

UPDATED: 11/14/2013

NOVEMBER 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 11/14/2013

Updated: 11/14/2013

NOVEMBER, 2013

THERE WILL BE NO COURT MEETING.

November 5, 2013

**11:00 A.M. (FRANKFORT TIME) MOTION PANEL,
JUDGE TAYLOR, PJ, CHIEF JUDGE ACREE AND
JUDGE CLAYTON.**

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

FRANKFORT – Contact Patricia Brauer – (502) 573-7920

LOUISVILLE – Contact Danae Bransford – (502) 595-3440

PAINTSVILLE – Contact Tami Rice – (606) 297-9586

SHEPHERDSVILLE – Contact Paulita Keith – (502) 543-7104

**LOCATION: JOHNSON COUNTY JUDICIAL CENTER, 908 3RD STREET, CIRCUIT
COURTROOM, SECOND FLOOR, PAINTSVILLE, KENTUCKY**

DATE: Monday, November 4, 2013

10:15 AM PJ: MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

STUMBO, HON. JANET L.

2012CA001333

BETTY HOSKINS REVIS v WILLIAM RUSH HOSKINS, AS EXECUTOR

Will contest case: Whether the trial court erred in granting summary judgment.

CIVIL

LESLIE COUNTY

HON OSCAR G HOUSE

Appellant Atty:

Appellant Name:

STEPP, KENNETH

REVIS, BETTY

Appellee Atty:

Appellee Name:

LEWIS, PHILIP

HOSKINS, WILLIAM

** NOTE:

11:00 AM PJ: MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

STUMBO, HON. JANET L.

2012CA001457

KENTUCKY SPIRIT HEALTH PLAN, INC. v PREMIERTOX, INC.

Civil Case: Whether the trial court erred in deciding that an arbitration clause did not apply to the dispute between the parties on insurance coverage.

CIVIL

RUSSELL COUNTY

HON VERNON MINIARD

Appellant Atty:

Appellant Name:

FLYNN, CHRISTOPHER

KENTUCKY SPIRIT HEALTH PLAN, INC.

LAWSON, WHITNEY

TRUE, J.

Appellee Atty:

Appellee Name:

WEST, TIMOTHY

CLARK, SHARON

BERTRAM, ROBERT

PREMIERTOX, INC.

WHITES, ANNA

** NOTE:

**LOCATION: JOHNSON COUNTY JUDICIAL CENTER, 908 3RD STREET, CIRCUIT
COURTROOM, SECOND FLOOR, PAINTSVILLE, KENTUCKY**

DATE: Monday, November 4, 2013

01:00 PM PJ: MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

STUMBO, HON. JANET L.

2012CA001533

CONNIE WRIGHT v KACO

Civil case: Whether the trial court erred in excluding evidence and testimony during a jury trial in a slip and fall case.

CIVIL

JOHNSON COUNTY

HON JOHN DAVID PRESTON

Appellant Atty:

Appellant Name:

TAYLOR, WARREN

WRIGHT, CONNIE

Appellee Atty:

Appellee Name:

WOMACK, JAMES

JAMES A. BROWN ENTERPRISES. LLC

CARTER, RALPH

KACO

** NOTE:

01:45 PM PJ: STUMBO, HON. JANET L.

MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

2012CA000977

LARRY STEPP, v WURLAND HEALTH CARE CENTER, INC.

Appeal form order compelling arbitration in wrongful death action. Was order appealed from final and appealable and did trial court err in ordering arbitration?

CIVIL

GREENUP COUNTY

HON ROBERT B. CONLEY

Appellant Atty:

Appellant Name:

BENTLEY, AARON

STEPP, LARRY

KIRTLEY, HAROLD II

O'BRIEN, STEPHEN III

Appellee Atty:

Appellee Name:

PATTERSON, MARILYN

WURLAND HEALTH CARE CENTER, INC.

SUTTON, MICHAEL

** NOTE: 40 MINUTE ORAL

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

DATE: Wednesday, November 13, 2013

01:00 PM PJ: JONES, HON. ALLISON E. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.

2012CA001642 LISA BORBOA v CASEY R. STARSIK, D.O.

2012CA001701

Civil; Medical malpractice jury verdict for the defense; Whether trial court abused its discretion in failing to conduct a preliminary hearing and proper Daubert analysis? And whether the trial court erred by allowing into evidence unreliable expert testimony?

CIVIL OHIO COUNTY HON RONNIE C DORTCH

Appellant Atty:

HOLTREY, TRAVIS
SIESKY, LANE

Appellant Name:

BORBOA, LISA

Appellee Atty:

STAINBACK, FRANK

CAMDEN, ANDIE
GROHMANN, JAMES

Appellee Name:

STARSIK, D.O., CASEY

TWIN LAKES MEDICAL FOUNDATION, INC.

** NOTE:

01:45 PM PJ: JONES, HON. ALLISON E. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.

2012CA002051 COUNTRYWAY INSURANCE COMPANY v UNITED FINANCIAL CASUALTY COMPANY

Civil; Appeal from trial court's order that settlement amount should be pro-rated between two uninsured motorists (UM) insurers in proportion to their policy limits. Whether an UM of a vehicle involved in an accident with a second uninsured vehicle would have primary responsibility to pay damages to an uninsured party over the personal UM insurer of injured party despite each having "excessive insurance" clauses?

CIVIL WARREN COUNTY HON JOHN R. GRISE

Appellant Atty:

PACK, BRIAN

Appellant Name:

COUNTRYWAY INSURANCE COMPANY

Appellee Atty:

DRIVER, BRIAN

SMITH, TRACEY

Appellee Name:

BARTLEY, SHARON

UNITED FINANCIAL CASUALTY COMPANY

** NOTE:

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

DATE: Tuesday, November 19, 2013

01:00 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

DIXON, HON. DONNA L.

2012CA000745

COMMONWEALTH OF KENTUCKY v SAMARITAN ALLIANCE, LLC

Appeal from administrative action regarding recoupment of Medicaid funds from hospital. Issues regarding timeliness of hospital's administrative appeal. Case filed in circuit court alleged violations of hospital's due process rights and violation of state and federal law. Whether the trial court erred in finding Commonwealth waived sovereign immunity by contracting with hospital; whether trial court erred in denying Commonwealth's motion to dismiss; and whether it erred in granting hospital's motion for leave to amend its complaint. Also, motion to dismiss the appeal as interlocutory is pending before the panel. Both parties request oral argument.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

BOARD, MICHAEL

Appellant Name:

COMMONWEALTH OF KENTUCKY

Appellee Atty:

CHRISTIAN, CAROLE
PRICE, STEPHEN SR.
WOODARD, JOHN JR

Appellee Name:

SAMARITAN ALLIANCE, LLC

**** NOTE: 40 MINUTE ORAL**

****PREVIOUSLY AT COURT OF APPEALS COURTROOM, FRANKFORT, KY**

**LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE,
COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY**

DATE: Wednesday, November 20, 2013

01:30 PM PJ: TAYLOR, HON. JEFF S. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY
2012CA001213 RON JARBOE v MORRIS, GARLOVE, WATERMAN & JOHNSON PLLC

Whether circuit court erred by granting summary judgment in favor of appellee without appointment of guardian ad litem.

CIVIL	JEFFERSON COUNTY	HON OLU A. STEVENS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
DARLING, BRIAN		JARBOE, RON
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
SMITH, ROBYN	MORRIS, GARLOVE, WATERMAN & JOHNSON PLLC	
.....		

**** NOTE:**

02:15 PM PJ: TAYLOR, HON. JEFF S. CAPERTON, HON. MICHAEL O. THOMPSON, HON. KELLY
2012CA001350 BIG SPRING ASSEMBLY OF GOD, INC. v MELISSA STEVENSON
2012CA001423

2012-CA-001350 – Whether circuit court erred by denying motion for judgment notwithstanding the verdict and motion for new trial. 2012-CA-001423 – Whether circuit court erred by denying motion for directed verdict; whether circuit court properly apportioned fault and allowed offset of certain damages.

CIVIL	NELSON COUNTY	HON CHARLES C. SIMMS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
GOLDEN, J.		BIG SPRING ASSEMBLY OF GOD, INC.
HANDSHOE, MEGAN		
MEADOWS, DREW		
TAYLOR, JAMES		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
ADAMS, GARRY JR	STEVENSON, MELISSA	
CLAY, THOMAS		
.....		

**** NOTE:**

**LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE,
COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY**

DATE: Wednesday, November 20, 2013

03:00 PM PJ: TAYLOR, HON. JEFF S.

CAPERTON, HON. MICHAEL O.

THOMPSON, HON. KELLY

2012CA001680

COMMONWEALTH OF KENTUCKY v REBECCA CLAYBURN

Whether circuit court erred by reversing decision of the Board of Claims finding the Cabinet's actions did not cause accident.

CIVIL

JEFFERSON COUNTY

HON JUDITH E MCDONALD-BURKMAN

Appellant Atty:

Appellant Name:

JONES, MARLIN

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

SMITH, DONALD

CLAYBURN, REBECCA

MATTINGLY, MITCHELL

COMMONWEALTH OF KENTUCKY

** NOTE: