

UPDATED 05/13/2009

MAY 2009

ORAL ARGUMENT

CALENDAR

05/13/2009

MAY, 2009

COURT MEETING WILL NOT BE HELD

May 5, 2009

**10:00 A.M., MOTION PANEL, SR. JUDGE KNOPF, PRES.,
JUDGE ACREE, AND JUDGE WINE, ASSOC.**

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

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

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

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

DATE: Tuesday, May 05, 2009

10:00 AM PJ: STUMBO CAPERTON BUCKINGHAM
2008CA000785 HERMAN WILLIAMS ET AL. VS KENTUCKY BANK ET AL.

MOR appeal from judgment holding that workers' compensation death benefits are not exempt from the claims of creditors of deceased worker's estate when there is no surviving spouse or other dependant. KRS 342.750(6).

DR CIVIL BOURBON COUNTY PAUL F ISAACS

Appellant Atty:

Appellant Name:

.....
MILLER , DOUGLAS

.....
CHARLES PREBBLE
HERMAN WILLIAMS
LENORA W. FAULKNER
VIRGINIA W. MATHES

SCHUMANN , EDWARD C

CHARLES PREBBLE
HERMAN WILLIAMS
LENORA W. FAULKNER
VIRGINIA W. MATHES

Appellee Atty:

Appellee Name:

.....
DAWSON , CHRISTOPHER A.
JOHNSON , SHANNON M
OVERLY , SANNIE

.....
FARMERS STOCKYARD, INC.
KENTUCKY BANK
KENTUCKY BANK

10:45 AM PJ: STUMBO CAPERTON BUCKINGHAM
2008CA001319 KENTUCKY SCHOOL BOARDS INSURANCE TRUST VS SAFETY NATIONAL
CASUALTY CORPORATION

MOR appeal from summary judgment holding that coverage under aggregate excess coverage policy was for a term of one year rather than two as asserted by Appellant. Breach of contract; use of extrinsic evidence to interpret contract language.

CIVIL FRANKLIN COUNTY PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

.....
COLSON , GUY R.
WHITE , JANA M S

.....
KENTUCKY SCHOOL BOARDS INSURANCE TRUST
KENTUCKY SCHOOL BOARDS INSURANCE TRUST

Appellee Atty:

Appellee Name:

.....
KELLERMAN , ROBERT W.

.....
SAFETY NATIONAL CASUALTY CORPORATION

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

DATE: Tuesday, May 05, 2009

11:30 AM PJ: BUCKINGHAM CAPERTON STUMBO
2008CA000654 JOHN HOLMES VS ROYAL LEXINGTON LTD. PARTNERSHIP ET AL.
2008CA000717 Wrongful death/adequacy of damages/other alleged trial errors.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
CASE , JESSICA K
CHILDERS JR, JOE FRANCIS
GETTY , RICHARD A.
RISTANEO , ROBERT F

.....
JOHN B. HOLMES
JOHN B. HOLMES
JOHN B. HOLMES
JOHN B. HOLMES

Appellee Atty:

Appellee Name:

.....
DEJACO , LISA CATHERINE

HAYNES , KENNETH GREGORY

SIMONS , DANIEL A.

WEBSTER , MICKEY TODD

.....
ROYAL APARTMENTS USA, INC.
ROYAL LEXINGTON GENERAL PARTNERSHIP
ROYAL LEXINGTON LTD. PARTNERSHIP
ROYAL APARTMENTS USA, INC.
ROYAL LEXINGTON GENERAL PARTNERSHIP
ROYAL LEXINGTON LTD. PARTNERSHIP
ROYAL APARTMENTS USA, INC.
ROYAL LEXINGTON GENERAL PARTNERSHIP
ROYAL LEXINGTON LTD. PARTNERSHIP
ROYAL APARTMENTS USA, INC.
ROYAL LEXINGTON GENERAL PARTNERSHIP
ROYAL LEXINGTON LTD. PARTNERSHIP

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

DATE: Tuesday, May 05, 2009

2:00 PM PJ: ACREE COMBS BUCKINGHAM

2008CA000081 DONNA POWERS VS LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

2008CA000279 Civil; Cross-Appeal; Employee appeals from jury verdict favoring Defendant/Employer in case where terminated Employee filed suit alleging violation of Kentucky Whistleblower's Act. Employer cross appeals trial court's decision to submit the case to the jury. At issue is whether use of an internal grievance procedure triggers statutory whistleblower protection.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
DAVIS , WILLIAM L

.....
DONNA POWERS

DOSS , DEBRA ANN

DONNA POWERS

Appellee Atty:

Appellee Name:

.....
BOLAND , ROCHELLE E

.....
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

VOSE , LESLIE PATTERSON

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

ZERGA , CAROLYN C

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

**NOTE:ORIGINALLY ON 4/8/09 AT 1:00 PM

2:45 PM PJ: ACREE COMBS BUCKINGHAM

2008CA000910 DENISE ADAMS VS BOARD OF EDUCATION OF JESSAMINE COUNTY

Civil; Whether summary was proper. Appellant alleged that county board of education did not compensate her according to its adopted salary schedule.

CIVIL JESSAMINE COUNTY C. HUNTER DAUGHERTY

Appellant Atty:

Appellant Name:

.....
BOWELL , BETH ANNA

.....
DENISE ADAMS

Appellee Atty:

Appellee Name:

.....
SYKES , LARRY A

.....
BOARD OF EDUCATION OF JESSAMINE COUNTY

**NOTE:ORIGINALLY ON 4/8/09 AT 1:45 PM

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

DATE: Tuesday, May 05, 2009

3:30 PM PJ: BUCKINGHAM COMBS ACREE
2008CA000387 ANGELLA PRATER VS COMMONWEALTH OF KENTUCKY

Criminal/reckless homicide.

CRIMINAL BREATHITT COUNTY FRANK ALLEN FLETCHER

Appellant Atty:

Appellant Name:

.....
ANDERSON , BARBARA F.

.....
ANGELLA PRATER

ANDERSON , JERRY

ANGELLA PRATER

Appellee Atty:

Appellee Name:

.....
FRYMAN , HEATHER M

.....
COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY ON 4/8/09 AT 2:30 PM

4:15 PM PJ: BUCKINGHAM COMBS ACREE
2008CA000598 B. G. VS J. F. ET AL.

2008CA000893;
2008CA001631 Child custody.

CIVIL MERCER COUNTY O. REED RHORER

Appellant Atty:

Appellant Name:

.....
GUTHRIE , BRADLEY S

.....
B. S. G.

Appellee Atty:

Appellee Name:

.....
NOT REPRESENTED BY COUNSEL ,

.....
S. E. G.

OSBORNE , CRYSTAL L.

J. E. F.

**NOTE:40 MINUTE ORAL ORIGINALLY ON 4/8/09 AT 3:15 PM

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

DATE: Wednesday, May 06, 2009

10:30 AM PJ: WINE COMBS GRAVES
2008CA001101 SAUNDRA KENNEY VS JAMES ENGLAND ET AL.

Will contest. Should a will be interpreted to disinherit an heir when the testator has devised his entire estate to other persons?

CIVIL HARDIN COUNTY RODNEY BURRESS

Appellant Atty:

Appellant Name:

.....
PRIDDY , ALTON D.
SCHULZ , THOMAS J

.....
SAUNDRA KENNEY
SAUNDRA KENNEY

Appellee Atty:

Appellee Name:

.....
PIKE JR, MICHAEL A

WILSON II, DAVID T

.....
JAMES ELDRIDGE ENGLAND
JAMES ELLIOTT ENGLAND
JAMES ELDRIDGE ENGLAND
JAMES ELLIOTT ENGLAND

11:15 AM PJ: GRAVES COMBS WINE
2008CA000119 HAROLD PATTERSON ET AL. VS WILLIAM MARSHALL ET AL.

2008CA000157 Appeals from a jury verdict in a medical negligence and negligent credentialing action where Appellant argues that the trial court improperly bifurcated the proceedings.

CIVIL HENDERSON COUNTY STEPHEN A. HAYDEN

Appellant Atty:

Appellant Name:

.....
HAMILTON III, CURTIS J

.....
HAROLD PATTERSON
HAROLD PATTERSON

Appellee Atty:

Appellee Name:

.....
BROWN , DANIEL G
SANDIDGE JR., RIDLEY M.

.....
WILLIAM G. MARSHALL
COMMUNITY METHODIST HOSPITAL, INC.

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

DATE: Monday, May 18, 2009

1:30 PM

PJ: THOMPSON

ACREE

TAYLOR

2008CA000580

SEAN DELAHANTY VS COMMONWEALTH OF KENTUCKY

Appellant, a district court judge, announced a general policy prohibiting all objections which are not recognized under KRE 1101(5). Appellee, county attorney, obtained a writ of prohibition from the Jefferson Circuit Court. Appellant argues lack of jurisdiction by the circuit court and argues that the policy is proper.

