

UPDATED: 3/11/2016

APRIL 2016

ORAL ARGUMENT

CALENDAR

Updated 03/11/2016

APRIL, 2016

APRIL 8, 2016

11:00 A.M. - MOTION PANEL, JUDGE NICKELL, PRES.,
JUDGE CLAYTON AND JUDGE COMBS, ASSOC.

APRIL 12, 2016

11:00 A.M. - COURT MEETING

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

FRANKFORT – Contact Patricia Brauer or Samuel Givens, Jr. – (502) 573-7920

HARDIN – Contact Belinda Peace– (270) 766-5039

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

DATE: Monday, April 11, 2016

12:15 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

THOMPSON, HON. KELLY

2015CA001280

ELIZABETH SIMPSON (NOW EASON) v DEBORAH JANE CLEMENTS

2015CA001319

Appeals from orders granting de facto custodian status & custody status to grandmother. Sufficiency of notice of de facto custodian hearing; sufficiency of evidence that grandmother was sole caretaker and supporter of child; sufficiency of findings supporting de facto custodian status; whether de facto custodian status must be re-evaluated based on change in circumstances; use of affidavits sworn out by counsel in support of motion to modify custody.

CIVIL

CASEY COUNTY

HON SAMUEL TODD SPALDING

Appellant Atty:

Appellant Name:

LAMBERT, JOSEPH

SIMPSON (NOW EASON), ELIZABETH

Appellee Atty:

Appellee Name:

LAVIT, THEODORE

CLEMENTS, DEBORAH

COFFMAN, CHRISTOPHER

CLEMENTS, DERREK

**** NOTE:**40 MINUTE ORAL**

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

DATE: Monday, April 11, 2016

01:15 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

THOMPSON, HON. KELLY

2014CA001957

GRANT THORNTON LLP v WILLIAM J. YUNG

Appeal from verdict in a bench trial involving accounting fraud & malpractice and awarding \$20M in compensatory damages & \$80 M in punitive damages. The Yungs and their family trust hired Thornton to design a strategy to minimize tax liability on income from foreign corporations. The IRS disallowed the shelters and imposed additional taxes, interest & penalties on the income. The trial court found that Thornton was grossly negligent in providing the accounting services, and made false representations and material omissions concerning the risks of the strategy employed. Whether the Yungs established justifiable reliance; whether Thornton's conduct & omissions are actionable as fraud; whether trial court improperly disallowed limitation of liability clause in engagement letter; award of compensatory damages based upon tax liability & interest; whether the Yungs properly asserted a claim for unliquidated damages; sufficiency of evidence of fraud and gross negligence for punitive damages; whether punitive damages award was excessive; award of pre-judgment and post-judgment interest; limitation on discovery of advice that Yungs received from their tax attorneys.

CIVIL

KENTON COUNTY

HON PATRICIA M SUMME

Appellant Atty:

CANADAY, THERESA
RENZELMANN, JASON
ROBINSON, WILLIAM III
SNYDER, SHERYL
SUMNER, GRIFFIN

Appellant Name:

GRANT THORNTON LLP

Appellee Atty:

SNELL, VIRGINIA
VINCI, GEORGE JR
BREETZ, BETHANY
BREETZ, MATTHEW
DUSING, GERALD
PICKER, DAVID
RISLEY, MICHAEL

Appellee Name:

KENTUCKY CHAMBER OF COMMERCE

THE 1994 WILLIAM J. YUNG FAMILY TRUST

YUNG, WILLIAM

** NOTE:**80 MINUTE ORAL

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

DATE: Thursday, April 14, 2016

01:00 PJ: LAMBERT, HON. JAMES H. DIXON, HON. DONNA L. JONES, HON. ALLISON E.
2015CA000204 BARRISTER CONSTRUCTION CORPORATION v ROUCK PLUMBING COMPANY

Construction company appeals from decision in a breach of contract action involving subcontractor plumbing company. Appeal is from order granting the plumbing company's motion to vacate an order dismissing its counterclaims and deeming requests for admissions admitted.

CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN

Appellant Atty: Appellant Name:

LOWRY, BEN BARRISTER CONSTRUCTION CORPORATION
TIGUE, MICHAEL

Appellee Atty: Appellee Name:

RAGONE, BRENNEN ROUCK PLUMBING COMPANY
STOVALL, GERALD
VEENEMAN, BRIAN

**** NOTE:**

01:45 PM PJ: LAMBERT, HON. JAMES H. DIXON, HON. DONNA L. JONES, HON. ALLISON E.
2015CA000333 T+C CONTRACTING, INC. v LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN
2015CA000374 SEWER DISTRICT

Direct appeal from several pretrial rulings related to granting partial summary judgment in favor of Appellee; granting Appellee's motion in limine declaring a dispute resolution provision is enforceable; ruling on the reasonableness of liquidated damages; and a discovery ruling. Cross appeal addresses whether the trial court properly denied MSD's motion for a JNOV and for a directed verdict.

CIVIL JEFFERSON COUNTY HON JAMES M SHAKE

Appellant Atty: Appellant Name:

STOVALL, GERALD T+C CONTRACTING, INC.
VEENEMAN, BRIAN

Appellee Atty: Appellee Name:

BOHNERT, KENNETH LOUISVILLE AND JEFFERSON COUNTY
FUST-RUTHERFORD, JENNIFER METROPOLITAN SEWER DISTRICT
SULLIVAN, RICHARD

**** NOTE:**

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

DATE: Tuesday, April 26, 2016

**01:30 PM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.
2015CA000055 AMERICAN MINING INSURANCE COMPANY, INC. v PETERS FARMS, LLC**

Whether trial court properly granted summary judgment that the Appellant's policy covered the damages, and, whether the trial court erred in its calculation of damages.

CIVIL OWSLEY COUNTY HON THOMAS P. JONES

Appellant Atty:

**ELLISON, MATTHEW
MILLER, BARRY**

Appellant Name:

AMERICAN MINING INSURANCE COMPANY, INC.

Appellee Atty:

**FAIRBANKS, PHILIP
HAGERMAN, BARTLEY
MEHR, M.
PETERS, FRED**

Appellee Name:

PETERS FARMS, LLC

**** NOTE:**

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

DATE: Thursday, April 28, 2016

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

JONES, HON. ALLISON E.

NICKELL, HON. C. SHEA

2015CA000379 JAMES WILLIAM CROOK v DR SEAN M. MAGUIRE

Civil case: Whether the trial court erred in granting summary judgment on Appellant's claims for anxiety, embarrassment, humiliation, emotional distress and punitive damages.

CIVIL HOPKINS COUNTY

HON BRIAN WIGGINS

Appellant Atty:

Appellant Name:

**MORRIS, DOUGLAS II
P'POOL, J
PLAYER, LEA**

CROOK, JAMES

Appellee Atty:

Appellee Name:

**MENISH, ALLISON
SHEFFER, RONALD**

MAGUIRE, SEAN

**** NOTE:**

01:45 PM PJ: KRAMER, HON. JOY A.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2014CA001889 JAMES A. LANE v COMMONWEALTH OF KENTUCKY

Criminal case: Whether the trial court erred in denying Appellant's RCr 11.42 motion for the ineffective assistance of counsel after an evidentiary hearing.

CHRISTIAN COUNTY

HON JOHN L. ATKINS

Appellant Atty:

Appellant Name:

GOODWIN, MICHAEL

LANE, JAMES

Appellee Atty:

Appellee Name:

**PRYOR, PATRICIA
SHACKELFORD, JAMES**

COMMONWEALTH OF KENTUCKY

**** NOTE:**