

**UPDATED: 5/21/2014**

**MAY 2014**

**ORAL ARGUMENT**

**CALENDAR**

Report Updated On: 5/21/2014

Updated 05/21/2014

MAY, 2014

THERE WILL BE NO COURT MEETING.

May 5, 2014

2:00 P.M., (FRANKFORT TIME) MOTION PANEL,  
JUDGE DIXON, PRESIDING JUDGE,  
JUDGE LAMBERT, AND JUDGE THOMPSON,  
ASSOCIATE JUDGES.

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

**CAMPBELLSVILLE – Contact Rodney Burress – (270) 465-6686  
FRANKFORT – Contact Patricia Brauer- (502) 573-7920  
LEITCHFIELD – Contact Stacie Blain – (270) 259-3040**

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

**DATE: Monday, May 12, 2014**

02:30 PM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2013CA000023

LAVONNE WHITE v NORTON HEALTHCARE, INC.

Civil; Whether Circuit Court erred in granting summary judgment based upon a qualified immunity defense and based upon lack of evidence without hearing.

CIVIL

JEFFERSON COUNTY

HON CHARLES L. CUNNINGHAM

Appellant Atty:

Appellant Name:

STEWART, JOHN

WHITE, LAVONNE

Appellee Atty:

Appellee Name:

COLLINS, SARA  
MCMASTERS, BETH  
WOLFORD, MARY

NORTON HEALTHCARE, INC.

LE MEUR, PATRICIA  
PHILLIPS, SUSAN

RICE, WAYNE

\*\* NOTE:

03:15 PM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2013CA000180

MELISSA MARGARET FARRAR v BRADLEY WALTER FARRAR

2013CA000253

Family/Civil; Whether Circuit Court abused its discretion in deducting the cost of sale from the value of the parties' marital residence before determining one-half interest.

JEFFERSON COUNTY

HON DONNA DELAHANTY

Appellant Atty:

Appellant Name:

LINTNER, MARY

FARRAR, MELISSA

Appellee Atty:

Appellee Name:

HOSKINS, WILLIAM

FARRAR, BRADLEY

\*\* NOTE:

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

**DATE: Tuesday, May 13, 2014**

10:00 AM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2013CA001298

JOHN S. FORD v RHODA FALLER

Civil; Appeal from order granting summary judgment in favor of IAppellees determining that attorney's lien did not violate KRS 434.155.

CIVIL

JEFFERSON COUNTY

HON A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

O'DONNELL, HARRY

FORD, JOHN

Appellee Atty:

Appellee Name:

SCHMIDT, PATRICK

FALLER, RHODA

\*\* NOTE:

10:45 AM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2013CA001620

EURO TECH, INC. v KENTUCKY REAL ESTATE COMMISSION

Civil; Appeal from dismissal of complaint by the Kentucky Real Estate Commission and affirmed by the Jefferson Circuit Court. Whether Commission met the standard of review for administrative cases; Whether Circuit Court correctly concluded that the Commission acted within its statutory powers; Whether Circuit Court properly concluded the Commission provided due process to Appellant's; Whether Circuit Court properly concluded that the Commission's decision was supported by substantial evidence.

CIVIL

JEFFERSON COUNTY

HON MARY M SHAW

Appellant Atty:

Appellant Name:

TARTER, JOHN

EURO TECH, INC.

WILLIAMS, KYLE

Appellee Atty:

Appellee Name:

REESE, KRISTEN

KENTUCKY REAL ESTATE COMMISSION

WADE, YVONNE

LAWSON, VIRGINIA

SMITH, JULIA

\*\* NOTE:

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

**DATE: Tuesday, May 13, 2014**

11:30 AM PJ: STUMBO, HON. JANET L.

JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

2013CA001275

**RICHARD R. TRYON v ENCOMPASS INDEMNITY COMPANY**

Matter of right appeal from a summary judgment. Did trial court err in denying the stacking of underinsured motorists' coverage by relying on Court of Appeals opinion ordered depublished by Supreme Court.

CIVIL

JEFFERSON COUNTY

HON CHARLES L. CUNNINGHAM

Appellant Atty:

Appellant Name:

JOHNSON, A

TRYON, RICHARD

Appellee Atty:

Appellee Name:

LE MEUR, PATRICIA  
ORBERSON, WILLIAM

ENCOMPASS INDEMNITY COMPANY

STOPHER, ROBERT

PHILADELPHIA INDEMNITY INSURANCE  
COMPANY

**\*\* NOTE:**

**LOCATION: GRAYSON COUNTY JUDICIAL BUILDING, 500 CARROLL GIBSON BOULEVARD, LEITCHFIELD, KENTUCKY**

**DATE: Wednesday, May 14, 2014**

01:30 PM PJ: THOMPSON, HON. KELLY

CLAYTON, HON. DENISE G.

TAYLOR, HON. JEFF S.

2013CA000020

PAUL L. BRIGGS Sr v CANDACE KREUTZTRAGER

Appeal from jury verdict in a will contest action alleging inadequate jury instructions and denial of rights to cross-examine an expert witness.

CIVIL

MARSHALL COUNTY

HON DENNIS R. FOUST

Appellant Atty:

JOHNSON, MARTIN

Appellant Name:

BRIGGS, PAUL

Appellee Atty:

BRIGGS, KEVIN

Appellee Name:

BRIGGS, KEVIN

HARRIS, JAMES JR

KREUTZTRAGER, CANDACE

CARTER, GEORGE

POE, MARSHA

\*\* NOTE:

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

**DATE: Monday, May 19, 2014**

10:00 AM PJ: TAYLOR, HON. JEFF S.

CLAYTON, HON. DENISE G.

MOORE, HON. JOY A.

2013CA001112

**CITY OF FLORENCE, KENTUCKY v LORI HUDSON FLANERY, IN HER OFFICIAL  
CAPACITY AS SECRETARY**

Whether circuit court erred in its determination that the taxing scheme which imposes taxes on communications and video programming services providers is unconstitutional.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

EDELMAN, BARBARA  
MCCAULEY, HALEY  
TREACY, DAVID

Appellant Name:

CITY OF FLORENCE, KENTUCKY

Appellee Atty:

BISHOP, SARAH  
BOOTH, SCOTT  
BRENT, DOUGLAS  
EIFLER, TIMOTHY  
HARNICE, PAUL  
TODOROVA, MARIA  
TRESH, ERIC

Appellee Name:

KENTUCKY CATV ASSOCIATION, INC.

RICE, BETHANY

MILLER, IN HIS OFFICIAL CAPACITY AS  
COMMISSIONER, THOMAS

**\*\* NOTE:**

10:45 AM PJ: TAYLOR, HON. JEFF S.

CLAYTON, HON. DENISE G.

VANMETER, HON. LAURANCE B.

2013CA000837

**LEE WHITE v SANITATION DISTRICT NO. 1**

Whether circuit court erred by instructing the jury that the Kentucky Whistleblower's Act requires an "adverse employment action"; whether circuit court erred in its exclusion of certain evidence; whether circuit court erred by directing a verdict in favor of defendant; and whether circuit court erred in its instruction on punitive damages.

CIVIL

KENTON COUNTY

HON PATRICIA M SUMME

Appellant Atty:

GUILFOYLE, MARK  
MCLANE, RYAN

Appellant Name:

WHITE, LEE

Appellee Atty:

KELLY, LOUIS  
MANDO, JEFFREY

Appellee Name:

SANITATION DISTRICT NO. 1

**\*\* NOTE:**

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

**DATE: Monday, May 19, 2014**

12:30 PM PJ: MOORE, HON. JOY A.

TAYLOR, HON. JEFF S.

VANMETER, HON. LAURANCE B.

2013CA000552

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS v M.D. CHARLES BARLOW

Injunctive relief case: The Appellant Board argues that the circuit court erred in its statutory interpretation when it decided that insurance claim reviews performed by the two appellee doctors (non-chiropractors) are not improper peer reviews under KRS 312.015 and consequently are not governed by KRS 312.200.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:Appellant Name:

CONWAY, JACK  
JUDY, BRIAN

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

LAMBERT, JOSEPH  
NEMES, JASON

KENTUCKY CHIROPRACTIC SOCIETY

Appellee Atty:Appellee Name:

KIRKLAND, WILLIAM  
SMITH, RAYMOND  
TAYLOR, KEMBRA

BARLOW, CHARLES

BROWN, DANIEL  
HAYNES, NICHOLAS  
WOOD, RYAN

BEST, MICHAEL

GREER, TODD  
STOPHER, CHARLES  
STOPHER, EDWARD

GEICO GENERAL INSURANCE COMPANY

NEAL, JAMIE

KENTUCKY MEDICAL ASSOICATION

KELLER, JAMES

PROPERTY CASUALTY INSURERS  
ASSOCIATION OF AMERICA

\*\* NOTE:



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

**DATE: Monday, May 19, 2014**

01:15 PM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

MOORE, HON. JOY A.

2013CA000716

**CITY OF LANCASTER, KENTUCKY v GARRARD COUNTY, KENTUCKY**

Whether circuit court erred by determining that a Garrard County Ordinance provided valid and constitutional funding for 911 emergency services.

CIVIL

**GARRARD COUNTY**

**HON C. HUNTER DAUGHERTY**

Appellant Atty:

Appellant Name:

WESLEY, MARY

CITY OF LANCASTER, KENTUCKY

GOSS, MARK

THE GARRARD COUNTY WATER ASSOCIATION,  
INC.

HONAKER, LEIGH

SAMFORD, DAVID

Appellee Atty:

Appellee Name:

EIFLER, TIMOTHY  
EVERSOLE, DEBORAH  
RIGGS, KENDRICK  
SHERMAN, STEPHEN

DUKE ENERGY CORPORATION

TROOP, W

GARRARD COUNTY, KENTUCKY

STURGILL, TIMOTHY

KENTUCKY ASSOCIATION OF COUNTIES'

**\*\* NOTE:**

**LOCATION: TAYLOR COUNTY JUDICIAL CENTER, 300 E. MAIN STREET, ROOM  
301, CAMPBELLSVILLE, KENTUCKY**

**DATE: Thursday, May 22, 2014**

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

COMBS, HON. SARA W.

DIXON, HON. DONNA L.

2013CA001087

GARY L. HILL v DARLA BURRIS

Grant of summary judgment dealing with duties of good faith and fair dealing in transaction with individual with a disability. Issues of mortgage and agency.

CIVIL	ADAIR COUNTY	HON JAMES G. WEDDLE
Appellant Atty:		Appellant Name:
BERTRAM, ROBERT		HILL, GARY
.....		
Appellee Atty:		Appellee Name:
BURRIS, DARLA		BURRIS, DARLA
FARMER, MICHAEL		DEAN, ANGELA
AVRITT, JAMES JR		HARVEY, TERRY
SPALDING, SAMUEL		LEE, LORI
BENNETT, BRYAN		PEOPLE'S EXCHANGE BANK OF BEATTYVILLE, KENTUCKY, INC.
CHAUDOIN, ROBERT		THE FIRST NATIONAL BANK OF COLUMBIA
HALL, WILLIAM JR		UNITED CITIZENS BANK OF SOUTHERN KENTUCKY, INC.
BRINKMAN, MICHAEL		WELLS FARGO BANK, N.A.
EGAN, SHANNON		

\*\* NOTE: PREVIOUSLY AT ADAIR COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 201 CAMPBELLSVILLE STREET, COLUMBIA, KENTUCKY