

UPDATED: 11/19/2012

NOVEMBER 2012

ORAL ARGUMENT

CALENDAR

Report Updated On: 11/19/2012

Dated 11/19/2012

NOVEMBER, 2012

THERE WILL BE NO COURT MEETING.

November 7, 2012

**11:30 A.M. (FRANKFORT TIME) MOTION PANEL,
JUDGE JAMES LAMBERT, PJ, JUDGE KELLER AND
JUDGE STUMBO.**

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

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

HARDINSBURG – Contact Sheila Carman – (270) 756-2239

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

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

DATE: Thursday, November 8, 2012

01:30 PM **PJ: VANMETER, HON. LAURANCE B.** **TAYLOR, HON. JEFF S.** **NICKELL, HON. C. SHEA**
2011CA001583 **O'SHEA'S-BAXTER, LLC v COMMONWEALTH OF KENTUCKY**

Zoning: constitutionality of KRS 241.075; limitation of liquor licenses in city of first class based on distance. special v. general legislation.

CIVIL	FRANKLIN COUNTY	HON THOMAS D. WINGATE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HANDMAKER, KENNETH		O'SHEA'S-BAXTER, LLC
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
HUMPHRESS, STEPHEN		COMMONWEALTH OF KENTUCKY
.....		
O'CONNELL, MICHAEL		LOUISVILLE/JEFFERSON COUNTY METRO
SEXTON, DAVID		GOVERNMENT
.....		

**** NOTE:**

LOCATION: BRECKINRIDGE COUNTY JUSTICE CENTER, 111 WEST SECOND STREET, HARDINSBURG, KENTUCKY

DATE: Wednesday, November 14, 2012

10:30 AM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

MOORE, HON. JOY A.

2011CA001411

JAMES BAGBY v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by allowing victim to testify via closed circuit TV; whether circuit court erred by failing to give "missing evidence" instruction.

CRIMINAL

TAYLOR COUNTY

HON ALLAN RAY BERTRAM

Appellant Atty:

MAURER, KAREN
SCHMIDT, KATHLEEN

Appellant Name:

BAGBY, JAMES

Appellee Atty:

MOORE, JASON

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:

11:15 AM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

MOORE, HON. JOY A.

2012CA000050

GINA ALLEN v EXTENDICARE HOMES, INC.

Whether circuit court erred by granting appellees' motion to dismiss appellant's claim as time barred.

CIVIL

TRIGG COUNTY

HON CLARENCE A. WOODALL

Appellant Atty:

PERRY, MARY
SALYER, ROBERT

Appellant Name:

ALLEN, GINA

Appellee Atty:

CASSIDY, JAMES III
MILLER, DONALD II

Appellee Name:

EXTENDICARE HOMES, INC.

** NOTE:

LOCATION: BRECKINRIDGE COUNTY JUSTICE CENTER, 111 WEST SECOND STREET, HARDINSBURG, KENTUCKY

DATE: Wednesday, November 14, 2012

02:15 PM PJ: MOORE, HON. JOY A.

MAZE, HON. IRV

TAYLOR, HON. JEFF S.

2011CA001830

THE JERUSALEM RIDGE BLUEGRASS MUSIC FOUNDATION OF KY, INC. v OHIO COUNTY INDUSTRIAL FOUNDATION, INC.

Declaration Judgment action: Appellant argues that the trial court erred in concluding that there was not an assignment or transfer of its rights to the "Bill Monroe name".

CIVIL

OHIO COUNTY

HON RONNIE C DORTCH

Appellant Atty:

Appellant Name:

PITT, MARK

THE JERUSALEM RIDGE BLUEGRASS MUSIC FOUNDATION OF KY, INC.

Appellee Atty:

Appellee Name:

PRIEST, WHAYNE JR

OHIO COUNTY INDUSTRIAL FOUNDATION, INC.

