

UPDATED 11/30/2005

DECEMBER 2005

ORAL ARGUMENT

CALENDAR

11/30/2005

**DECEMBER 2005**

**December 2, 2005**    **1:30 P.M. COURT MEETING**  
**(LOUISVILLE)**    **FOR LISTING OF ORAL ARGUMENTS, SEE ATTACHED**  
                                 **ORAL ARGUMENT CALENDAR.**

**December 6, 2005**    **1:30 PM, MOTION PANEL, JUDGE KNOPF, PRES., JUDGE**  
**(FRANKFORT)**    **HENRY; 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 Shelly Hawes (502) 595-3440**

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

DATE: Thursday, December 01, 2005

1:00 PM PJ: BUCKINGHAM MCANULTY PAISLEY  
2005CA000370 COMMONWEALTH OF KENTUCKY VS LINDA MORRIS ET AL.  
BOARD OF CLAIMS CASE

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....  
HUGGINS, FREDERICK G  
PARSONS, JOHN D

.....  
COMMONWEALTH OF KENTUCKY  
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....  
MATTINGLY, GEORGE MITCHELL  
TRUE, J. GUTHRIE

.....  
COMMONWEALTH OF KENTUCKY  
LINDA C. MORRIS  
ROBERT LEE REDMON SR  
ROBERT LEE REDMON SR

1:45 PM PJ: PAISLEY BUCKINGHAM MCANULTY  
2004CA001819 CHRIS SEARCY VS COMMONWEALTH OF KENTUCKY

DIRECT APPEAL OF CONVICTION OF THEFT BY DECEPTION (INSURANCE FRAUD); ALLEGES THAT  
COMMONWEALTH SUPPRESSED EXCULPATORY EVIDENCE AND IMPROPERLY IMMUNIZED A WITNESS, THAT  
TRIAL COURT ERRED IN ADMITTING HEARSAY AND IN DENYING MISTRIAL.

CRIMINAL MERCER COUNTY DARREN W. PECKLER

Appellant Atty:

Appellant Name:

.....  
CLAY, RICHARD

.....  
CHRIS SEARCY

Appellee Atty:

Appellee Name:

.....  
LENZ, SUSAN RONCARTI  
STUMBO, GREGORY D.

.....  
COMMONWEALTH OF KENTUCKY  
COMMONWEALTH OF KENTUCKY

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

DATE: Thursday, December 01, 2005

---

2:30 PM PJ: SCHRODER DYCHE ROSENBLUM  
2004CA002187 CHRISTIAN COUNTY BOARD OF EDUCATION ET AL. VS ELMA FIGUE ET AL.  
2004CA002373 APPEAL TO US AFTER A REMAND, SUIT BY TEACHERS AGAINST A SCHOOL BOARD.

CIVIL CHRISTIAN COUNTY EDWIN M WHITE

Appellant Atty:

Appellant Name:

.....  
FLETCHER PHD, BEN S.  
FLETCHER, BEN S.

.....  
JAMES C. JURY PHD  
BARRY D. CORNELIUS  
CHRISTIAN COUNTY BOARD OF EDUCATION  
DANIEL N. THOMAS  
GARY P. LESTER  
JOHN R. NOWAK  
WANDA LYNCH

Appellee Atty:

Appellee Name:

.....  
COURTNEY, DENNIS JEROME

.....  
BETTY SMITH  
DIANNA FORT  
DOROTHY HAMPTON  
ELMA FIGUE  
KATHY VAUGHN  
LYNDA NASON  
MARY L. UNDERWOOD  
TERRIE YOUNGER  
THEROLYN PARKER

---

3:15 PM PJ: SCHRODER DYCHE ROSENBLUM  
2004CA002545 RAYMOND BISCHOFF VS LOUISVILLE AND JEFFERSON COUNTY  
METROPOLITAN SEWER DISTRICT  
APPEAL OF THE DENIAL OF A JURY TRIAL IN A CONDEMNATION TRIAL.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....  
BISCHOFF, RAYMOND CHARLES

.....  
RAYMOND CHARLES BISCHOFF

Appellee Atty:

Appellee Name:

.....  
DWYER JR, JOHN H.

