

UPDATED 03/23/06

APRIL 2006

ORAL ARGUMENT

CALENDAR

APRIL, 2006

April 4, 2006

10:00 AM, FULL COURT MEETING

**1:00 PM, MOTION PANEL, JUDGE HENRY, PRES., JUDGES
EMBERTON AND MCANULTY, ASSOC.**

**1:00 - 1:30 PM, ORAL ARGUMENT, (FROM MARCH)
#2004-CA-1566, JOHNSON CONTROLS, INC. V.
ROBBIE RUDOLPH, ET AL., JUDGE MINTON, PRES.,
JUDGES BARBER AND TACKETT, ASSOC.**

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

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

BRANDENBURG - Contact Debbie Medley, Circuit Court Clerk, (270) 422-4961

BOWLING GREEN - Contact Jim Gildersleeve, Court Administrator, (270) 746-7411

LOUISVILLE - Contact Debbie McCulloch, Judge McAnulty's Secretary, 502-595-3430

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

DATE: Tuesday, April 04, 2006

1:00 PM PJ: MINTON BARBER TACKETT
2004CA001566 JOHNSON CONTROLS, INC. ET AL. VS ROBBIE RUDOLPH ET AL.

WHETHER HB 541 UNCONSTITUTIONALLY ELIMINATED INCOME TAX REFUNDS FOR CERTAIN CORPORATE TAXPAYERS.

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
CLARK, BRUCE F.

.....
BUNZL USA, INC. AND SUBSIDIARIES
COSMOS BROADCASTING CORPORATION AND AFFILIATES
JOHNSON CONTROLS, INC.
MAK-PAK, INC.
SARGENT & GREENLEAF, INC.
SECURITY GROUP, INC. AND SUBSIDIARIES
TREDEGAR CORPORATION AND SUBSIDIARIES
WILLIS NORTH AMERICA, INC. AND AFFILIATES
JOHNSON CONTROLS, INC.

FRANKEL, PAUL H.

GRANT, MARGARET RUTH

BUNZL USA, INC. AND SUBSIDIARIES
COSMOS BROADCASTING CORPORATION AND AFFILIATES
JOHNSON CONTROLS, INC.
MAK-PAK, INC.
SARGENT & GREENLEAF, INC.
SECURITY GROUP, INC. AND SUBSIDIARIES
TREDEGAR CORPORATION AND SUBSIDIARIES
WILLIS NORTH AMERICA, INC. AND AFFILIATES

HORN, ERICA L.

BUNZL USA, INC. AND SUBSIDIARIES
COSMOS BROADCASTING CORPORATION AND AFFILIATES
JOHNSON CONTROLS, INC.
MAK-PAK, INC.
SARGENT & GREENLEAF, INC.
SECURITY GROUP, INC. AND SUBSIDIARIES
TREDEGAR CORPORATION AND SUBSIDIARIES
WILLIS NORTH AMERICA, INC. AND AFFILIATES

LUBER, THOMAS J

COMPUTER EMPORIUM
COURIER BROADWAY CORP.
COURIER CELLULAR CORPORATION
COURIER JOURNAL AND LOUISVILLE TIMES CO.
GANNETT DIRECT MARKETING SERVICES, INC.
GANNETT RIVER STATES PUBLISHING CORP.
GANNETT SATELLITE INFORMATION NETWORK, INC.

STARR, JENNIFER BETH

COMPUTER EMPORIUM

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

DATE: Tuesday, April 04, 2006

WYRICK, MITZI D

COURIER BROADWAY CORP.
COURIER CELLULAR CORPORATION
COURIER JOURNAL AND LOUISVILLE TIMES CO.
GANNETT DIRECT MARKETING SERVICES, INC.
GANNETT RIVER STATES PUBLISHING CORP.
GANNETT SATELLITE INFORMATION NETWORK, INC.
COMPUTER EMPORIUM
COURIER BROADWAY CORP.
COURIER CELLULAR CORPORATION
COURIER JOURNAL AND LOUISVILLE TIMES CO.
GANNETT DIRECT MARKETING SERVICES, INC.
GANNETT RIVER STATES PUBLISHING CORP.
GANNETT SATELLITE INFORMATION NETWORK, INC.

Appellee Atty:

Appellee Name:

.....
KALINYAK, MICHAEL D.

TROWER, C. CHRISTOPHER

.....
ROBBIE RUDOLPH

COMMONWEALTH OF KENTUCKY, FIN. AND ADMIN. CAB., REV. DEPT.

ROBBIE RUDOLPH

**NOTE: ORIGINALLY ON MARCH 7, 2006 AT 2:30 PM IN FRANKFORT, KY

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

DATE: Tuesday, April 11, 2006

9:45 AM PJ: BUCKINGHAM HENRY VANMETER
2003CA002051 ROY WHISMAN VS COMMONWEALTH OF KENTUCKY

CRIMINAL/CONSTITUTIONALITY OF KRS 218A.202.

CRIMINAL LEWIS COUNTY LEWIS D NICHOLLS

Appellant Atty:

Appellant Name:

.....
LEMKINS, ASTRIDA LIANA
PRESTON, DAMON

.....
ROY WHISMAN
ROY WHISMAN

Appellee Atty:

Appellee Name:

.....
LONG JR, WILLIAM ROBERT

.....
COMMONWEALTH OF KENTUCKY

****NOTE: ORIGINALLY AT 9:00 AM. SAME LOCATION AND DATE**

10:30 AM PJ: BUCKINGHAM HENRY VANMETER
2004CA001199 QUINTON HAWKINS VS COMMONWEALTH OF KENTUCKY

CRIMINAL/DRUG TRAFFICKING.

CRIMINAL KENTON COUNTY PATRICIA M SUMME

Appellant Atty:

Appellant Name:

.....
ARNOLD, TIMOTHY G.
PRESTON, DAMON

.....
QUINTON HAWKINS
QUINTON HAWKINS

Appellee Atty:

Appellee Name:

.....
PRATHER, ROBERT E.

.....
COMMONWEALTH OF KENTUCKY

11:15 AM PJ: HENRY COMBS DYCHE
2005CA000259 TAJA DAVIDSON VS CASTNER-KNOTT DRY GOODS CO., INC.

APPEAL FROM SUMMARY JUDGEMENT; MALICIOUS PROSECUTION.

CIVIL WARREN COUNTY JOHN R. GRISE

Appellant Atty:

Appellant Name:

.....
STEWART, JOHN WILLIAM

.....
TAJA DAVIDSON

Appellee Atty:

Appellee Name:

.....
BOBROW, ROBERT D.
STOPHER, ROBERT E.

.....
CASTNER-KNOTT DRY GOODS CO., INC.
CASTNER-KNOTT DRY GOODS CO., INC.

****NOTE: ORAL ORIGINALLY ON MARCH 8, 2006 IN LOUISVILLE.**

LOCATION: MEADE COUNTY COURTHOUSE, 516 FAIRWAY DRIVE,
BRANDENBURG, KENTUCKY

DATE: Tuesday, April 11, 2006

9:30 AM PJ: TAYLOR EMBERTON TACKETT
2005CA000893 TEN BROECK DUPONT, INC. VS ARTEMECIA BROOKS

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT UPON PUNITIVE DAMAGE CLAIM, NEGLIGENT HIRING CLAIM, FUTURE PAIN AND SUFFERING CLAIM; WHETHER CIRCUIT COURT ERRONEOUSLY EXCLUDED CERTAIN EVIDENCE; WHETHER CIRCUIT COURT ERRED BY FAILING TO INSTRUCT JURY ON APPORTIONMENT OF FAULT; WHETHER CIRCUIT COURT IMPROPERLY ADMITTED CERTAIN EVIDENCE; WHETHER CIRCUIT COURT ERRONEOUSLY FAILED TO INSTRUCT JURY.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
BALLANTINE, JOHN T.
HECTUS, C. THOMAS
SCHUSTER, STEPHEN F
STRAUSE, RANDALL S

.....
TEN BROECK DUPONT, INC.
TEN BROECK DUPONT, INC.
TEN BROECK DUPONT, INC.
TEN BROECK DUPONT, INC.

Appellee Atty:

Appellee Name:

.....
ELLERIN, IRWIN M.
HILLERICH, GARY R.
WARREN, R. DALE

.....
ARTEMECIA BROOKS
ARTEMECIA BROOKS
ARTEMECIA BROOKS

11:00 AM PJ: TAYLOR EMBERTON TACKETT
2005CA000508 JACKIE WOLFORD ET AL. VS LOUISVILLE AND JEFFERSON CO.
METROPOLITAN SEWER DISTRICT

WHETHER CIRCUIT COURT ERRONEOUSLY EXCLUDED TRIAL TESTIMONY OF APPELLANT'S EXPERT WITNESS.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
DODSON, JOHN C

.....
JACKIE WOLFORD
RICHARD WOLFORD

Appellee Atty:

Appellee Name:

.....
DWYER JR, JOHN H.

.....
LOUISVILLE AND JEFFERSON CO. METROPOLITAN SEWER DISTRICT

LOCATION: MEADE COUNTY COURTHOUSE, 516 FAIRWAY DRIVE,
BRANDENBURG, KENTUCKY

DATE: Tuesday, April 11, 2006

1:30 PM PJ: TACKETT EMBERTON TAYLOR

2005CA000640 LEQUA HICKMAN VS COMMONWEALTH OF KENTUCKY

JUVENILE/CRIMINAL; WHETHER KRS 439.430 PRECLUDES PROBATION FOR A YOUTHFUL OFFENDER CONVICTED OF A VIOLENT OFFENSE AT THE TIME OF HIS RE-SENTENCING AFTER HIS EIGHTEENTH BIRTHDAY.

CRIMINAL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty:

Appellant Name:

.....
MCMAHON, ELIZABETH B.

.....
LEQUA MARTEZ HICKMAN

Appellee Atty:

Appellee Name:

.....
RIGGS, KEN W.

.....
COMMONWEALTH OF KENTUCKY

2:15 PM PJ: EMBERTON TACKETT TAYLOR

2005CA000371 GREEN TREE SERVICING, LLC VS CURTIS SANDERS ET AL.

FORECLOSURE ACTION;MORTGAGOR SERVICER AS REAL PARTY IN INTEREST.

CIVIL SHELBY COUNTY WILLIAM F STEWART

Appellant Atty:

Appellant Name:

.....
HILL, CHRISTOPHER M.
HOWARD, DOUGLAS C.

.....
GREEN TREE SERVICING, LLC
GREEN TREE SERVICING, LLC

Appellee Atty:

Appellee Name:

.....
FRIEDMAN, ELLEN G

.....
CURTIS E. SANDERS
CYNTHIA SANDERS

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

9:30 AM

PJ: GUIDUGLI

HUDDLESTON

JOHNSON

2004CA002645

CITY OF OWENSBORO, KENTUCKY VS LARRY SABO

EMPLOYMENT-AT-WILL CASE. JURY VERDICT OF \$129K FOR SABO. JURY FOUND CITY BREACHED IMPLIED DUTY OF GOOD FAITH AND FAIR DEALING WITH SABO.

CIVIL

DAVIESS COUNTY

HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....
GADANSKY, CHRISTOPHER

.....
CITY OF OWENSBORO, KENTUCKY

PACE, PATRICK D

CITY OF OWENSBORO, KENTUCKY

WATSON, ROBERT THOMAS

CITY OF OWENSBORO, KENTUCKY

Appellee Atty:

Appellee Name:

.....
MURRELL, DENNIS D

.....
LARRY SABO

SHOEMAKER, AMY ELIZABETH

LARRY SABO

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

10:15 AM PJ: JOHNSON GUIDUGLI HUDDLESTON
2004CA001908 WILLIAM FLORMAN ET AL. VS MEBCO LIMITED PARTNERSHIP ET AL.

2004CA002072; APPELLANTS IN CASE 2004-CA-1908 CONTEND TRIAL COURT ERRED THAT CLAY OF SHELBY AND WATKINS
2004CA002074 TRACT IS PART OF SURFACE ESTATE, NOT MINERAL ESTATE. APPELLANTS IN CASE 2004-CA-2076 CONTEND THE
CIRCUIT COURT ERRED WHEN IT ADOPTED FINDINGS AND RECOMMENDATIONS OF SPECIAL COMMISSIONER
THAT IMPRESSED TRUST ON INTEREST INCOME FROM SALEM FLUORSPAR, INC. ON THEM. CROSS-APPELLANT
REQUESTS REMAND TO TRIAL COURT TO ENTER JUDGMENT THAT WATKINS AND SHELBY DEEDS DO NOT
GRANT MINERAL OWNER RIGHT TO DESTROY SURFACE IN RECOVERY.

CIVIL LIVINGSTON COUNTY BILL CUNNINGHAM

Appellant Atty:

Appellant Name:

PEEK JR, RICHARD H

BERRIAN MINERALS, INC.

FRANK BOYCE MOODIE III

KATHLEEN MOODIE

RICHARDSON, BOBBY H.

LARRY GLASS

TALBOTT JR, BEN J.

WILLIAM FLORMAN

Appellee Atty:

Appellee Name:

COOK, VANCE WAYNE

MEBCO LIMITED PARTNERSHIP

PAXTON, WILLARD B.

DAVID PEDLEY

JOHN C. PEDLEY

LAWRENCE L. PEDLEY

SMITH, KERRY D

CUMBERLAND RIVER RESOURCES, LLC

JIM SMITH CONTRACTING, LLC

STIGGER III, GEORGE E

MEBCO LIMITED PARTNERSHIP

STOUT, ALAN C

H. GREGORY MADDUX

HAZEL MADDUX

MARTHA LEE WRIGHT

PHILLIP MADDUX

T.L. MADDUX JR

**NOTE: 45 MINUTE ORAL ARGUMENT

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

11:15 AM

PJ: VANMETER

MCANULTY

SCHRODER

2004CA002356

VERNA LEE VS KATRINA OSBORNE ET AL.

WHETHER TRIAL COURT ERRED IN FAILING TO GRANT NEW TRIAL AFTER JURY AWARDED \$0 FOR PAIN AND SUFFERING.

CIVIL

LAUREL COUNTY

RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
CHILDERS, TODD K.

.....
VERNA LEE

FREEMAN, BRIEN G.

VERNA LEE

Appellee Atty:

Appellee Name:

.....
GOFORTH, MICHAEL A.

.....
GRANGE MUTUAL CASUALTY COMPANY

KELLER, J. WARREN

KATRINA OSBORNE

OSWALD, CLAYTON OTIS

KATRINA OSBORNE