

UPDATED: 06/26/2012

AUGUST 2012

ORAL ARGUMENT

CALENDAR

Report Updated On: 06/26/2012

Updated 06/26/2012

AUGUST, 2012

AUGUST 8, 2012

2:00 P.M. – FRANKFORT TIME, MOTION PANEL,
JUDGE KELLER, PRES., CHIEF JUDGE TAYLOR
AND JUDGE COMBS, ASSOC.

AUGUST 14, 2012

10:00 AM COURT MEETING

1:30 – 2:00 P.M. – ORAL ARGUMENT, 2011-CA-001032,
JOHN W. MASON V. COMMONWEALTH OF KY,
CABINET FOR HEALTH & FAMILY SERVICES,
JUDGE JANET STUMBO, PRES., JUDGE CLAYTON AND
JUDGE JAMES LAMBERT, ASSOC.

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

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

LOUISVILLE – Contact Marti Dodd - (502) 595-3440

BOWLING GREEN – Contact Jeff Younglove – (270) 745-2497

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

DATE: Tuesday, August 14, 2012

01:30 PM PJ: STUMBO, HON. JANET L.

CLAYTON, HON. DENISE G.

LAMBERT, HON. JAMES H.

2011CA001032

JOHN W. MASON III v COMMONWEALTH OF KY, CABINET FOR HEALTH AND FAMILY SERVICES

Appeal from jury verdict in employment discrimination case. The issue is whether the language used in the instructions to the jury was erroneous.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

KIMBALL, PHILIP

MASON, JOHN

Appellee Atty:

Appellee Name:

JUDY, BRIAN

**COMMONWEALTH OF KY, CABINET FOR
HEALTH AND FAMILY SERVICES**

WOLSING, JENNIFER

**** NOTE:**

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

DATE: Tuesday, August 28, 2012

10:00 AM PJ: TAYLOR, HON. JEFF S. KELLER, HON. MICHELLE M. VANMETER, HON. LAURANCE B.
2011CA000356 LAWRENCE HILL v JACQUELINE HILL

Whether circuit court erred by denying appellant's motion to modify maintenance obligation.

JEFFERSON COUNTY

HON PAULA SHERLOCK

Appellant Atty:

Appellant Name:

CARRITHERS, DENNIS

HILL, LAWRENCE

Appellee Atty:

Appellee Name:

**HERSHBERG, PAUL
HOEHLE, STACY
WINNER, LOUIS**

HILL, JACQUELINE

**** NOTE:**

10:45 AM PJ: TAYLOR, HON. JEFF S. KELLER, HON. MICHELLE M. VANMETER, HON. LAURANCE B.
2011CA000659 TRACY MCCLAIN v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied motion to suppress evidence.

CRIMINAL

JEFFERSON COUNTY

HON A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

EGGERT, ROB

MCCLAIN, TRACY

Appellee Atty:

Appellee Name:

**CONWAY, JACK
FARLEY, JOSHUA**

COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Tuesday, August 28, 2012

11:30 AM PJ: TAYLOR, HON. JEFF S. KELLER, HON. MICHELLE M. VANMETER, HON. LAURANCE B.
 2011CA001798 BULLITT COUNTY BOARD OF HEALTH v BULLITT COUNTY FISCAL COURT

Whether circuit court properly invalidated Bullitt County Board of Health's regulation banning smoking in public places and certain outdoor venues within Bullitt County.

CIVIL BULLITT COUNTY HON RODNEY BURRESS

Appellant Atty:

AMS, JASON
 MILLER, MARGARET

Appellant Name:

BULLITT COUNTY BOARD OF HEALTH

Appellee Atty:

O'HARA, MICHAEL
 ROBINSON, MONICA

Appellee Name:

AMERICAN CANCER SOCIETY

BULLITT COUNTY FISCAL COURT

EDISON, MARK

CITY OF HILLVIEW, KENTUCKY

LEMME, NORMAN

CITY OF MOUNT WASHINGTON, KENTUCKY

WANTLAND, JOSEPH

CITY OF SHEPHERDSVILLE, KENTUCKY

GEORGE, ALAN

CLARK COUNTY BOARD OF HEALTH

ROSS, LAURA

KENTUCKY LEAGUE OF CITIES

** NOTE:

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

DATE: Tuesday, August 28, 2012

01:30 PM PJ: KELLER, HON. MICHELLE M. TAYLOR, HON. JEFF S. VANMETER, HON. LAURANCE B.
2011CA000639 MARC BUCHANAN v COMMONWEALTH OF KENTUCKY

Buchanan argues that the court erred when it: denied his motion for directed verdict on a tampering with evidence charge; denied his motion for a new trial based on prosecutorial misconduct; instructed the jury on wanton assault; and permitted the jury to "re-deliberate" after reading a verdict of not guilty, which was apparently erroneous.

