

PANEL: WEST/SOUTHCENTRAL

LOCATION: HARDIN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 120 EAST DIXIE AVENUE, ELIZABETHTOWN, KENTUCKY

DATE: Wednesday, November 17, 2004

01:00 PM PJ: GUIDUGLI TACKETT VANMETER
2003CA001824 COMMONWEALTH OF KENTUCKY VS JAMES NANCE

COMMONWEALTH APPEALS FROM ORDER GRANTING MOTION TO SUPPRESS EVIDENCE OBTAINED IN SEARCH OF CAR

CRIMINAL CALLOWAY COUNTY DENNIS R. FOUST

Appellant Atty:

Appellant Name:

.....
SHIER, CARLTON S.

.....
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
PRINCE, ROBERT L.

.....
JAMES T. NANCE Jr

01:45 PM PJ: GUIDUGLI TACKETT VANMETER
2003CA002639 MICHAEL TODD ET AL. VS RUSS WILKEY, ESQ. ET AL.

MALPRACTICE ACTION FOR FAILURE TO PROSECUTE COLLECTION OF PROMISSORY NOTES. ISSUE RELATES TO WHO IS PROPER REAL PARTY IN INTEREST.

CIVIL HENDERSON COUNTY STEPHEN A. HAYDEN

Appellant Atty:

Appellant Name:

.....
MUSSLER, THEODORE L.

.....
ALAN CLAY TODD
HENDERSON IMPLEMENT COMPANY
JANET L. TODD
MICHAEL E. TODD
ALAN CLAY TODD
HENDERSON IMPLEMENT COMPANY
JANET L. TODD
MICHAEL E. TODD

STEPIEN, ELIZABETH M

Appellee Atty:

Appellee Name:

.....
MATHISON, HARRY L.

.....
CASTLEN AND WILKEY, P.S.C.
RUSS WILKEY, ESQ.

PANEL: WEST/SOUTHCENTRAL

LOCATION: HARDIN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 120 EAST DIXIE AVENUE, ELIZABETHTOWN, KENTUCKY

DATE: Wednesday, November 17, 2004

02:30 PM

PJ: VANMETER

GUIDUGLI

TACKETT

2003CA002032

CITIZENS FOR A BETTER ENVIRONMENT, INC. VS OHIO COUNTY INDUSTRIAL FOUNDATION, INC.

OPEN RECORDS REQUEST: WHETHER LOCAL INDUSTRIAL FOUNDATION IS A PUBLIC AGENCY UNDER KRS 61.870.

CIVIL

OHIO COUNTY

RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
SENN, M THURMAN

.....
CITIZENS FOR A BETTER ENVIRONMENT, INC.

Appellee Atty:

Appellee Name:

.....
THACKER, JOHN G

.....
OHIO COUNTY INDUSTRIAL FOUNDATION, INC.

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, November 10, 2004

09:30 AM PJ: EMBERTON DYCHE MCANULTY
2003CA001833 THOMAS & BETTS CORPORATION, INC. ET AL. VS A & A MECHANICAL,
INC.

2003CA001905 BREACH OF CONTRACT; BREACH OF WARRANTY; FRAUD; INSUFFICIENCY OF EVIDENCE; FAILURE TO STATE
DAMAGES AMOUNT IN DISCOVERY RESPONSE; ACCEPTANCE OF NONFORMING GOODS UNDER UCC; FAILURE
TO PAY FOR GOODS PRECLUDES BREACH OF WARRANTY CLAIM; PURCHASE ORDER AS BINDING CONTRACT;
DEFECTIVE SERVICE AS BASIS FOR SETTING ASIDE DEFAULT JUDGMENT

CIVIL JEFFERSON COUNTY BARRY WILLETT

Appellant Atty:

Appellant Name:

.....
CORYELL, CORNELIUS E.

.....
ARMOUR ENTERPRISES, INC.

DEJACO, LISA CATHERINE

THOMAS & BETTS CORPORATION, INC.

ARMOUR ENTERPRISES, INC.

THOMAS & BETTS CORPORATION, INC.

Appellee Atty:

Appellee Name:

.....

COLLINS, DANA L.

MIDDLETON III, CHARLES

UNDERWOOD, JASON

.....

A & A MECHANICAL, INC.

A & A MECHANICAL, INC.

A & A MECHANICAL, INC.

10:15 AM PJ: EMBERTON DYCHE MCANULTY
2003CA001994 WILLIAM BIBER ET AL. VS DUPLICATOR SALES & SERIVCE INC. ET AL.

BREACH OF CONTRACT; SLANDER PER SE; TRUTH AS A DEFENSE TO SLANDER ACTION; PRIVILEGED
COMMUNICATION; LACK OF PUBLICATION OF ALLEGED STATEMENTS

CIVIL JEFFERSON COUNTY STEPHEN P RYAN

Appellant Atty:

Appellant Name:

.....
RUBY, JOHN HANLY

.....
INFORMATION TECHNOLOGIES CONSULTING, INC

WILLIAM BIBER

Appellee Atty:

Appellee Name:

.....

BURCHETT, RONALD DOUGLAS

.....

DEBRA DEDOMING

DUPLICATOR SALES & SERIVCE INC.

JERRY NASH

DESHAZER, SAMUEL H

DEBRA DEDOMING

DUPLICATOR SALES & SERIVCE INC.

JERRY NASH

LUCCHESI, ANGELA D.

DEBRA DEDOMING

DUPLICATOR SALES & SERIVCE INC.

JERRY NASH

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, November 10, 2004

11:00 AM PJ: DYCHE EMBERTON MCANULTY
2003CA001390 KENTUCKY NATIONAL INSURANCE COMPANY VS SHIRLEY SHAFFER
2003CA001424 FIRST AND THIRD PARTY BAD FAITH CLAIM AGAINST INSURANCE CARRIER; UCSPA VIOLATION; EVIDENCE OF
COLLATERAL SOURCE PAYMENTS; WITNESS QUALIFICATIONS

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

.....
CLARK, GALEN L

.....
KENTUCKY NATIONAL INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....
FELL JR, CHARLES E

.....
SHIRLEY SHAFFER

01:30 PM PJ: DYCHE EMBERTON MCANULTY
2003CA002416 SUE JENKINS VS ATLAS SIDING AND WINDOW COMPANY ET AL.
TORT OF "NEGLIGENT HIRING"; FORESEEABILITY OF EMPLOYEE'S CONDUCT; SUMMARY JUDGMENT

CIVIL JEFFERSON COUNTY THOMAS B. WINE

Appellant Atty:

Appellant Name:

.....
FREDERICK, CARL D.
HERSHBERG, PAUL J.
KOMMOR, MAURY D

.....
SUE VANDERBUR JENKINS
SUE VANDERBUR JENKINS
SUE VANDERBUR JENKINS

Appellee Atty:

Appellee Name:

.....
CARRELL II, WILLIAM P
DECAMILLIS, JOHN A.
EWEN, A. CAMPBELL
MATTINGLY, ROBERT DENTON
NOT REPRESENTED BY COUNSEL,

.....
ATLAS SIDING AND WINDOW COMPANY
FRANK MILLER
ATLAS SIDING AND WINDOW COMPANY
FRANK MILLER
DAVID P. MILLER

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, November 10, 2004

02:15 PM

PJ: MCANULTY

DYCHE

EMBERTON

2003CA001544

L. LAVENDER ET AL. VS AMERICAN PHYSICIANS ASSURANCE
CORPORATION

DECLARATORY JUDGMENT ACTION OVER COVERAGE ISSUE IN MEDICAL NEGLIGENCE: PHYSICIANS AND
PLAINTIFFS BELOW CLAIM TRIAL COURT OVERLOOKED GENUINE ISSUES OF MATERIAL FACT.

CIVIL

KENTON COUNTY

DOUGLAS M STEPHENS

Appellant Atty:

Appellant Name:

.....
BUSALD, E. ANDRE

LAWRENCE, JENNIFER LEE

MEHLING, CHRISTOPHER J.

PITTS, TAMARA T

Appellee Atty:

Appellee Name:

.....
HAGGERTY, WALTER E

.....
OB/GYN SPECIALISTS OF NORTHERN KENTUCKY, INC.

LINDA JUSTICE

MATTEW JUSTICE

L. MICHAEL LAVENDER

L. MICHAEL LAVENDER

.....
AMERICAN PHYSICIANS ASSURANCE CORPORATION

PANEL: EAST/SOUTHEAST

LOCATION: CIRCUIT COURTROOM, LAUREL COUNTY JUDICIAL ANNEX NO. 2, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: Wednesday, November 10, 2004

10:15 AM

PJ: MINTON

BUCKINGHAM

MILLER

2003CA001187

EARL MOORE VS DEBRA MOORE

2003CA001188

APPEAL AND CROSS-APPEAL ON ASSIGNMENT OF NONMARITAL PROPERTY,
DIVISION OF MARITAL PROPERTY, MAINTENANCE, AND ATTORNEY'S FEES.

CIVIL

KNOTT COUNTY

SAMUEL T WRIGHT III

Appellant Atty:

Appellant Name:

.....
CAUDILL, L M

.....
EARL MARSON MOORE

HUFF, WINTER R.

EARL MARSON MOORE

PRATHER, JOHN G

EARL MARSON MOORE

Appellee Atty:

Appellee Name:

.....
SMALLWOOD JR, GENE

.....
DEBRA C MOORE

PANEL: EAST/SOUTHEAST

LOCATION: CIRCUIT COURTROOM, LAUREL COUNTY JUDICIAL ANNEX NO. 2, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: Wednesday, November 10, 2004

11:00 AM PJ: MINTON BUCKINGHAM MILLER

2003CA001522 CITY OF SOMERSET VS PEGGY BELL ET AL.

2003CA001523 APPEAL AND CROSS-APPEAL FROM DENIAL OF REFUNDS FOR AD VALOREM TAXES COLLECTED BY CITY FROM RESIDENTS OF AREA IMPROPERLY ANNEXED BY CITY. MOTION BY AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT PASSED TO MERITS PANEL.

CIVIL PULASKI COUNTY DANIEL J VENTERS

Appellant Atty:

Appellant Name:

.....
TRAVIS, JOE LYNN
YEAST, DANIEL G.

.....
CITY OF SOMERSET
CITY OF SOMERSET

Appellee Atty:

Appellee Name:

.....
ORWIN, D. BRUCE

.....
AM CON CONSTRUCTION PRODUCTS, INC.
ARLENE FORD
BRAIN COOKE
CAROLYN WARNER
CHARLES F PIERCE
CHARLIE MAC CORP.
CINDA CREA
CORLISS DAVIS
CUMBERLAND LAKE COMPANY
CUMBERLAND LAKE SHELL
CV WARNER
DAVID COTHRAN
DAVID DORSEY
DONALD MOSS
DONNA FOSTER
DOUG HAIL
DOYLE HALL
FRANCIS KAPFHAMMER
FRED A SCHULTZ
GARY PENCE
GERALD WEIGEL Jr
GRAND CENTRAL APARTMENTS
HAROLD MEGARGEL
HARTCO HARDWOOD FLOORING, LP
HELEN STANTON
HUGH HURST
J & M REALTY
JAMES CREA
JAMES M TUCKER
JAMES R FOSTER
JERRY FOSTER
JOE JACKSON

PANEL: EAST/SOUTHEAST

LOCATION: CIRCUIT COURTROOM, LAUREL COUNTY JUDICIAL ANNEX NO. 2, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: Wednesday, November 10, 2004

JOHN B HAIL
JOSEPH WEIGEL
KIM CORDELL
KIRBY CORDELL
LEWIS BLANKENSHIP
LEWIS MARCUM
LINDA HARNESS
LISA HALLORAN
MCGLOTHLIN & TODD CONSTRUCTION
MICHAEL CRESS
MICHELLE V WILSON
NANCY KAPFHAMMER
NATIONWIDE LIFE INSURANCE
PEGGY J BELL
RALS CONCRETE MATERIALS, INC.
RICK HALLORAN
ROBERT FORD
ROBERT LANKFORD
ROBERT SETSER
ROGER HARNESS
SHEILA THOMPSON
SOMERSET COUNTRY CLUB, INC.
SOMERSET CYCLE CENTER
SOUTH MIDWAY SUPPLY, INC.
SPICEWOOD SERVICES
STEVE HIERONYMUS
STEVE PARROTT
STONEBROOK APARTMENTS
TAMARA PENCE
TIMOTHY L HUGHES
TRACTOR SUPPLY CO.
TRADEWAY, INC.
WILLIAM CLOUSE
WILLIAM STRINGER
WOODSTICK HOLDING COMPANY INC.

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, November 10, 2004

09:30 AM PJ: JOHNSON KNOFF SCHRODER
2002CA002455 DANNY JOHNSON VS COMMONWEALTH OF KENTUCKY

(1) WHETHER THE TRIAL COURT ERRED BY SUBMITTING AN ALLEGEDLY IMPROPER JURY INSTRUCTION ON SELF-DEFENSE; (2) WHETHER THE TRIAL COURT ERRED BY NOT ADMITTING EVIDENCE TENDING TO SHOW THE VIOLENT ATMOSPHERE AT THE BAR ON THE NIGHT IN QUESTION; (3) WHETHER APPELLANT WAS PREJUDICED BY REFERENCES TO HIM AS BEING A "BIKER" AND TO HIS ALLEGED AFFILIATION TO A MOTORCYCLE GANG (HELL'S ANGELS STICKER ON BIKE); AND (4) WHETHER THE TRIAL COURT ERRED BY DENYING APPELLANT'S MOTION FOR A DIRECTED VERDICT OF ACQUITTAL.

CRIMINAL KENTON COUNTY GREGORY M BARTLETT

Appellant Atty:

Appellant Name:

.....
CASE, MARGARET FOLEY
POTTER, SAMUEL N

.....
DANNY JOHNSON
DANNY JOHNSON

Appellee Atty:

Appellee Name:

.....
SHEPHERD, DENNIS W.

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: JOHNSON KNOFF SCHRODER
2003CA001512 JEFF JONES ET AL. VS PBK BANK

WHETHER THE TRIAL COURT ERRED BY GRANTING APPELLEE'S MOTION FOR SUMMARY JUDGMENT AFTER DETERMINING THAT APPELLANT HAD NOT PAID OFF THE MORTGAGE DEBT TO APPELLEE, AND THAT APPELLEE COULD THEREFORE ENFORCE ITS MORTGAGE/LIEN ON APPELLANT'S PROPERTY.

CIVIL LINCOLN COUNTY WILLIAM T CAIN

Appellant Atty:

Appellant Name:

.....
CLAY, RICHARD

.....
ANN JONES
JEFF JONES

Appellee Atty:

Appellee Name:

.....
BAKER, ROBERT R

.....
PBK BANK

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, November 10, 2004

11:00 AM PJ: SCHRODER JOHNSON KNOFF
 2003CA002072 AMOS JONES VS LEXINGTON H-L SERVICES, INC. ET AL.

SUMMARY JUDGMENT IN A CIVIL RIGHTS CASE.

CIVIL FAYETTE COUNTY THOMAS L CLARK

Appellant Atty:

Appellant Name:

.....
 THOMPSON, JEFFREY DAVID

.....
 AMOS N JONES

Appellee Atty:

Appellee Name:

.....
 HOULIHAN JR, ROBERT F

.....
 LEXHL, LIMITED PARTNERSHIP
 LEXINGTON H-L SERVICES, INC.

SKIDMORE, KIF HARWARD

PETER MATHEWS
 LEXHL, LIMITED PARTNERSHIP
 LEXINGTON H-L SERVICES, INC.

SYKES, LARRY A

PETER MATHEWS
 LEXHL, LIMITED PARTNERSHIP
 LEXINGTON H-L SERVICES, INC.
 PETER MATHEWS

01:30 PM PJ: SCHRODER JOHNSON KNOFF
 2003CA002485 WILLIAM DEATON VS KENTUCKY HORSE RACING AUTHORITY ET AL.

DRUG TEST WAS POSITIVE IN A HORSE RACE.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
 CURRY, CHARLES W

.....
 WILLIAM E. DEATON

Appellee Atty:

Appellee Name:

.....
 BECKER, FRANK T

.....
 KENTUCKY HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION

MILLER, J. BRUCE

KENTUCKY HORSE RACING AUTHORITY

NOE, SPENCER D.

KENTUCKY HORSE RACING AUTHORITY

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, November 09, 2004

02:00 PM

PJ: SCHRODER

COMBS

GUIDUGLI

2004CA000389

COMMONWEALTH OF KENTUCKY VS RODERICK LITCHFORD ET AL.

ADVANCED APPEAL - COMMONWEALTH APPEAL OF AN ORDER OF SUPPRESSION.

CRIMINAL

JEFFERSON COUNTY

STEPHEN K MERSHON

Appellant Atty:

Appellant Name:

.....
ANDERSON, JEANNE D.
YOUNG, TERESA

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
EGGERT, ROB
KLEIN, CHRISTOPHER J

.....
STEPHEN R. PIERCY JR
RODERICK D. LITCHFORD