CIVIL

JEFFERSON COUNTY

SUSAN SCHULZ GIBSON

Appellant Atty:

Appellant Name:

.....
O'DONNELL , HARRY BERNARD

.....
SEAN DELAHANTY

Appellee Atty:

Appellee Name:

.....
MAZE , IRVIN G.

.....
COMMONWEALTH OF KENTUCKY

SEXTON , DAVID A

COMMONWEALTH OF KENTUCKY

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

DATE: Monday, May 18, 2009

2:15 PM

PJ: ACREE

TAYLOR

THOMPSON

2008CA000024

MCDONALD'S CORPORATION VS LOUISE OGBORN ET AL.

Appellant seeks reversal of jury verdict in favor of Appellee including:(1)claims pre-empted by Kentucky's workers' compensation laws and/or Kentucky's Civil Rights Act;(2) Appellant cannot be liable for actions of non-employees; (3)Lack of substantial evidence; (4) intervening criminal acts; (5) trial court's failure to apportion damages; (6) punitive damages were improper; (7) Appellee claims otherwise fail as a matter of law.

CIVIL

BULLITT COUNTY

TOM MCDONALD

Appellant Atty:

Appellant Name:

.....
CATLETT , STEVEN T.

.....
MCDONALD'S CORPORATION

GRAY , ELISABETH S

MCDONALD'S CORPORATION

HERR , JAMES WILLIAM

MCDONALD'S CORPORATION

KEANE , MARGARET E

MCDONALD'S CORPORATION

Appellee Atty:

Appellee Name:

.....
BLEIDT , JOHN J

.....
JOHN J. BLEIDT

BOONE JR, WILLIAM C

WILLIAM C. BOONE

BUBA , VICKI L.

LOUISE OGBORN

VICKI L. BUBA

COHEN , GLENN ALAN

DONNA J. SUMMERS

GLEN A. COHEN

SEILLER WATERMAN

DANIEL , KIRSTEN R.

KIRSTEN R. DANIEL

LOUISE OGBORN

EFFINGER , CYNTHIA L.

CYNTHIA L. EFFINGER

DONNA J. SUMMERS

SEILLER WATERMAN

GREEN , JAMES MICHAEL

JAMES M. GREEN

KENEALY , WILLIAM REEDER

CLAY KENEALY

MOORE JR., FRANK HAMPTON

KIM DOCKERY

MORRIS II, DOUGLAS H

DOUG MORRIS

OLDFATHER & MORRIS

NIX JR, WALTER WESLEY

WALTER WESLEY NIX Jr

OLDFATHER , ANN B.

ANN B. OLDFATHER

LOUISE OGBORN

OLDFATHER & MORRIS

OLDFATHER LAW FIRM

PLAYER , LEA A

LEA PLAYER

STEWART , DAVID R.

DAVID R. STEWART

WAGNER , WENDI SWINSON

WAGNER & ADAMS PLLC

WENDI WAGNER

YATER , STEVEN D.

STEVEN D. YATER

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

DATE: Monday, May 18, 2009

**NOTE:40 MINUTE ORAL - ORIGINALLY 3:00 PM

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

DATE: Tuesday, May 19, 2009

10:15 AM PJ: TAYLOR ACREE THOMPSON

2007CA002160 CHARLES MAHL VS LOUANNE MAHL

2007CA002344 2007-CA-002160 and 2007-CA-002344 - Whether circuit court properly awarded maintenance; whether circuit court properly divided marital property; whether circuit court properly ordered appellant to pay half of home insurance; whether circuit court's award of attorney's fees was proper.

CIVIL JEFFERSON COUNTY STEPHEN M. GEORGE

Appellant Atty:

Appellant Name:

.....
LINKER , ALAN N

.....
CHARLES F. MAHL

Appellee Atty:

Appellee Name:

.....
DOHENY , LAUREL S.
KEANE , MARGARET E
MUDD , JESSE A.

.....
LOUANNE MAHL
LOUANNE MAHL
LOUANNE MAHL

11:00 AM PJ: TAYLOR ACREE THOMPSON

2008CA000943 STEVEN BROWN ET AL. VS COLUMBIA SUSSEX CORPORATION

Whether circuit court properly entered summary judgment dismissing appellants' claims of hostile work environment based upon their national origin.

CIVIL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
KIMBALL , PHILIP C

.....
HAL EDGAR
JASON DUNN
MICHAEL ROBINSON
STEVEN BROWN

Appellee Atty:

Appellee Name:

.....
ESCHELS , PHILIP C
VAIL JR, WILLIAM CAMP

.....
COLUMBIA SUSSEX CORPORATION
COLUMBIA SUSSEX CORPORATION