

UPDATED 12/13/06

DECEMBER 2006

ORAL ARGUMENT

CALENDAR

12/13/2006

DECEMBER 2006

December 4, 2006 **10:00 AM, MOTION PANEL, JUDGE WINE, PRES.,
(FRANKFORT) SR. JUDGE KNOFF; AND JUDGE VANMETER, ASSOC.**

December 6, 2006 **1:00 - 1:30 P.M., ORAL ARGUMENT, #2005-CA-001343,
(LEXINGTON) DARCIE DIVITA V. JOHN ZIEGLER, ET AL.,
JUDGE JOHNSON, PRES., SPECIAL JUDGE MILLER
AND JUDGE SCHRODER, ASSOC.**

3:00 P.M. COURT MEETING (RADISSON PLAZA LEXINGTON)

**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

LEXINGTON - Contact Dana Carter (859) 246-2132

LOCATION: FAYETTE COUNTY CIRCUIT COURTHOUSE, COURTROOM I, 4TH FLOOR, 120 NORTH LIMESTONE, LEXINGTON, KENTUCKY

DATE: Wednesday, December 06, 2006

1:00 PM PJ: JOHNSON MILLER SCHRODER
2005CA001343 DARCIE DIVITA VS JOHN ZIEGLER ET AL.

WHETHER THE TRIAL COURT ERRED WHEN IT (1) DISMISSED APPELLANT'S CLAIM OF NEGLIGENT HIRING, SUPERVISION AND RETENTION BY SUMMARY JUDGMENT; (2) INSTRUCTED THE JURY ON APPELLANT'S CLAIM OF INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (3) FAILED TO ALLOW APPELLANT TO INTRODUCE PROOF AT TRIAL OF (A) SPECIFIC REASONS APPELLEE WAS TERMINATED FROM PAST EMPLOYERS, (B) HOW STATEMENTS MADE BY APPELLEE WERE DAMAGING TO APPELLANT AND (C) LETTERS FROM LOUISVILLE CITIZENS SENT TO CLEAR CHANNEL.

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

ADAMS JR, GARRY RICHARD
CLAY, THOMAS E.

DARCIE DIVITA
DARCIE DIVITA

Appellee Atty:

Appellee Name:

GOEHLER, RICHARD M.
MAIN, AMANDA G
SALES, KENNETH L.
SNYDER, SHERYL G.
SUMNER, GRIFFIN TERRY

CLEAR CHANNEL BROADCASTING, INC.
CLEAR CHANNEL BROADCASTING, INC.
JOHN ZIEGLER
CLEAR CHANNEL BROADCASTING, INC.
CLEAR CHANNEL BROADCASTING, INC.

**NOTE:ORIGINALLY ON 11/15/06

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

DATE: Tuesday, December 12, 2006

10:15 AM PJ: TAYLOR MILLER ROSENBLUM
2006CA000008 DONNA ADKINS VS THOMAS JOHNSTON ET AL.

WHETHER CIRCUIT COURT PROPERLY DISMISSED APPELLANT'S ACTION FOR BEING TIME-BARRED UNDER KRS 413.140.

CIVIL SCOTT COUNTY ROBERT G. JOHNSON

Appellant Atty:

Appellant Name:

.....
CALVERT, GERRY L

.....
DONNA ADKINS

MCCLINTOCK, ROCKY L

DONNA ADKINS

Appellee Atty:

Appellee Name:

.....
PRICE, GENE F.

.....
ANTHEM HEALTH PLANS OF KENTUCKY, INC.

WEISS, ALLAN

ANN JOHNSTON

THOMAS JOHNSTON

11:00 AM PJ: TAYLOR MILLER ROSENBLUM
2004CA002639 BOBBY JONES VS COMMONWEALTH OF KENTUCKY

2005CA001790 2004CA002639- WHETHER INDICTMENT CHARGED A PUBLIC OFFENSE; 2005CA001790- WHETHER CIRCUIT COURT PROPERLY DENIED APPELLANT'S RCR 11.42 MOTION WITHOUT AN EVIDENTIARY HEARING.

