT TIME, MOTION PANEL,  
JUDGE DIXON, PRES., JUDGE ACREE AND  
JUDGE JAMES LAMBERT , ASSOC.**

**COURT MEETING WILL NOT BE HELD.**

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

**LOUISVILLE – Contact for Jefferson Co. Judicial Center - Marti Dodd (502) 595-3440**

**LOUISVILLE – Contact for University of Louisville – Vickie Tencer – (502) 852-6092**

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

**DATE: Tuesday, March 15, 2011**

**11:00 AM PJ: CLAYTON, HON. DENISE G. COMBS, HON. SARA W. KELLER, HON. MICHELLE M.**  
**2010CA000825 CITY OF BOWLING GREEN, KENTUCKY v HOTELS.COM, L.P.**

City of Bowling Green appeals dismissal of suit seeking collection of the full amount of the Transient Room Tax. Amicus brief filed.

**CIVIL WARREN COUNTY HON STEVE ALAN WILSON**

Appellant Atty:

**FOLEY, IRVIN  
FOLEY, MICHAEL  
HARMON, H.  
RALUY, ANTHONY**

Appellant Name:

**CITY OF BOWLING GREEN, KENTUCKY**

Appellee Atty:

**DOWELL, DOUGLAS**

**EIFLER, TIMOTHY  
HUNTER, WILLIAM JR  
SULLIVAN, DAVID  
WHEELER, AMY**

Appellee Name:

**DEPARTMENT OF REVENUE, FINANCE AND  
ADMINISTRATION CABINET**

**HOTELS.COM, L.P.**

**\*\* NOTE:40 MINUTE ORAL**

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

**DATE: Thursday, March 24, 2011**

10:00 AM PJ: SHAKE, HON. ANN O'MALLEY

STUMBO, HON. JANET L.

THOMPSON, HON. KELLY

2008CA001493

**JACOB GINGERICH v COMMONWEALTH OF KENTUCKY**

2009CA001046

This case is on discretionary review from the Graves Circuit Court. The Appellants appeal from their district court convictions for failing to display a slow moving vehicles emblem on their horse drawn buggies. They claim that KRS 189.820 impermissibly burdens their religious freedoms.

**GRAVES COUNTY**

**HON TIMOTHY C STARK**

Appellant Atty:

LE MEUR, PATRICIA  
SHARP, WILLIAM

Appellant Name:

GINGERICH, JACOB

Appellee Atty:

CONWAY, JACK  
MILLER, CHRISTIAN

Appellee Name:

COMMONWEALTH OF KENTUCKY

BIRD, DAVID

NATIONAL COMMITTEE FOR AMISH  
RELIGIOUS FREEDOM

DOBLICK, DONNA  
GOODWIN, MICHAEL

**\*\* NOTE:**

10:45 AM PJ: THOMPSON, HON. KELLY

STUMBO, HON. JANET L.

SHAKE, HON. ANN O'MALLEY

2009CA000502

**BRYCE BONNER v COMMONWEALTH OF KENTUCKY**

The only issue on this appeal is whether after entry of an order for payment of DNA analysis can a trial court rescind that order after services have been rendered. In setting aside the prior order, the trial court ruled that the fiscal court was not required to pay for the DNA analysis because the services were obtained by private counsel and that the motion lacked merit as provided by CR 60.02. Further, counsel for the appellant lacked standing to bring the motion.

**JEFFERSON COUNTY**

**HON JUDITH E MCDONALD-BURKMAN**

Appellant Atty:

MAGINNIS, NINAMARY

Appellant Name:

BONNER, BRYCE

Appellee Atty:

KRYGIEL, MATTHEW

Appellee Name:

COMMONWEALTH OF KENTUCKY

**\*\* NOTE:**

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

**DATE: Thursday, March 24, 2011**

11:30 AM PJ: THOMPSON, HON. KELLY

STUMBO, HON. JANET L.

SHAKE, HON. ANN O'MALLEY

2009CA001126

**SUTEJ GILL v WASHINGTON MUTUAL BANK**

In a foreclosure action, appellants held a third lien position and appellee a first lien position. In a settlement conference in the presence of the master commissioner, an agreement was allegedly reached and the parties dictated a recitation of the parties' agreement. Appellee then allegedly included objectionable language into the proposed written agreement not included in the original oral agreement. The trial court has determined there was no meeting of the minds and, therefore, no genuine issue of material fact warranting a trial by jury as to whether an agreement was reached.

**CIVIL**

**JEFFERSON COUNTY**

**HON MARY M SHAW**

Appellant Atty:

**MOUR, DAVID  
TAYLOR, ZACHARY**

Appellant Name:

**GILL, SUTEJ**

Appellee Atty:

**BALLINGER, JAMES**

**JENSEN, ERIC  
STEWART, M  
STIERLE, JAMES**

**PARRISH, JEFFERY**

**SCHARDEIN, JOHN**

**JOHNSON, DAVID  
SARESKY, CRYSTAL**

Appellee Name:

**AMERICAN TAX FUNDING. LLC**

**FIRST BANK, INC.**

**JONES, JAMES**

**LOUISVILLE/JEFFERSON COUNTY METRO  
GOVERNMENT**

**WASHINGTON MUTUAL BANK**

**\*\* NOTE:**