.....  
LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER  
DISTRICT

ZIELKE, LAURENCE

.....  
LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER  
DISTRICT

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

DATE: Thursday, December 01, 2005

4:00 PM

PJ: MCANULTY

BUCKINGHAM

PAISLEY

2004CA001986

CASSANDRA HOLLAND ET AL. VS COMMONWEALTH OF KENTUCKY

DIRECT APPEAL: DID TRIAL COURT ERR IN FAILING TO DECLARE DEFENDANT A VICTIM OF DOMESTIC VIOLENCE? KRS 439.3401 (5).

CRIMINAL

MCCRACKEN COUNTY

R JEFFREY HINES

Appellant Atty:

Appellant Name:

BERAN, LISA A

KENTUCKY DOMESTIC VIOLENCE ASSOCIATION

HORSMAN, LINDA ROBERTS

CASSANDRA HILL HOLLAND

PRESTON, DAMON

CASSANDRA HILL HOLLAND

Appellee Atty:

Appellee Name:

SHACKELFORD, JAMES C

COMMONWEALTH OF KENTUCKY

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

DATE: Thursday, December 01, 2005

---

10:30 AM PJ: GUIDUGLI KNOFF MCANULTY

2005CA000020 JOHN RIDLEY VS ROIANN RIDLEY

DOMESTIC VIOLENCE ORDER ENTERED. APPELLANT APPEALS CONTEMPT ORDER FOR VIOLATION OF DVO.

FAMILY COURT WARREN COUNTY MARGARET RYAN HUDDLE

Appellant Atty:

Appellant Name:

.....  
ANDERSON, DAVID W.  
ENGLISH, CHARLES E.

.....  
JOHN W. RIDLEY  
JOHN W. RIDLEY

Appellee Atty:

Appellee Name:

.....  
DOWNEY, STEVEN D.

.....  
ROIANN RIDLEY

\*\*NOTE: ORIGINALLY SCHEDULED ON NOVEMBER 8, 2005 AT 8:30 A.M. IN FRANKFORT, KENTUCKY

---

1:30 PM PJ: TAYLOR BARBER MINTON

2005CA000027 ACUITY VS GREAT WEST CASUALTY COMPANY

WHETHER STATUTE OF LIMITATIONS BARS APPELLANT'S SUBROGATION ACTION AGAINST APPELLEE TO RECOVER PAID BASIC REPARATION BENEFITS; WHETHER APPELLEE BREACHED IMPLIED CONTRACT TO REIMBURSE APPELLANT FOR BRBS.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....  
CARROLL, WAYNE J.  
REILLY, MICHAEL P

.....  
ACUITY  
ACUITY

Appellee Atty:

Appellee Name:

.....  
HICKEY III, STOCKARD R.  
MILLER II, DONALD L.  
SCHULER, DAVID M

.....  
GREAT WEST CASUALTY COMPANY  
GREAT WEST CASUALTY COMPANY  
GREAT WEST CASUALTY COMPANY

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

DATE: Thursday, December 01, 2005

---

2:15 PM PJ: TAYLOR BARBER MINTON  
2004CA002204 JEWELL STRANGE VS ALBERT KAHN & ASSOCIATES, INC ET AL.

WHETHER CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT DISMISSING APPELLANT'S WRONGFUL DEATH CLAIM FOR NEGLIGENT EXPOSURE TO ASBESTOS.

CIVIL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....  
SATTERLEY, JOSEPH D.  
SHELTON, JOHN R

.....  
JEWELL L STRANGE  
JEWELL L STRANGE

Appellee Atty:

Appellee Name:

.....  
GARY, JAMES M.  
GAULT, PATRICK W.  
SAUNDERS, RUSSELL H.  
SCHUPBACH, REBECCA F.

