

UPDATED: 12/2/2013

DECEMBER 2013

ORAL ARGUMENT

CALENDAR

Report Updated On: 12/2/2013

12/2/2013

DECEMBER, 2013

December 3, 2013

**2:00 P.M. (FRANKFORT TIME) MOTION PANEL,
JUDGE JAMES LAMBERT, PRESIDING JUDGE,
JUDGE DIXON AND JUDGE MAZE, ASSOC.**

December 10, 2013

11:00 A.M. COURT MEETING

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

FRANKFORT – Contact Patricia Brauer– (502) 573-7920

HOPKINSVILLE – Contact Marilyn Sanders – (270) 889-6537

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

DATE: Tuesday, December 10, 2013

09:15 AM PJ: STUMBO, HON. JANET L.

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2012CA001926

DANIEL HIMMEL v WILLIAM B. YARMUTH

Appeal from an order dismissing with prejudice a shareholder derivative action on the grounds that appellant's failed to make a pre-suit demand on the board of directors or that, alternatively, there was insufficient allegations stated in the complaint to support a finding that filing such a demand would be futile. Was CR 12.02 properly applied?

CIVIL

JEFFERSON COUNTY

HON JUDITH E MCDONALD-BURKMAN

Appellant Atty:

LINDLEY, HAMILTON
RAZZOUK, JAY
ROBBINS, BRIAN
SALYERS, BENJAMIN
SEELY, KEVIN

Appellant Name:

HIMMEL, DANIEL

Appellee Atty:

COOLIDGE, BRUCE
HAYNES, KENNETH
SNELL, VIRGINIA
STOPHER, EDWARD
WYRICK, MICHELLE

Appellee Name:

YARMUTH, WILLIAM

** NOTE: PREVIOUSLY ON OCTOBER 17, 2013 AT 2:15 PM AT JEFFERSON COUNTY JUDICIAL CENTER,
LOUISVILLE KY

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

DATE: Tuesday, December 10, 2013

10:00 AM PJ: ACREE, HON. GLENN E.

STUMBO, HON. JANET L.

VANMETER, HON. LAURANCE B.

2012CA001305

LORE, LLC v MOONBOW INVESTMENTS, LLC

Civil; Whether the circuit court properly granted summary judgement in favor of the appellees: Whether claims against three appellees were time-barred and whether the circuit court abused its discretion in awarding costs and fees to one appellee.

CIVIL

LAUREL COUNTY

HON GREGORY A. LAY

Appellant Atty:

KENDRICK, KATHRYN
STEVENS, CATHERINE

Appellant Name:

LORE, LLC

Appellee Atty:

FOHL, DANA
WILLS, TIMOTHY

Appellee Name:

ADVANTAGE GROUP ENGINEERS, INC.

PETERSON, JUSTIN
WALTERS, JOHN

BRANSCUM CONSTRUCTION COMPANY, INC.

BROWN, ROBERT III
CARROLL, SHANNAN
GILLIAM, VALERIE
RACIN, HELENA

MOONBOW INVESTMENTS, LLC

DUZYK, DARREN

QORE, INC.

CLAGETT, LEE
DAVIDSON, LUCAS
KERRICK, THOMAS

SIMS, SHERIDAN

** NOTE: 40 MINUTE ORAL

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

DATE: Tuesday, December 10, 2013

01:00 PM PJ: COMBS, HON. SARA W. LAMBERT, HON. JAMES H. THOMPSON, HON. KELLY
2012CA001697 CATON KAMIL JONES v COMMONWEALTH OF KENTUCKY

Criminal conviction for engaging in organized crime – criminal syndicate. Appellant argues that the indictment was defective and failed to charge him with a crime. Case of first impression involving proper construction of KRS 506.120.

CRIMINAL

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

PEALE, WILLIE JR

JONES, CATON

Appellee Atty:

Appellee Name:

MILLER, CHRISTIAN

COMMONWEALTH OF KENTUCKY

**** NOTE:**

**LOCATION: CHRISTIAN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM, 100
JUSTICE WAY, HOPKINSVILLE, KENTUCKY**

DATE: Wednesday, December 11, 2013

01:00 PM PJ: NICKELL, HON. C. SHEA

CLAYTON, HON. DENISE G.

MAZE, HON. IRV

2012CA002204

OHIO CASUALTY INSURANCE COMPANY v CITY OF PROVIDENCE, KENTUCKY

Whether trial court erred in: (1) finding terms of a public official bond issued by appellant were ambiguous and thus permitted introduction of extrinsic evidence; (2) refusing to strike an affidavit pursuant to KRE 702; and (3) denying appellant's motion to amend its findings pursuant to CR 52.02.

CIVIL

WEBSTER COUNTY

HON C. RENE' WILLIAMS

Appellant Atty:Appellant Name:

MARTIN, TIM

OHIO CASUALTY INSURANCE COMPANY

ZIPPERLE, GENE JR

Appellee Atty:Appellee Name:

PEYTON, RICHARD

CITY OF PROVIDENCE, KENTUCKY

SUMNER, GRIFFIN

THE SURETY & FIDELITY ASSOCIATION OF
AMERICA

** NOTE:

01:45 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

VANMETER, HON. LAURANCE B.

2013CA000262

DONNIE MCKINNEY v CITY OF PADUCAH

Appeal from summary judgment dismissing state-law claims for negligence, excessive force and assault from a police raid and search. Res judicata effect of dismissal of S 1983 claims in Federal Court; sufficiency of evidence precluding summary judgment.

CIVIL

MCCRACKEN COUNTY

HON CRAIG Z CLYMER

Appellant Atty:Appellant Name:

BATHURST, CAMILLE

MCKINNEY, DONNIE

BELZLEY, GREGORY

CANON, DANIEL

Appellee Atty:Appellee Name:

BLANKENSHIP, STACEY

CITY OF PADUCAH

WORAK, KRISTEN

** NOTE: 40 MINUTE ORAL