CRIMINAL MONTGOMERY COUNTY WILLIAM B MAINS

Appellant Atty:

Appellant Name:

.....
ANDERSON, BARBARA F.

.....
BOBBY C. JONES

ANDERSON, JERRY

BOBBY C. JONES

Appellee Atty:

Appellee Name:

.....
HARNED, MICHAEL L.

.....
COMMONWEALTH OF KENTUCKY

1:00 PM PJ: TAYLOR MILLER ROSENBLUM
2005CA001953 CHARLOTTE SMITH VS KENTUCKY RETIREMENT SYSTEMS

WHETHER KENTUCKY RETIREMENT SYSTEMS PROPERLY DENIED APPELLANT DISABILITY RETIREMENT BENEFITS.

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
ROBERTS, ALLEN B

.....
CHARLOTTE SMITH

Appellee Atty:

Appellee Name:

.....
JONES, JENNIFER ANN

.....
KENTUCKY RETIREMENT SYSTEMS

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

DATE: Wednesday, December 13, 2006

10:00 AM

PJ: COMBS

ACREE

KNOFF

2005CA002557

ROBERT HILGERS, D.R. ET AL. VS INTERNATIONAL GYNECOLOGIC CANCER SOCIETY, INC. ET AL.

TERMINATION OF EMPLOYMENT. (1) CAN AN EMPLOYMENT CONTRACT BE BARRED BASED ON STATUTE OF FRAUDS? (2) CAN A CORPORATE OFFICER BE CHARGEABLE WITH INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS?

CIVIL

JEFFERSON COUNTY

F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
BARBER JR, OLIVER H.

.....
J. MARK AHEARN

ROBERT D. HILGERS, D.R.

MEADE, DON C

J. MARK AHEARN

ROBERT D. HILGERS, D.R.

Appellee Atty:

Appellee Name:

.....
LEDFORD, PAMELA J.

.....
EDWARD L. TRIMBLE, M.D.

GILLIAN M. THOMAS, M.D.

INTERNATIONAL GYNECOLOGIC CANCER SOCIETY, INC.

11:30 AM

PJ: KNOFF

ACREE

COMBS

2005CA002191

THOMAS BLOXAM ET AL. VS JEFFREY BERG, M.D.

APPEAL FROM A DEFENSE JURY VERDICT IN A MEDICAL NEGLIGENCE ACTION. APPELLANTS CLAIM EVIDENCE WAS IMPROPERLY EXCLUDED.

CIVIL

JEFFERSON COUNTY

TOM MCDONALD

Appellant Atty:

Appellant Name:

.....
HALL JR, G KENNEDY

.....
SUE BLOXAMS

THOMAS BLOXAM

JENNINGS, REBECCA GRADY

SUE BLOXAMS

THOMAS BLOXAM

Appellee Atty:

Appellee Name:

.....
TONER, GERALD R

.....
JEFFREY BERG, M.D.

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

DATE: Thursday, December 14, 2006

9:30 AM PJ: PAISLEY BARBER DIXON

2006CA000411 RICKIE CLAY VS COMMONWEALTH OF KENTUCKY

FAILURE TO DIRECT VERDICT; JURY INSTRUCTIONS; PRESERVATION OF ERROR; OPINION TESTIMONY.

CRIMINAL

FAYETTE COUNTY

THOMAS L CLARK

Appellant Atty:

Appellant Name:

.....
LEWTER, V. GENE

.....
RICKIE CLAY

Appellee Atty:

Appellee Name:

.....
BARR, DAVID W

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: PAISLEY BARBER DIXON

2005CA002395 ART PAYNE VS THE CITY OF RICHMOND, KENTUCKY

IMPROPER CLOSURE OF PUBLIC WAY; REPEAL OF CLOSURE ORDINANCE; SETTING ASIDE DEED OF
CONVEYANCE; FAILURE TO COMPLY WITH KRS 82.405.

