

UPDATED: 8/20/2013

AUGUST 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 8/20/2013

Updated 08/20/2013

AUGUST, 2013

AUGUST 5, 2013

10:00 A.M. – FRANKFORT TIME, MOTION PANEL,
JUDGE VANMETER, PRES., JUDGE CLAYTON
AND JUDGE THOMPSON, ASSOC.

AUGUST 5, 2013

11:00 AM COURT MEETING

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

FRANKFORT – Contact Mary Zagale or Sam Givens- (502) 573-7920

LOUISVILLE – Contact Melanie Montgomery - (502) 595-3430

WILLIAMSTOWN – Contact Tim Slone – (859) 824-2773

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

DATE: Monday, August 12, 2013

01:30 PM PJ: MAZE, HON. IRV

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2012CA000941

SAINT JOSEPH HEALTHCARE, INC. v LARRY O'NEIL THOMAS, AS ADMINISTRATOR

Medical negligence case on appeal for second time concerning question of punitive damages. Defendant argues it was entitled to directed verdict or JNOV on punitive. Whether jury award was excessive/warranted given the evidence. Whether misconduct by a juror deprived Defendant of a fair trial. Whether this court may/must adjust punitive award to more closely relate to compensatory award. Both parties request argument.

CIVIL

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

DUNCAN, ROBERT

SAINT JOSEPH HEALTHCARE, INC.

INGLE, JAY

Appellee Atty:

Appellee Name:

GRUNDY, CHARLES JR

THOMAS, AS ADMINISTRATOR, LARRY

LEWIS, DARRYL

SEIF, ELIZABETH

** NOTE:40 MINUTE ORAL PREVIOUSLY ON 7/19/13 IN FRANKFORT, KY AT 2:30 PM.

**40 MINUTE ORAL PREVIOUSLY SCHEDULED ON 8/12/2013 AT 2:15 PM IN F

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

DATE: Tuesday, August 13, 2013

11:30 AM PJ: MOORE, HON. JOY A.

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2012CA000826

PINNACLE DEVELOPMENT II, LLC v RML CONSTRUCTION, LLP

2012CA000894

This appeal involves a dispute over a privilege fee agreement wherein costs for the construction of sewer lines were advanced.

CIVIL

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

WALLINGFORD, JOSEPH II

PINNACLE DEVELOPMENT II, LLC

WALLINGFORD, WILLIAM

.....
Appellee Atty:

Appellee Name:

LEAR, WILLIAM JR

RML CONSTRUCTION, LLP

NICHOLSON, GEORGE III

WISEMAN, RENA
.....

** NOTE:PREVIOUSLY ON 8/8/13 AT 10:00 AM IN WILLIAMSTOWN, KY
PREVIOUSLY SCHEDULED ON AUGUST 13, 2013 FOR 2:30 PM

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON ST. LOUISVILLE, KENTUCKY

DATE: Wednesday, August 21, 2013

01:00 PM PJ: MAZE, HON. IRV

STUMBO, HON. JANET L.

TAYLOR, HON. JEFF S.

2012CA001231

COMMONWEALTH OF KENTUCKY v Hon DEANA MCDONALD

Juvenile case in which district court judge, without the permission of the Commonwealth, diverted the case due to child's incompetency to stand trial. Circuit Court affirmed this action. Whether, under the Juvenile Code and the state constitution, a court may unilaterally divert such a case without the permission or counsel of the Commonwealth. Did the court's action exceed its constitutional power and usurp that of the executive branch? Both parties request oral argument.

CIVIL

JEFFERSON COUNTY

HON JAMES M SHAKE

Appellant Atty:

Appellant Name:

CONWAY, JACK
SEXTON, DAVID

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

NIEHAUS, J

J.M.

MCDONALD, DEANA

MCDONALD, DEANA

** NOTE: ORAL PREVIOUSLY SCHEDULED FOR 3:15 PM IN JEFFERSON COUNTY.

01:45 PM PJ: TAYLOR, HON. JEFF S.

STUMBO, HON. JANET L.

VANMETER, HON. LAURANCE B.

2012CA001217

RODNEY HOWSON v JP MORGAN CHASE BANK N.A.

Whether circuit court erred by granting summary judgment in favor of Chase Bank and awarding judgment of \$231,702.13.