<p>CRIMINAL</p> <p style="text-align: center;">FAYETTE COUNTY</p> <p><u>Appellant Atty:</u></p> <p>RANSELL, THOMAS SCHMIDT, KATHLEEN</p> <p>.....</p> <p><u>Appellee Atty:</u></p> <p>CONWAY, JACK JERNIGAN, JULIE</p>	<p style="text-align: center;">HON JAMES D ISHMAEL</p> <p><u>Appellant Name:</u></p> <p>BUCHANAN, MARC</p> <p>.....</p> <p><u>Appellee Name:</u></p> <p>COMMONWEALTH OF KENTUCKY</p>
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**** NOTE:**

02:15 PM PJ: KELLER, HON. MICHELLE M. TAYLOR, HON. JEFF S. VANMETER, HON. LAURANCE B.
2011CA001799 JASON RUSSELL v COMMONWEALTH OF KENTUCKY

Russell appeals the court's denial of his RCr 11.42 motion as untimely, arguing that his mental illness prevented him from timely filing that motion.

<p style="text-align: center;">FAYETTE COUNTY</p> <p><u>Appellant Atty:</u></p> <p>CANON, DANIEL SCHMIDT, KATHLEEN</p> <p>.....</p> <p><u>Appellee Atty:</u></p> <p>JERNIGAN, JULIE</p>	<p style="text-align: center;">HON THOMAS L CLARK</p> <p><u>Appellant Name:</u></p> <p>RUSSELL, JASON</p> <p>.....</p> <p><u>Appellee Name:</u></p> <p>COMMONWEALTH OF KENTUCKY</p>
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**** NOTE:**

**LOCATION: WESTERN KENTUCKY UNIVERSITY, MASS MEDIA AND
TECHNOLOGY HALL, ROOM 166, NORMAL DRIVE, BOWLING GREEN,**

DATE: Tuesday, August 28, 2012

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

ACREE, HON. GLENN E.

DIXON, HON. DONNA L.

2011CA000601 **ATMOS ENERGY CORPORATION v BILLY JOE HONEYCUTT**

2011CA000783

Gas royalties dispute: appeal and cross-appeal from a jury verdict; issues include whether Atmos was entitled to judgment as a matter of law on claims for conversion, negligence, tortious interference with contract and fraud; whether the trial court should have granted a new trial regarding jury instructions, failure to strike jurors and evidentiary rulings; whether Atmos' failure to implead another party precludes judgment in Atmos' favor; and whether the award of damages was proper.

CIVIL

EDMONSON COUNTY

HON RONNIE C DORTCH

Appellant Atty:

AMES, E
DEJACO, LISA
ENGLISH, CHARLES JR.
GORMAN, CHRISTOPHER
HUTCHINSON, MARK
LEET, BYRON

Appellant Name:

ATMOS ENERGY CORPORATION

Appellee Atty:

CONWAY, A II
CONWAY, F
LOGSDON, GARY

Appellee Name:

HONEYCUTT, BILLY

GARDNER, CHADWICK

PARK CITY GAS, LLC

** NOTE:40 MINUTE ORAL

01:30 PM PJ: THOMPSON, HON. KELLY

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2011CA001339 **DEENA REICHWEIN v JACKSON PURCHASE ENERGY CORPORATION**

Appeal from summary judgment in wrongful death personal injury action alleging failure to view the facts in the light most favorable to the non-moving party and prematurely granting summary judgment before appellant was given sufficient discovery and other arguments.

CIVIL

MCCRACKEN COUNTY

HON CRAIG Z CLYMER

Appellant Atty:

MORRIS, CHRISTOPHER

Appellant Name:

REICHWEIN, DEENA

Appellee Atty:

PRIEST, PARK
PROPP, SAMANTHA
YATES, MELISSA

Appellee Name:

JACKSON PURCHASE ENERGY
CORPORATION

** NOTE:

**LOCATION: WESTERN KENTUCKY UNIVERSITY, MASS MEDIA AND
TECHNOLOGY HALL, ROOM 166, NORMAL DRIVE, BOWLING GREEN,**

DATE: Tuesday, August 28, 2012

02:15 PM PJ: THOMPSON, HON. KELLY

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2011CA000553

JOSE PADILLA v COMMONWEALTH OF KENTUCKY

United States Supreme Court found that appellant was entitled to advice about the immigration consequences of his guilty plea to trafficking in more than five pounds of marijuana. The case was remanded to the Hardin Circuit Court and, after an evidentiary hearing, the court found that counsel's advice had been deficient but the error did not prejudice the appellant. Appellant appeals that ruling.

HARDIN COUNTY**HON KELLY MARK EASTON**Appellant Atty:Appellant Name:

ARNOLD, TIMOTHY
SCHMIDT, KATHLEEN

PADILLA, JOSE

Appellee Atty:Appellee Name:

CONWAY, JACK
LONG, WILLIAM JR

COMMONWEALTH OF KENTUCKY

**** NOTE:**