.....  
ALBERT KAHN & ASSOCIATES, INC  
ALBERT KAHN & ASSOCIATES, INC  
ALBERT KAHN & ASSOCIATES, INC  
TURNER CONSTRUCTION COMPANY

---

3:00 PM PJ: MINTON BARBER TAYLOR  
2004CA002178 ET AL. VS ALBERT KAHN & ASSOCIATES, INC. ET AL.

WHETHER TRIAL COURT ERRED IN DISMISSING PLAINTIFF'S ASBESTOS-RELATED INJURY CASE ON STATUTE OF LIMITATIONS GROUNDS.

CIVIL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....  
KELLEY, PAUL JASON  
SATTERLEY, JOSEPH D.

.....  
JUDY COMBS  
JUDY COMBS

Appellee Atty:

Appellee Name:

.....  
BASHA, RANIA MARIE  
GARY, JAMES M.  
GAULT, PATRICK W.  
SAUNDERS, RUSSELL H.  
SCHUPBACH, REBECCA F.

.....  
TURNER CONSTRUCTION COMPANY  
ALBERT KAHN & ASSOCIATES, INC.  
ALBERT KAHN & ASSOCIATES, INC.  
ALBERT KAHN & ASSOCIATES, INC.  
TURNER CONSTRUCTION COMPANY

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

DATE: Thursday, December 01, 2005

3:45 PM

PJ: BARBER

MINTON

TAYLOR

2004CA000525

CARDINAL INDUSTRIAL INSULATION CO., INC. VS MARY NORRIS ET AL.

2004CA000575;

WRONGFUL DEATH JUDGMENT IN AN ASBESTOS CLAIM ACTION.

2004CA000645

CIVIL

JEFFERSON COUNTY

BARRY WILLET

Appellant Atty:

Appellant Name:

.....  
HUMMEL, JOSEPH P.  
MAHAN, ARMER H.

.....  
CARDINAL INDUSTRIAL INSULATION CO., INC.  
CARDINAL INDUSTRIAL INSULATION CO., INC.

Appellee Atty:

Appellee Name:

.....  
KELLEY, PAUL JASON  
  
MUDD, JESSE A.  
  
SALES, KENNETH L.  
  
SATTERLEY, JOSEPH D.

.....  
MARY J. NORRIS  
MARY J. NORRIS

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

DATE: Friday, December 02, 2005

---

9:30 AM

PJ: VANMETER

JOHNSON

KNOPF

2004CA002528

COMMONWEALTH OF KENTUCKY VS JASON BALDWIN

SUPPRESSION OF SEARCH WARRANT BASED ON USE OF "DRUG SNIFFING" DOG; SUFFICIENCY OF EVIDENCE

CRIMINAL

BOONE COUNTY

STANLEY BILLINGSLEY, S

Appellant Atty:

Appellant Name:

.....  
SEELIG, GEORGE G.

.....  
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....  
CAREY, MARCUS S

.....  
JASON THOMAS BALDWIN

---

10:15 AM

PJ: JOHNSON

KNOPF

VANMETER

2004CA002677

LESLIE PUMPHREY VS COMMONWEALTH OF KENTUCKY

APPELLANT CLAIMS THE TRIAL COURT ERRED BY DENYING HIM A JURY INSTRUCTION FOR CRIMINAL FACILITATION.

CRIMINAL

BOYLE COUNTY

DARREN W. PECKLER

Appellant Atty:

Appellant Name:

.....  
LAVIT, THEODORE H.

.....  
LESLIE PUMPHREY

Appellee Atty:

Appellee Name:

.....  
SHEPHERD, DENNIS W.

.....  
COMMONWEALTH OF KENTUCKY

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

DATE: Friday, December 02, 2005

11:00 AM

PJ: JOHNSON

HENRY

KNOFF

2004CA002002

DONALD GARRISON ET AL. VS JOANNE LEAHY-AUER ET AL.

2004CA002089

APPELLANTS AND CROSS-APPELLANTS IN A NEGLIGENCE ACTION INVOLVING THE REPORTING OF SUSPECTED CHILD ABUSE UNDER KRS CHAPTER 620 RAISE ISSUES OF IMMUNITY, THE CONSTITUTIONALITY OF JURY SELECTION PROCEDURES, AND PROPER JURY INSTRUCTIONS.

CIVIL

FAYETTE COUNTY

REBECCA M OVERSTREET

Appellant Atty:

Appellant Name:

.....  
ELLIOTT, ROBERT L.

.....  
AMBER GARRISON

DONALD GARRISON

DONALD GARRISON

LOWRY, JAMES I

AMBER GARRISON

DONALD GARRISON

DONALD GARRISON

Appellee Atty:

Appellee Name:

.....  
GALLION, WILLIAM J.

.....  
JOANNE M LEAHY-AUER

UNIVERSITY HOSPITAL, ALBERT B. CHANDLER MEDICAL CENTER

STURGILL, THOMAS C

JOANNE M LEAHY-AUER

UNIVERSITY HOSPITAL, ALBERT B. CHANDLER MEDICAL CENTER

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

DATE: Friday, December 02, 2005

---

10:15 AM PJ: TAYLOR BARBER MINTON  
2004CA001911 JASON HALVORSON VS COMMONWEALTH OF KENTUCKY

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT OF ACQUITTAL UPON SELF-DEFENSE; WHETHER CIRCUIT COURT PROPERLY INSTRUCTED JURY UPON SELF-DEFENSE

CRIMINAL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....  
HEFT, FRANK WM

.....  
JASON HALVORSON

Appellee Atty:

Appellee Name:

.....  
CROSS, JEFFREY A

.....  
COMMONWEALTH OF KENTUCKY

**\*\*NOTE: WAS SCHEDULED SAME DATE. CHANGED TIME FROM 9:30 A.M. TO 10:15 A.M.**

---

11:00 AM PJ: MINTON BARBER TAYLOR  
2004CA001940 GEORGE DAVIS ET AL. VS DEPT OF REVENUE OF THE FINANCE & ADMIN  
CABINET ET AL.

WHETHER STATE'S SCHEME TAXING INCOME FROM OUT-OF-STATE MUNICIPAL BONDS WHILE NOT TAXING INCOME FROM IN-STATE MUNICIPAL BONDS VIOLATES FEDERAL AND STATE CONSTITUTION.

CIVIL JEFFERSON COUNTY BARRY WILLETT

Appellant Atty:

Appellant Name:

.....  
FOLEY, IRVIN D

.....  
CATHERINE V. DAVIS

GRAY, DAVID W

GEORGE W. DAVIS

CATHERINE V. DAVIS

RALUY, ANTHONY GEORGE

GEORGE W. DAVIS

CATHERINE V. DAVIS

GEORGE W. DAVIS

Appellee Atty:

Appellee Name:

.....  
DOWELL, DOUGLAS M

.....  
COMMONWEALTH OF KENTUCKY FINANCE AND ADMINISTRATION  
CABINET

EUCKER, DEBRA HAYS

DEPT OF REVENUE OF THE FINANCE & ADMIN CABINET

COMMONWEALTH OF KENTUCKY FINANCE AND ADMINISTRATION  
CABINET

DEPT OF REVENUE OF THE FINANCE & ADMIN CABINET

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

DATE: Wednesday, December 07, 2005

---

10:15 AM PJ: GUIDUGLI HENRY POTTER  
2004CA001921 STACY DURHAM VS COMMONWEALTH OF KENTUCKY

CONDITIONAL PLEA TO MANUFACTURING METH IN 2004. DURHAM CONTENDS HE DID NOT POSSESS ALL THE NECESSARY CHEMICALS TO MAKE METH AS REQUIRED BY KOTILA V. COM.

CRIMINAL WOLFE COUNTY BETH LEWIS MAZE

Appellant Atty:

Appellant Name:

.....  
BATES, CHRISTOPHER A.

.....  
STACY DURHAM

HERSHBERG, PAUL J.

STACY DURHAM

Appellee Atty:

Appellee Name:

.....  
RIGGS, KEN W.

.....  
COMMONWEALTH OF KENTUCKY

---

11:00 AM PJ: HENRY GUIDUGLI TAYLOR  
2004CA002471 ALMEDIA ADKINS VS JUDI PATTON

APPEAL FROM TRIAL COURT'S DENIAL OF MOTION TO RE-ENTER FINAL ORDER REGARDING PROPERTY DISPUTE.

CIVIL PIKE COUNTY EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....  
WEBSTER, LAWRENCE R.

.....  
ALMEDIA ADKINS

Appellee Atty:

Appellee Name:

.....  
MAY, PAMELA R

.....  
JUDI PATTON

TRIPLETT, REGENA

JUDI PATTON

---

1:00 PM PJ: GUIDUGLI HENRY POTTER  
2004CA002190 CHARLES SMITH VS HOUSING AUTHORITY OF MIDDLESBOROUGH ET AL.  
2004CA002287

DIRECT APPEAL FROM JNOV VACATING VERDICT ON INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS. CROSS APPEAL - DENIAL OF MOTION TO DISMISS DUE TO CLAIM PRECLUSION, PREEMPTORY CHALLENGES USED BY SMITH; FAILURE TO GRANT JNOV ON TERMINATION CLAIM AND JURY INSTRUCTIONS

CIVIL BELL COUNTY JAMES L BOWLING JR

Appellant Atty:

Appellant Name:

.....  
STARK, WILLIAM D

.....  
CHARLES A. SMITH

Appellee Atty:

Appellee Name:

.....  
GREENE JR, GLENN L

.....  
HOUSING AUTHORITY OF MIDDLESBOROUGH

RANDY EARLE

KUHLMAN, JASON CHARLES

HOUSING AUTHORITY OF MIDDLESBOROUGH

RANDY EARLE

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

DATE: Wednesday, December 07, 2005

---

1:45 PM PJ: GUIDUGLI HENRY POTTER  
2004CA002368 ALONZO BURTON VS OUR LADY OF BELLEFONTE HOSPITAL ET AL.

BURTON FELL OVER 4 FT. WALL AT HOSPITAL AND SUED. CIRCUIT COURT ENTERED SUMMARY JUDGMENT FOR HOSPITAL FINDING THE HOSPITAL OWED NO DUTY TO BURTON.

CIVIL GREENUP COUNTY LEWIS D NICHOLLS

Appellant Atty:

Appellant Name:

.....  
MUNDY, WILLIAM LOWELL

.....  
ALONZO BURTON

Appellee Atty:

Appellee Name:

.....  
CARROLL, KAREN A

.....  
OUR LADY OF BELLEFONTE HOSPITAL  
OUR LADY OF BELLEFONTE HOSPITAL FOUNDATION

\*\*NOTE: TIME WAS ORIGINALLY 3:15 PM.

---

2:30 PM PJ: HENRY GUIDUGLI POTTER  
2004CA000890 AMIEE BARRICKMAN VS COMMONWEALTH OF KENTUCKY

APPEAL FROM TERMINATION FROM DRUG COURT PROGRAM.

CRIMINAL CLINTON COUNTY EDDIE C LOVELACE

Appellant Atty:

Appellant Name:

.....  
CROSS, DAVID M

.....  
AMIEE J. BARRICKMAN

Appellee Atty:

Appellee Name:

.....  
SEELIG, GEORGE G.

.....  
COMMONWEALTH OF KENTUCKY