CIVIL

MADISON COUNTY

JULIA HYLTON ADAMS

Appellant Atty:

Appellant Name:

.....
WICKERSHAM, MARK KINDRED

.....
ART PAYNE

Appellee Atty:

Appellee Name:

.....
FOWLES, GARRETT T.

.....
THE CITY OF RICHMOND, KENTUCKY

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

DATE: Thursday, December 14, 2006

11:00 AM
2005CA001792

PJ: DIXON BARBER PAISLEY
ENVIROPOWER, LLC VS PUBLIC SERVICE COMMISSION OF KENTUCKY
ET AL.

DISMISSAL OF APPELLANTS CLAIM FOR REVIEW OF A PSC ORDER; ALLEGED FRAUD IN THE AWARD OF A
POWER SUPPLY CONTRACT.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
COWAN, FREDERIC J
SOBLE, STEPHEN M.

.....
ENVIROPOWER, LLC
ENVIROPOWER, LLC

Appellee Atty:

Appellee Name:

.....
BLACKFORD, ELIZABETH E
COOK, LAWRENCE W
COWDEN, ROGER R
HENLEY, DALE W
HOWARD II, DENNIS G
KURTZ, MICHAEL L
LILE, CHARLES ALAN
RAFF, RICHARD G
WUETCHER, GERALD E

.....
GREGORY STUMBO
GREGORY STUMBO
EAST KENTUCKY POWER COOPERATIVE, INC.
EAST KENTUCKY POWER COOPERATIVE, INC.
GREGORY STUMBO
GALLATIN STEEL COMPANY
EAST KENTUCKY POWER COOPERATIVE, INC.
PUBLIC SERVICE COMMISSION OF KENTUCKY
PUBLIC SERVICE COMMISSION OF KENTUCKY

**NOTE: ORIGINALLY AT 1:00 PM

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

DATE: Thursday, December 14, 2006

9:30 AM PJ: WINE BUCKINGHAM HENRY
2005CA002361 CLIFFORD JOHNSON VS COMMONWEALTH OF KENTUCKY

CLIFFORD JOHNSON APPEALS A CONVICTION WHERE THE COURT ERRED BY PERMITTING THE COMMONWEALTH TO USE HIS GRAND JURY TESTIMONY AT TRIAL, AND IN ITS JURY INSTRUCTIONS. JOHNSON ALSO ALLEGES PROSECUTORIAL MISCONDUCT.

CRIMINAL BUTLER COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
MILLIKEN, W. CURRIE

.....
CLIFFORD DEWAYNE JOHNSON

Appellee Atty:

Appellee Name:

.....
SEELIG, GEORGE G.

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: WINE BUCKINGHAM HENRY
2004CA001618 TERRY YOUNG ET AL. VS VISTA HOMES, INC. ET AL.

2004CA001726;
2005CA001256;
2005CA001412 TERRY YOUNG APPEALS A DIRECTED VERDICT AT THE CONCLUSION OF HIS CASE THAT DISMISSED HIS NEGLIGENCE CLAIM, AND A NUMBER OF DEFENDANTS. HE ALSO CLAIMS ERROR WITH JURY INSTRUCTION, ATTORNEY FEES, REDUCING THE JURY AWARD, DAMAGES, AND GRANTING A PARTIAL SUMMARY JUDGMENT. VISTA HOMES CROSS APPEALS CONCERNING PUNITIVE DAMAGES AWARDED BY THE JURY.

CIVIL HARDIN COUNTY KELLY MARK EASTON

Appellant Atty:

Appellant Name:

.....
MOULTON, C. MIKE

.....
LYNN YOUNG
TERRY YOUNG

Appellee Atty:

Appellee Name:

.....
COLEMAN, REFORD H.
PRESTON, DWIGHT

.....
RE/MAX EXECUTIVE GROUP, INC.
FRED BRAMBLETT
JAMES BRAMBLETT
VISTA HOMES, INC.

WEISS, ALLAN

**NOTE: 60 MINUTE ORAL

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

DATE: Thursday, December 14, 2006

1:00 PM PJ: HENRY BUCKINGHAM WINE

2005CA001155 ROBERT HENRY VS ALLEN COUNTY

2005CA001252 WRONGFUL TERMINATION; KRS 611.102, WHISTLE BLOWER STATUTE.

CIVIL ALLEN COUNTY WILLIAM R HARRIS

Appellant Atty:

Appellant Name:

.....
ROBERTS, NANCY OLIVER

.....
ROBERT HENRY

Appellee Atty:

Appellee Name:

.....
ENGLISH JR., CHARLES E.
HAGENBUCH JR, WILLIAM P
PENN, DENNIS GAINES

.....
ALLEN COUNTY
ALLEN COUNTY
ALLEN COUNTY

1:45 PM PJ: HENRY BUCKINGHAM WINE

2005CA001569 S. SWEENEY ET AL. VS AURORA CASKET COMPANY, INC. ET AL.

ALLEGEDLY DEFECTIVE CASKET; STRICT LIABILITY, NEGLIGENCE, BREACH OF WARRANTY AND OUTRAGE.

CIVIL HANCOCK COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
WIBLE, CHARLES S.

.....
GEORGE ALLEN SWEENEY
S. RANDALL SWEENEY
SUZANNE SWEENEY
SUZANNE SWEENEY

Appellee Atty:

Appellee Name:

.....
BOWERS JR, ROBERT V
JACKSON, MICHAEL S

.....
VICTORIAVILLE CASKETS LIMITED
AURORA CASKET COMPANY, INC.

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

DATE: Thursday, December 14, 2006

2:30 PM PJ: HENRY BUCKINGHAM WINE
2005CA001860 BONNIE RIGDON VS DOLLAR GENERAL CORPORATION
GENDER DISCRIMINATION, RETALIATION, WRONGFUL TERMINATION.

CIVIL WARREN COUNTY STEVE ALAN WILSON

Appellant Atty:

Appellant Name:

.....
ROBERTS, NANCY OLIVER

.....
BONNIE JEAN RIGDON

Appellee Atty:

Appellee Name:

.....
FRAZIER, KEITH D
HARRIS JR, JAMES DOUGLAS
WASHKO, ELIZABETH S.

.....
DOLLAR GENERAL CORPORATION
DOLLAR GENERAL CORPORATION
DOLLAR GENERAL CORPORATION

3:15 PM PJ: HENRY BUCKINGHAM WINE
2005CA002184 JOHN MCPHERSON VS KENDOR WOOD, INC. ET AL.

APPEAL FROM GRANT OF SUMMARY JUDGMENT; WRONGFUL INTERFERENCE WITH AN ONGOING BUSINESS
RELATIONSHIP AND FRAUD.

CIVIL GRAVES COUNTY TIMOTHY C STARK

Appellant Atty:

Appellant Name:

.....
PARKER, MAX W

.....
JOHN WILLIAM MCPHERSON

Appellee Atty:

Appellee Name:

.....
KELLY, DAVID L.

.....
DAN UPTON JR
DAN UPTON SR
KENDOR WOOD, INC.

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

DATE: Tuesday, December 19, 2006

10:00 AM PJ: ABRAMSON GUIDUGLI VANMETER
2005CA001691 COMMONWEALTH OF KENTUCKY, DEPT. OF TRANSPORTATION VS
EVERETT THOMPSON ET AL.

THE TRANSPORTATION CABINET APPEALS FROM AN ORDER FINDING IT IN CONTEMPT FOR FAILING TO OFFER IN A TIMELY MANNER CONDEMNED BUT UNUSED LAND TO THE FORMER OWNER AND AWARDED \$75,000 IN COMPENSATORY DAMAGES TO THE FORMER OWNER. THE CABINET CONTENDS THAT IT WAS NOT IN CONTEMPT AND THAT THE DAMAGES AWARD EXCEEDS THE TRIAL COURT'S CONTEMPT AUTHORITY.

CIVIL PIKE COUNTY STEVEN D. COMBS

Appellant Atty:

Appellant Name:

.....
CLAYPOOLE, STEVEN F
GARDNER, RANDALL L
GOLDING, AYALA

.....
COMMONWEALTH OF KENTUCKY, DEPT. OF TRANSPORTATION
COMMONWEALTH OF KENTUCKY, DEPT. OF TRANSPORTATION
COMMONWEALTH OF KENTUCKY, DEPT. OF TRANSPORTATION

Appellee Atty:

Appellee Name:

.....
HARRIS, CHRISTIAN R

.....
DEBORAH HARRIS
EVERETT R. THOMPSON

**NOTE: ORIGINALLY ON 12/11/06 AT 10:00 AM

10:45 AM PJ: ABRAMSON GUIDUGLI VANMETER
2006CA000055 LARRY BAIR VS CHRISTINE BAIR

PRIOR TO THEIR DIVORCE, GRANDPARENTS WERE AWARDED TEMPORARY CUSTODY OF THEIR GRANDCHILD. WHEN THEY DIVORCED, GRANDMOTHER WAS AWARDED CUSTODY AND GRANDFATHER WAS ORDERED TO PROVIDE SUPPORT. THE GRANDFATHER APPEALS FROM AN ORDER DENYING HIS REQUEST FOR RELIEF FROM HIS SUPPORT OBLIGATION. HE CONTENDS THAT THE COURT LACKED JURISDICTION TO ORDER SUPPORT FROM A NON-PARENT AND THAT IT ERRED BY REFUSING TO ORDER SUPPORT FROM THE PARENTS.

CIVIL CARTER COUNTY KRISTI HOGG GOSSETT

Appellant Atty:

Appellant Name:

.....
COPLEY, RHONDA M.

.....
LARRY BAIR

Appellee Atty:

Appellee Name:

.....
SCOTT, W. JEFFREY

.....
CHRISTINE MCGLONE BAIR

**NOTE:ORIGINALLY ON 12/11/06 AT 10:45 AM

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

DATE: Tuesday, December 19, 2006

11:30 AM

PJ: ACREE

COMBS

KNOPF

2005CA001824

TYLER LOCKARD, A MINOR VS NORTON HOSPITALS INC. ET AL.

CIVIL; MEDICAL MALPRACTICE, APPEAL FROM TRIAL COURT'S DECISION TO EXCLUDE EVIDENCE OF ACTUAL TIME OF INJURY AS PREJUDICIAL TO DEFENDANT BECAUSE EXPERT OPINION BASED ON DIFFERING FACTUAL INFORMATION.

CIVIL

JEFFERSON COUNTY

ANN O'MALLEY SHAKE

Appellant Atty:

Appellant Name:

.....
FREEMAN, JEFFREY L
SHEPHERD, LIZ J
THOMPSON, TYLER S

.....
TYLER JACOB LOCKARD, A MINOR
TYLER JACOB LOCKARD, A MINOR
TYLER JACOB LOCKARD, A MINOR

Appellee Atty:

Appellee Name:

.....
GORDON, SHANNON M.
KEITH, KAREN L.
NAPIER, TIMOTHY H
PHILLIPS, SUSAN D.
SWAIN, WILLIAM P.

.....
NORTON HOSPITALS INC.
NORTON HOSPITALS INC.
NORTON HOSPITALS INC.
MARY E. LACHER, M.D.
MARY E. LACHER, M.D.

**NOTE: ORIGINALLY ON 12/13/06 AT 1:45 PM