CIVIL

JEFFERSON COUNTY

HON BRIAN C. EDWARDS

Appellant Atty:

Appellant Name:

STAMPER, JEFFREY

HOWSON, RODNEY

Appellee Atty:

Appellee Name:

CASPER, M
ZOPPOTH, SCOTT

DAVIS RESEARCH SERVICES, INC.

RALUY, ANTHONY

JP MORGAN CHASE BANK N.A.

** NOTE:

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

DATE: Wednesday, August 21, 2013

02:30 PM PJ: TAYLOR, HON. JEFF S.

MAZE, HON. IRV

STUMBO, HON. JANET L.

2012CA001353 MARION HUGHES v UPS SUPPLY CHAIN SOLUTIONS, INC.

2012CA001757

2012-CA-001353 and 2012-CA-001757 – Whether circuit court erred by denying appellants’ motion for class certification.

CIVIL JEFFERSON COUNTY HON MITCHELL PERRY

Appellant Atty:

BURKE, KEVIN
GRABHORN, MICHAEL
HORNE, ANDREW

Appellant Name:

HUGHES, MARION

Appellee Atty:

COLEMAN, TONY
HOSKINS, DAVID
JOHNSON, KYLE
SUMNER, GRIFFIN

Appellee Name:

UPS SUPPLY CHAIN SOLUTIONS, INC.

** NOTE:

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

DATE: Thursday, August 22, 2013

10:00 AM PJ: STUMBO, HON. JANET L.

MAZE, HON. IRV

TAYLOR, HON. JEFF S.

2012CA000251

WILLIAM G. DUNCAN JR v NATIONAL CITY BANK OF KENTUCKY

2012CA000414

Appeal and cross-appeal from summary judgment. Issues are whether there were questions of fact remaining in regard to claim by remaindermen to a trust that trustee favored needs of the life beneficiary in making excessive investments for income production at the cost of building equity and whether trustee violated its duties of fiduciary, loyalty and impartiality.

CIVIL

JEFFERSON COUNTY

HON FREDERIC COWAN

Appellant Atty:

Appellant Name:

COOGLE, MATTHEW

DUNCAN, WILLIAM

Appellee Atty:

Appellee Name:

GWIN, ROBERT

NATIONAL CITY BANK OF KENTUCKY

** NOTE:

10:45 AM PJ: STUMBO, HON. JANET L.

MAZE, HON. IRV

TAYLOR, HON. JEFF S.

2012CA001011

BARRY REEVES v IN-TOWN SUITES LOUISVILLE SOUTH, LLC

2012CA001024

Appeal from personal injury jury trial defense verdict. Issues are whether Appellant waived right to new trial for jury misconduct by the failure to bring issue to court's attention prior to the jury's verdict even though he was not aware of the extent of the misconduct until after the verdict.

CIVIL

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

Appellant Name:

SLECHTER, MAT

REEVES, BARRY

Appellee Atty:

Appellee Name:

BROWN, DONALD

IN-TOWN SUITES LOUISVILLE SOUTH, LLC

POPPE, JERI

NOT REPRESENTED BY COUNSEL,

UNKNOWN DEFENDANT

** NOTE:

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

DATE: Thursday, August 22, 2013

11:30 AM PJ: MAZE, HON. IRV

STUMBO, HON. JANET L.

TAYLOR, HON. JEFF S.

2011CA000267

LOUISA MACLEAN MIDDLETON v LAWRENCE JONES MIDDLETON

2011CA000268

2011CA001076

2011CA001160

Appeal and cross-appeal on a dissolution of marriage concerning issues of child support, non-marital property, distribution of property, allocation of debt and fees and costs. Whether the trial court erred in its orders, which included the adoption of some recommendations of the Master Commissioner. Appellee expressly requests argument and there are a multitude of issues which concern millions of dollars.

JEFFERSON COUNTY

HON JERRY J BOWLES

Appellant Atty:

SPARKS, MARCIA

Appellant Name:

MIDDLETON, LOUISA

Appellee Atty:

**FOUST, DONNA
LLOYD, J.**

Appellee Name:

MIDDLETON, LAWRENCE

**** NOTE:40 MINUTE ORAL**