

UPDATED 4/24/2008

APRIL 2008

ORAL ARGUMENT

CALENDAR

04/24/2008

APRIL, 2008

COURT MEETING WILL NOT BE HELD

April 15, 2008

1:30 P.M., MOTION PANEL, SR. JUDGE KNOPF, PRES.,
JUDGE STUMBO, AND JUDGE TAYLOR, ASSOC.

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

FRANKFORT – Contact Mary Zagale (502) 573-7920

LOUISVILLE – Contact Linda Fox (502) 595-3430

ELIZABETHTOWN – Contact Sue Tipton (270) 766-5259

PIKEVILLE – Contact Kelly Edmonds (606) 433-7551

COVINGTON – Contact Jennie Wolking (859) 292-6531

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE, DATE: Tuesday, April 01, 2008

9:30 AM PJ: NICKELL DIXON WINE
2006CA002647 ROBERT PALMER-BALL, M.D. VS SHEILA PALMER-BALL
2007CA000124 Whether the trial court properly valued a medical practice and vacation property; determined which assets constituted non-marital property; properly divided marital debts and assets; and resolved claims for maintenance and attorneys fees.

FAMILY COURT JEFFERSON COUNTY JERRY J BOWLES

Appellant Atty: Appellant Name:
BUBA, VICKI L. ROBERT BUSCHER PALMER-BALL, M.D.
HAYNES, DOUGLAS S. ROBERT BUSCHER PALMER-BALL, M.D.
Appellee Atty: Appellee Name:
LINTNER, MARY JANICE SHEILA CLEMONS PALMER-BALL

10:15 AM PJ: KNOPF DIXON NICKELL
2007CA000664 GUY GRAY ET AL. VS SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY ET AL.
Appeal from a summary judgment, by the estate administrator, holding that the deceased plaintiff did not enter into a contract of life insurance with the appellees.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty: Appellant Name:
HANCE, MICHAEL R BRANDIE GRAY
BURY GRAY
GRAY GUY
GUY GRAY
SRINIVASAN, CHANDRIKA BRANDIE GRAY
BURY GRAY
GRAY GUY
GUY GRAY
Appellee Atty: Appellee Name:
BRUTSCHER, EDWARD ALAN RENIS JOEY COLE
CARROLL, WAYNE J. SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY
KRAUSER, MICHAEL E RENIS JOEY COLE
SWEENEY, JOHN SCOTT SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY

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

DATE: Tuesday, April 01, 2008

11:00 AM PJ: KNOPF DIXON NICKELL
2007CA000009 COMMONWEALTH OF KENTUCKY VS CENTRAL BANK OF JEFFERSON COUNTY, INC. ET AL.
2007CA000833 The Commonwealth appeals from orders which deemed its tax liens inferior in priority in mortgage foreclosure actions.

CIVIL JEFFERSON COUNTY LISABETH HUGHES ABRAM

Appellant Atty:

Appellant Name:

.....
KENNEY, BARBARA CURTIN

.....
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
BRODARICK, MICHAEL V.
DORSKY (PROCESS AGENT), JESSE
FOSTER, SHANNON
FOSTER, STEVE
HAMMER, JOSEPH A
HATCHER, JENNIFER
MURPHY II, THOMAS D
STIERLE, JAMES E

.....
DEBRA B. COPELAND
HAGAN AUTOMOTIVE TIRE
SHANNON FOSTER
STEVE J. FOSTER
HOLLOWAY & SON CONSTRUCTION, LLC
CENTRAL BANK OF JEFFERSON COUNTY, INC.
CENTRAL BANK OF JEFFERSON COUNTY, INC.
CENTRAL BANK OF JEFFERSON COUNTY, INC.

****NOTE:40 MINUTE ORAL**

LOCATION: HALL OF JUSTICE, 172 DIVISION STREET, DIVISION II CIRCUIT COURTROOM, 4TH FLOOR, PIKEVILLE, KENTUCKY

DATE: Thursday, April 03, 2008

1:30 PM PJ: KELLER THOMPSON WINE
2007CA000555 ARA LITTLE VS LEE STEWART ET AL.

This appeal arises from litigation regarding an accident between a coal truck, tractor-trailer, and a van. At the conclusion of the plaintiff's case, the trial court directed verdict in favor of two defendants.

CIVIL PIKE COUNTY STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
JUSTICE, DELLA M

.....
ARA ALENE LITTLE

JUSTICE, JOSEPH W.

ARA ALENE LITTLE

Appellee Atty:

Appellee Name:

.....
SMITH, NEAL

.....
LEE E. STEWART

STEWART TRUCKING, INC.

**NOTE:ORIGINALLY 2/13/08 AT 1:30 PM

2:15 PM PJ: KELLER THOMPSON WINE
2005CA002012 APPCO-KY, INC. VS OLDCASTLE MOUNTAIN MATERIALS INC.

Appeal from trial court's ruling that voided a restrictive covenant in a deed. There are also contract issues between the parties.

CIVIL CARTER COUNTY SAMUEL C LONG

Appellant Atty:

Appellant Name:

.....
BAUGH, BRIAN C

.....
APPCO-KY, INC.

ROBERTSON III, WILLIAM CRAIG

APPCO-KY, INC.

WEBSTER, MICKEY TODD

APPCO-KY, INC.

Appellee Atty:

Appellee Name:

.....
HUGHES, CHARLES RAY

.....
OLDCASTLE MOUNTAIN MATERIALS INC.

**NOTE:ORIGINALLY 2/13/08 AT 10:15 AM

LOCATION: HALL OF JUSTICE, 172 DIVISION STREET, DIVISION II CIRCUIT COURTROOM, 4TH FLOOR, PIKEVILLE, KENTUCKY

DATE: Thursday, April 03, 2008

3:00 PM

PJ: WINE

KELLER

THOMPSON

2006CA001647

S. O. VS COMMONWEALTH OF KENTUCKY

Discretionary review from juvenile adjudication finding S.D.O. guilty of terroristic threatening. Sufficiency of evidence supporting findings; lack of evidence that S.D.O. delivered letter containing threats; admissibility of letter with subsequent alterations.

ADAIR COUNTY

JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....
ARNOLD, TIMOTHY G.

.....
S. D. O.

Appellee Atty:

Appellee Name:

.....
HUTCHINSON, JENNIFER

.....
COMMONWEALTH OF KENTUCKY

MORROW, BRYAN D.

COMMONWEALTH OF KENTUCKY

WRIGHT, RONALD BRIAN

COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY 2/12/08 AT 1:00 PM

LOCATION: HALL OF JUSTICE, 172 DIVISION STREET, DIVISION II CIRCUIT COURTROOM, 4TH FLOOR, PIKEVILLE, KENTUCKY

DATE: Friday, April 04, 2008

9:30 AM

PJ: WINE

KELLER

THOMPSON

2006CA001384

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY VS SONYA ELSWICK

KFB appeals from an order dismissing its subrogation claims against Elswick. KFB argues that there were issues of fact concerning whether Elswick was a "secured person" under KRS 304.39-070; and that the trial court erred in finding that KFB was required to file a claim against Elswick's carrier before bringing the subrogation action.

CIVIL

PIKE COUNTY

STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
BROCK, FORREST WAYLON
DONAHUE, A C

.....
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....
SMITH, LEE A

.....
SONYA L. ELSWICK

**NOTE:ORIGINALLY 2/12/08 AT 1:45 PM

LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY

DATE: Thursday, April 10, 2008

2:00 PM PJ: TAYLOR DIXON LAMBERT

2005CA001922 LISA STRATTON VS E. P. I. HEALTHCARE, LLC

2005CA002138

CIVIL ANDERSON COUNTY REBECCA M OVERSTREET

Appellant Atty:

Appellant Name:

.....
SMITH, BRENTLEY P

.....
LISA STRATTON

Appellee Atty:

Appellee Name:

.....
CLAYTON, TARA J.

.....
E. P. I. HEALTHCARE, LLC

OLDHAM, WILLIAM K

E. P. I. HEALTHCARE, LLC

**NOTE:SHOW CAUSE HEARING

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

DATE: Tuesday, April 15, 2008

9:30 AM

PJ: STUMBO

CLAYTON

GRAVES

2007CA000635

JESSICA DEYOUNG VS COMMONWEALTH OF KENTUCKY

MOR appeal from conditional guilty plea. Issue is denial of motion to suppress fruits of search of home without warrant, consent or exigent circumstances.

CRIMINAL

MCLEAN COUNTY

DAVID H JERNIGAN

Appellant Atty:

Appellant Name:

.....
CLARE, LISA BRIDGES

.....
JESSICA N. DEYOUNG

SCHMIDT, KATHLEEN K.

JESSICA N. DEYOUNG

Appellee Atty:

Appellee Name:

.....
FARLEY, JOSHUA D

.....
COMMONWEALTH OF KENTUCKY

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

DATE: Wednesday, April 16, 2008

10:45 AM PJ: BUCKINGHAM LAMBERT TAYLOR
2007CA000328 TRACE CREEK CONSTRUCTION, INC. VS THE HARLAN COUNTY FISCAL
COURT
Sovereign Immunity.

CIVIL HARLAN COUNTY RUSSELL D. ALRED

Appellant Atty:

Appellant Name:

.....
CUBBAGE, AMY D

.....
TRACE CREEK CONSTRUCTION, INC.

SUMNER, GRIFFIN TERRY

TRACE CREEK CONSTRUCTION, INC.

Appellee Atty:

Appellee Name:

.....
WILLIAMS, JASON E.

.....
THE HARLAN COUNTY FISCAL COURT

**NOTE:ORIGINALLY 10:00 AM

11:30 AM PJ: TAYLOR LAMBERT BUCKINGHAM
2007CA000447 MOUJAHED ACHTAR VS TOYOTA MOTOR CORPORATION

Whether circuit court properly excluded certain evidence; whether circuit court properly denied motion for directed verdict;
whether jury instructions were proper.

CIVIL PERRY COUNTY WILLIAM ENGLE III

Appellant Atty:

Appellant Name:

.....
MORGAN, JEREMY R

.....
MOUJAHED ACHTAR

Appellee Atty:

Appellee Name:

.....
HAWSE, LIONEL A.

.....
TOYOTA MOTOR CORPORATION

MAY, RANDALL SCOTT

TOYOTA MOTOR CORPORATION

MENDEL, ELIZABETH ULLMER

TOYOTA MOTOR CORPORATION

ROSENTHAL, LEE ALLEN

TOYOTA MOTOR CORPORATION

LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY

DATE: Wednesday, April 16, 2008

10:15 AM PJ: ACREE COMBS THOMPSON

2006CA000993 UNIFIRST CORPORATION VS OLIVIA STEWART

2007CA001501

Civil; Employment Discrim.: Employer appeals jury verdict that wrongfully terminated employee because she stated to co-workers she had been hurt at work. Issues: (1) employee not within ambit of KRS 342.197; damages award not supported by evidence (3) that jury verdict was based on workers' comp. award which was later reversed; (4) trial ct erred by admitting inadmissible testimony. 07-CA-1501: Employer appeals from trial ct's denial of second of two separate CR 60.02 motions.

CIVIL DAVIESS COUNTY HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....
CIRIGNANO, KRISTI PRUTOW
GOLDMAN, JON D.

.....
UNIFIRST CORPORATION
UNIFIRST CORPORATION

Appellee Atty:

Appellee Name:

.....
MILLER, JEANIE OWEN

.....
OLIVIA ANNE STEWART

11:00 AM PJ: THOMPSON COMBS ACREE

2007CA001431 NATHAN HACK ET AL. VS LONE OAK DEVELOPMENT, INC. ET AL.

LONE OAK DEV. BEGAN DEVELOPMENT OF A SUBDIVISION. DEVELOPER CONTRACTED WITH CENTRAL PAVING CO, TO REALIGN DITCH AND CONSTRUCT 48 INCH DRAINAGE PIPE. PURCHASERS WHO ARE NOT PARTIES TO THIS ACTION, PURCHASED LOT NEAR DRAINAGE PIPE. APPELLANTS PURCHASED LOT NEAR DRAINAGE PIPE. 6 YRS AFTER CONSTRUCTION AND 2 YRS AFTER PURCHASING LOT, APPELLANTS EXPERIENCED SOIL COLLAPSE IN AREA AROUND PIPE AND ALLEGE NEGLIGENCE IN USAGE OF TREE STUMPS TO IMPROPERLY FILL HOLE TO SUPPORT PIPE. TRIAL CT. GRANTED SUM. JDGT

CIVIL MCCRACKEN COUNTY CRAIG Z CLYMER

Appellant Atty:

Appellant Name:

.....
HARRIS JR, JAMES A.

.....
KRISTIE HACK
NATHAN HACK

Appellee Atty:

Appellee Name:

.....
HARTZ, MAX S

.....
LONE OAK DEVELOPMENT, INC.

TERRELL, BURKE B.

CENTRAL PAVING COMPANY OF PADUCAH