HILL, GREGORY

OHIO COUNTY, KENTUCKY

**** NOTE:**

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

DATE: Monday, November 19, 2012

01:15 PM PJ: THOMPSON, HON. KELLY CAPERTON, HON. MICHAEL O. STUMBO, HON. JANET L.
2011CA001696 LORETTA SARGENT v Dr WILLIAM SHAFFER

Appellant received a jury verdict against her claims of failure to provide informed consent and medical negligence against appellee. Appellant argues that the court failed to properly instruct as to the appellee's duties, and that the trial court erred in allowing the appellee to conduct a surprise mock surgery in the presence of the jury.

<p>CIVIL</p> <p style="text-align: center;">FAYETTE COUNTY</p> <p>Appellant Atty:</p> <p>SAMMONS, DARREN SAVAGE, JOE</p> <hr/> <p>Appellee Atty:</p> <p>CASE, BRADLEY</p>	<p>HON PAMELA R GOODWINE</p> <p>Appellant Name:</p> <p>SARGENT, LORETTA</p> <hr/> <p>Appellee Name:</p> <p>SHAFFER, WILLIAM</p>
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** NOTE:

2:00 PM PJ: STUMBO, HON. JANET L. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY
2011CA001501 REGINA CARROLL v COMMONWEALTH OF KENTUCKY

Discretionary review granted from opinion of the circuit court affirming a ruling denying a motion to suppress in district court. Issues presented is whether the trial court may use hearsay evidence to prove the essential elements of a crime in a suppression hearing, whether the defendant must be given the Implied Consent Warning each time a test is requested by an arresting officer and whether the officer properly observed the defendant prior to the first test.

<p style="text-align: center;">MERCER COUNTY</p> <p>Appellant Atty:</p> <p>CORNETT, JOHN</p> <hr/> <p>Appellee Atty:</p> <p>ABNER, DAVID CONWAY, JACK DEAN, TED</p>	<p>HON DARREN W. PECKLER</p> <p>Appellant Name:</p> <p>CARROLL, REGINA</p> <hr/> <p>Appellee Name:</p> <p>COMMONWEALTH OF KENTUCKY</p>
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** NOTE: ORIGINALLY SCHEDULED FOR 11/20/2012 @ 11:30 AM

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

DATE: Monday, November 19, 2012

02:45 PM PJ: CAPERTON, HON. MICHAEL O. STUMBO, HON. JANET L. THOMPSON, HON. KELLY

2010CA001929 Dr. RODNEY STEWART v KENTUCKY HORSE RACING COMMISSION

2010CA001984

Suspension of veterinarian's license to practice at race track.

CIVIL FRANKLIN COUNTY HON PHILLIP J. SHEPHERD

Appellant Atty:

HURLEY, MICHELLE
MEUSER, MICHAEL
MURPHY, KAREN

Appellant Name:

STEWART, RODNEY

.....
Appellee Atty:

SPECKERT, SUSAN
WATT, ROBERT III
ZELLEN, LYNN

Appellee Name:

KENTUCKY HORSE RACING COMMISSION

.....
**** NOTE:**

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

DATE: Tuesday, November 20, 2012

10:00 AM PJ: STUMBO, HON. JANET L.

CAPERTON, HON. MICHAEL O.

THOMPSON, HON. KELLY

2011CA001975

**ANDREA WEICKGENANNT v THE BOARD OF REGENTS OF NORTHERN KENTUCKY
UNIVERSITY**

An appeal from a denial of tenure case in which the appeal is from the trial court's decision to grant a motion to dismiss a breach of contract claim. Issue is whether the trial court properly held that sovereign immunity barred Appellant's suit because she did not have a valid written contract with the Commonwealth which provided for tenure as required by KRS45A.245(1) and KRS45A.030(4).

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

LORING, ELIZABETH
MYERS, KELLY
SMITH, SHEILA

Appellant Name:

WEICKGENANNT, ANDREA

Appellee Atty:

CARNES, KATHLEEN
HAWKINS, MICHAEL
MILLAR, ANDREW

Appellee Name:

THE BOARD OF REGENTS OF NORTHERN
KENTUCKY UNIVERSITY

** NOTE: