

UPDATED: 11/23/2016

NOVEMBER 2016

ORAL ARGUMENT

CALENDAR

Updated: 11/23/2016

NOVEMBER, 2016

THERE WILL BE NO COURT MEETING.

November 16, 2016

1:00 PM (ET) MOTION PANEL,
JUDGE VANMETER, PJ, JUDGE COMBS AND
JUDGE THOMPSON.

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

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

DATE: Thursday, November 17, 2016

01:30 PM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

2015CA001089 STEPHEN WILLIAM BARALT v MELISSA MITCHELL BARALT

Whether family court erred in its division of marital property award of maintenance, and award of time-sharing.

SPENCER COUNTY

HON S. MARIE HELLARD

Appellant Atty:

Appellant Name:

FRANK, ASHLEY

BARALT, STEPHEN

Appellee Atty:

Appellee Name:

FOX, KEVIN

BARALT, MELISSA

**** NOTE:**

02:15 PM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

2015CA001691 C. N. E. v CABINET FOR HEALTH AND FAMILY SERVICES

Whether family court erred by involuntarily terminating appellant's parental rights.

JEFFERSON COUNTY

HON DEANA C. MCDONALD

Appellant Atty:

Appellant Name:

**SULLIVAN, MAUREEN
WEBER, HENRY**

E., C.

Appellee Atty:

Appellee Name:

CLAY, JENNIFER

CABINET FOR HEALTH AND FAMILY SERVICES

MCCARDWELL, KENNETH

E., M.

**** NOTE:**

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

DATE: Thursday, November 17, 2016

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

ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

2016CA000034 JEFFREY MAINKA v DANA ROBINSON

Whether the family court erred by granting DVO against appellant.

JEFFERSON COUNTY

HON DONNA DELAHANTY

Appellant Atty:

Appellant Name:

HELMERS, JOHN JR.

MAINKA, JEFFREY

SHIFFMAN, COREY

Appellee Atty:

Appellee Name:

DOHENY, LAUREL

ROBINSON, DANA

**** NOTE:**

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

DATE: Tuesday, November 29, 2016

01:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE KRAMER, HON. JOY A. LAMBERT, HON. JAMES H.

**2015CA000789 DRAKES CREEK HOLDING CO., LLC v FRANKLIN-SIMPSON COUNTY PLANNING &
ZONING COMMISSION**

2015CA001234

2015CA001235

2015CA001236

Whether the trial court properly granted the Appellee's motion to dismiss pursuant to CR 12.02 for failure to state a claim.

CIVIL SIMPSON COUNTY HON TYLER L GILL

Appellant Atty:

**KNIGHT, ADAM
TEEL, KATHRYN**

Appellant Name:

DRAKES CREEK HOLDING CO., LLC

Appellee Atty:

SMITH, AARON

Appellee Name:

**FRANKLIN-SIMPSON COUNTY BOARD OF
ZONING ADJUSTMENT**

**** NOTE:**90 MINUTE ORAL**PREVIOUSLY SET FOR 30 MINUTES AT 1:30 PM****

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

DATE: Wednesday, November 30, 2016

01:30 PM PJ: COMBS, HON. SARA W.

CLAYTON, HON. DENISE G.

MAZE, HON. IRV

2014CA000381

JOHNNIE R. DOUGLAS v COMMONWEALTH OF KENTUCKY

RCr 11.42 case. Appellant alleges as inadequate assistance of counsel the failure of trial counsel to remove from jury panel a victim of a previous crime of defendant. Case of first impression.

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

Appellant Name:

GARRISON, ROBERT
STAPLES, AMY

DOUGLAS, JOHNNIE

Appellee Atty:

Appellee Name:

RIGGS, KEN
VAN DE ROSTYNE, THOMAS

COMMONWEALTH OF KENTUCKY

** NOTE:

02:15 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

2015CA001238

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT v BETTY BRADEN

Appeal from declaratory judgment concluding that the Claims Against Local Governments Act (CALGA) required Metro to indemnify police officer for damages caused by his off-duty use of a police vehicle. Metro argues that officer's use of the vehicle fell outside of CALGA's "scope of employment" requirement.

CIVIL

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

Appellant Name:

LE MEUR, PATRICIA

LOUISVILLE/JEFFERSON COUNTY METRO
GOVERNMENT

Appellee Atty:

Appellee Name:

BURKE, KEVIN
HARTLEY, AMANDA
MATTINGLY, ROBERT
NEAL, JAMIE
SONNE, DIANE

BRADEN, BETTY

STEPHENSON, BRIAN

HARTFORD ACCIDENT & INDEMNITY
COMPANY

MEADE, DON
MESSEX, ALISON

LEWIS, JOHN

** NOTE:

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

DATE: Wednesday, November 30, 2016

03:00 PM PJ: CLAYTON, HON. DENISE G. STUMBO, HON. JANET L. VANMETER, HON. LAURANCE B.
2015CA001063 JEAN MCCUISTON v WILLIAM B BUTLER

Administratrix of an estate appeals trial court's grant of summary judgment in a wrongful death action wherein the trial court held that defendant/appellee's actions did not constitute the elements necessary for a wrongful death action and further, that 911 dispatcher was protected by official immunity because his actions were discretionary rather than ministerial.

CIVIL	HENDERSON COUNTY	HON KAREN LYNN WILSON
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	ARNETT, STEPHEN	MCCUISTON, JEAN
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	MALONEY, MICHAEL SCHAEFER, JUSTIN	BUTLER, WILLIAM

**** NOTE:**PREVIOUSLY ON OCT. 7, 2016 AT 1:00 PM IN FRANKFORT, KENTUCKY**

03:45 PM PJ: STUMBO, HON. JANET L. CLAYTON, HON. DENISE G. VANMETER, HON. LAURANCE B.
2015CA000040 SYLVIA CHRISTINE CAYCE v TRACEY SUMNER
2015CA000093

Consolidated appeals arising from will contest jury verdict setting aside will due to undue influence and lack of testamentary capacit. Issues include number of preemptory strikes, and denial of motion for new trial. On protective cross appeal, did trial court err in granting directed verdict on separate tort claims and denying instructions on punitive damages to jury?

CIVIL	CHRISTIAN COUNTY	HON ANDREW SELF
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	HAGGARD, CHARLES HAGGARD, KENNETH	CAYCE, SYLVIA
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	DEATHERAGE, WILLIAM JR ADAMS, JAMES III FEARS, ROBERT THOMAS, DANIEL	GONZALEZ, LISA SUMNER, TRACEY
	TALLEY, BENJAMIN	WASSON, REGEANA

**** NOTE:**PREVIOUSLY ON OCT. 7, 2016 AT 1:45 PM IN FRANKFORT, KENTUCKY**