

PANEL: WEST/SOUTHCENTRAL

LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: February 05, 2003

9:30 AM

PJ: KNOFF

GUIDUGLI

JOHNSON

2002CA000250

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET ET AL. VS CHARLES MOHNEY ET AL.

APPEAL FROM ORD AFFIRMING DIST CT JUDG DISMISSING CHARGES AGAINST APPELLEE FOR DRIVING ON SUSPENDED LIC & DIRECTING THAT APELE'S LIC BE REINSTATED. APPELLANT ARGUES: (1) KRS 186.440(4) & 601 KAR 12:020(3) PROHIBITS KY FROM ISSUING DRIVER'S LIC TO INDIV WHOSE LIC HAS BEEN SUSPENDED OR REVOKED BY ANOTHER STATE, REGARDLESS OF CONSTIT INFIRMITY WITH OUT-OF-STATE CONVICTIONS; (2) STATUTE & REGULATION APPLY EQUALLY TO ISSUANCE OF ORIG LIC & RENEWAL LIC; & (3) DIST CT LACKED JURIS TO ORD REINSTATEMENT OF LIC

DR CRIMINAL

GRAVES COUNTY

JOHN T DAUGHADAY

Appellant Atty:

Appellant Name:

.....

.....

EARL III, TREVOR L

JAMES C. CODELL III

EARL, TREVOR L

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

HARVILLE III, MARY R

JAMES C. CODELL III

HARVILLE, MARY R

COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

Appellee Atty:

Appellee Name:

.....

.....

CUNNINGHAM, JOHN

COMMONWEALTH OF KENTUCKY

STARK, TIMOTHY C

CHARLES MICHAEL MOHNEY

10:15 AM

PJ: KNOFF

GUIDUGLI

JOHNSON

2002CA000306

COMMONWEALTH OF KENTUCKY VS DANIEL LAIB

THE COMMONWEALTH APPEALS FROM AN ORDER DISMISSING THE INDICTMENT AGAINST DANIEL LAIB FOR WRONGFUL VOTER REGISTRATION. THE COMMONWEALTH CONTENDS THAT THE CIRCUIT COURT ERRED IN FINDING THAT LAIB'S 1976 FEDERAL CONVICTION WAS FOR AN OFFENSE THAT CANNOT BE CLASSIFIED AS A FELONY

CRIMINAL

CLINTON COUNTY

ALLAN RAY BERTRAM

Appellant Atty:

Appellant Name:

.....

.....

FLOYD, SAMUEL J

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....

.....

ENGLISH JR., CHARLES E.

DANIEL E. LAIB

REED, RYAN CLIFFORD

DANIEL E. LAIB

PANEL: WEST/SOUTHCENTRAL

LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR,
1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: February 05, 2003

11:00 AM

PJ: JOHNSON

GUIDUGLI

KNOPF

2001CA002262

ALLAN DAVIS VS COMMONWEALTH OF KENTUCKY

IN CONDITIONAL GUILTY PLEA CASE, WHETHER THE TRIAL COURT ERRED BY DENYING THE APPELLANT'S
MOTION TO SUPPRESS EVIDENCE FROM A WARRANTLESS SEARCH OF APPELLANT'S RESIDENCE.

CRIMINAL

MCLEAN COUNTY

JANET P. COLEMAN

Appellant Atty:

Appellant Name:

.....
BARBER, ALBERT WILLIAM

.....
ALLAN KYLE DAVIS

Appellee Atty:

Appellee Name:

.....
BALE, J GARY
CHANDLER III, A. B.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

1:30 PM

PJ: JOHNSON

GUIDUGLI

KNOPF

2001CA002192

LILLIAN SMITH VS J.C. LEE & SONS, INC. ET AL.

WHETHER APPELLANT, WHO CLAIMED APPELLEE WAS NEGLIGENT FOR ALLOWING A COW TO GET LOOSE
WHICH CAUSED AN AUTOMOBILE ACCIDENT WHICH SERIOUSLY INJURED APPELLANT WHO WAS A PASSENGER,
IS ENTITLED TO A NEW TRIAL BECAUSE: (1) JURY INSTRUCTIONS WERE IMPROPER; (2) EVIDENCE OF REMEDIAL
MEASURES WAS DENIED; (3) CERTAIN RULINGS CONCERNING EXPERT TESTIMONY; (4) JURY MISCONDUCT; AND
(5) CERTAIN DISCOVERY RULINGS.

CIVIL

GRAYSON COUNTY

SAM H. MONARCH

Appellant Atty:

Appellant Name:

.....
DARLING, BRIAN K

.....
LILLIAN CAROL SMITH

Appellee Atty:

Appellee Name:

.....
COLEMAN, JERRY M.
PISACANO, DON A

.....
STATE FARM INSURANCE COMPANY
J.C. LEE & SONS, INC.

PANEL: LOUISVILLE METRO

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

DATE: February 11, 2003

10:30 AM

PJ: COMBS

MCANULTY

MILLER

2002CA000174

CITY OF LOUISVILLE VS LOUISVILLE FRATERNAL ORDER OF POLICE ET AL.

AT ISSUE: CONSTITUTIONALITY OF CITY ORDINANCE ESTABLISHING A CIVILIAN OVERSIGHT COMMITTEE FOR POLICE DEPARTMENT; LOWER COURT HELD IT UNCONSTITUTIONAL AND GRANTED A PERMANENT INJUNCTION BARRING ITS IMPLEMENTATION.

CIVIL

JEFFERSON COUNTY

THOMAS MCDONALD

Appellant Atty:

Appellant Name:

.....
HUNTER, KEITH B

.....
CITY OF LOUISVILLE

Appellee Atty:

Appellee Name:

.....
SWICEGOOD, THOMAS E.

.....
DAVID JAMES
LOUISVILLE FRATERNAL ORDER OF POLICE

11:15 AM

PJ: COMBS

MCANULTY

MILLER

2002CA000392

MARLENE TROXLE VS CAROL JONES ET AL.

LOSS OF CONSORTIUM: CAN A CHILD SUE THE ESTATE OF A DECEASED PARENT FOR THAT PARENT'S NEGLIGENCE IN CAUSING THE FATAL ACCIDENT THAT DEPRIVED CHILD OF LOSS OF PARENTAL CONSORTIUM?

CIVIL

JEFFERSON COUNTY

STEPHEN K MERSHON

Appellant Atty:

Appellant Name:

.....
GARDNER, CHADWICK N

.....
MARLENE TROXLE

Appellee Atty:

Appellee Name:

.....
BREIT, MARC L
KRAUSER, MICHAEL E
MOSER, ERIC S

.....
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY
CAROL JONES
CAROL JONES

PANEL: EAST/SOUTHEAST

LOCATION: LAUREL COUNTY CIRCUIT COURTROOM, ANNEX 2, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: February 05, 2003

9:30 AM PJ: EMBERTON PAISLEY BUCKINGHAM

2001CA001913 ENNIE OWENS VS COMMONWEALTH OF KENTUCKY

SEARCH AND SEIZURE; REASONABLE SUSPICION

CRIMINAL JOHNSON COUNTY STEPHEN N. FRAZIER

Appellant Atty:

Appellant Name:

.....
CURTIS, MICHAEL J

.....
ENNIE A. OWENS

Appellee Atty:

Appellee Name:

.....
CHANDLER III, A. B.

.....
COMMONWEALTH OF KENTUCKY

HIGHTOWER, COURTNEY J.

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: BUCKINGHAM EMBERTON PAISLEY

2002CA000141 VICKI CASTLE ET AL. VS GUY MILLWARD

ATTORNEY FEES-REASONABLENESS OF

CIVIL KNOX COUNTY RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
LAWSON JR, SUSAN C

.....
MELVIN A WEAVER JR

LAWSON, SUSAN C

MELODY A. LEHNIG

SUSAN L. JOHNSON

VICKI CASTLE

Appellee Atty:

Appellee Name:

.....
MILLWARD JR, GUY E

.....
GUY E. MILLWARD JR.

11:00 AM PJ: BUCKINGHAM EMBERTON PAISLEY

2002CA000308 KENTUCKY FARM BUREAU MUTUAL INSURANCE COMAPNIES VS GRANGE MUTUAL CASUALTY COMPANY ET AL.

INS. COVERAGE/AUTO ACCIDENT

CIVIL PULASKI COUNTY WILLIAM T CAIN

Appellant Atty:

Appellant Name:

.....
ADAMS, NORMA B

.....
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMAPNIES

Appellee Atty:

Appellee Name:

.....
HILL, VIRGINIA CAROL

.....
ZELMA WRIGHT

LAWLESS, JEFFREY SCOTT

.....
GRANGE MUTUAL CASUALTY COMPANY

PANEL: EAST/SOUTHEAST

LOCATION: LAUREL COUNTY CIRCUIT COURTROOM, ANNEX 2, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: February 05, 2003

1:30 PM

PJ: BUCKINGHAM

EMBERTON

PAISLEY

2002CA001243

DANNY KEITH VS COMMONWEALTH OF KENTUCKY

RCR 11.42-COMPETENCY/MURDER

POST-CONVICTION

ADAIR COUNTY

WILLIAM M HALL

Appellant Atty:

Appellant Name:

.....
POPPLEWELL, BRENDA

.....
DANNY KEITH

Appellee Atty:

Appellee Name:

.....
CHANDLER III, A. B.

.....
COMMONWEALTH OF KENTUCKY

FUCHS, GREGORY C.

.....
COMMONWEALTH OF KENTUCKY

3:00 PM

PJ: EMBERTON

PAISLEY

BUCKINGHAM

2002CA000571

TROY GIRDNER VS LINDA GIRDNER ET AL.

MODIFICATION OF CUSTODY OF ADULT HANDICAPPED CHILD; APPLICATION OF JOINT CUSTODY

CIVIL

KNOX COUNTY

LEWIS B HOPPER

Appellant Atty:

Appellant Name:

.....
WEBSTER, SCOTT M.

.....
TROY LEE GIRDNER

Appellee Atty:

Appellee Name:

.....
HAUSER, W PATRICK

.....
LINDA FOLEY GIRDNER

MILLS, DAVID M.

.....
JOHN CHRISTOPHER GIRDNER

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: February 05, 2003

9:30 AM

PJ: DYCHE

BARBER

TACKETT

2002CA000387

LOUISE HOWELL VS HERALD, DARRELL A.

NECESSITY OF DELIVERY OF DEED; DEFINITION/CONSTRUCTION OF DELIVERY OF DEED; EFFECT OF INTENT OF GRANTOR

CIVIL

FAYETTE COUNTY

SHEILA R. ISAAC

Appellant Atty:

Appellant Name:

.....
HOULIHAN, ROBERT F

.....
LOUISE HOWELL

Appellee Atty:

Appellee Name:

.....
GREENWELL, KAREN J.

.....
HERALD, DARRELL A.

MAYO, LA TOI LAMPKIN

HERALD, DARRELL A.

WARD, RICHARD C

HERALD, DARRELL A.

10:15 AM

PJ: BARBER

DYCHE

TACKETT

2001CA002045

WILLMOTT HARDWOODS, INC. ET AL. VS FARMERS BANK AND TRUST COMPANY

LENDER LIABILITY: DID BANK ACT IMPROPERLY IN REFUSING TO LOAN MONEY AFTER THE EXPIRATION DATE OF A COMMITMENT LETTER?

CIVIL

SCOTT COUNTY

PAUL F ISAACS

Appellant Atty:

Appellant Name:

.....
O'BRIEN, STEPHEN M.

.....
JOHN T. WILLMOTT

WILLMOTT HARDWOODS, INC.

Appellee Atty:

Appellee Name:

.....
CAMENISCH JR, J MEL

.....
FARMERS BANK AND TRUST COMPANY

KELLERMAN, ROBERT W.

FARMERS BANK AND TRUST COMPANY

MONTAGUE, WILLIAM L.

FARMERS BANK AND TRUST COMPANY

PANEL: RESCHEDULED CASES AND MISC OR

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: February 04, 2003

9:30 AM

PJ: BAKER

GUIDUGLI

SCHRODER

2002CA000180

CHRIS BAKER ET AL. VS RONALD WEBB ET AL.

WHETHER CIRCUIT COURT ERRED BY DENYING APPELLANT'S MOTION TO INTERVENE AS A MATTER OF RIGHT IN AN ADOPTION PROCEEDING.

ADOPTION

EDMONSON COUNTY

RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
HIXSON, CASEY A.

.....
CHRIS BAKER

DENISE BAKER

Appellee Atty:

Appellee Name:

.....
GAITHER, CATHERINE RICE

.....
JAMES ALEXANDER JONES

LESIEUR, BRYAN

ANGELA JOYCE WEBB

RONALD WILLIAM WEBB

LOCKE, MARY GAINES

CABINET FOR FAMILIES AND CHILDREN

12:45 PM

PJ: BUCKINGHAM

MCANULTY

SCHRODER

2001CA001021

MICHAEL BAYLESS ET AL. VS ST. ELIZABETH MEDICAL CENTER ET AL.

MEDICAL NEGLIGENCE

CIVIL

KENTON COUNTY

PATRICIA M SUMME

Appellant Atty:

Appellant Name:

.....
METZ II, JOHN H.

.....
MICHAEL J. BAYLESS II

METZ, JOHN H.

DEBORAH BAYLESS

MICHAEL J. BAYLESS

Appellee Atty:

Appellee Name:

.....
BENTON, FRANK V

.....
ROBERT L. BOYER MD

FUTSCHER, DAVID A

WALTER EISEMAN MD

TAYLOR, A BAILEY

WALTER EISEMAN MD

WESTLING, MICHAEL W

ST. ELIZABETH MEDICAL CENTER

**NOTE:CONTINUED FROM JANUARY

PANEL: RESCHEDULED CASES AND MISC OR

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: February 04, 2003

1:30 PM PJ: EMBERTON SCHRODER TACKETT
2001CA001646 THORNTON OIL CORPORATION ET AL. VS PAUL PERCONTI ET AL.
EMPLOYMENT AGREEMENT; TERMINATION FOR CAUSE; ENTITLEMENT TO BENEFITS; ERISA

CIVIL JEFFERSON COUNTY ANN O'MALLEY SHAKE

Appellant Atty:

Appellant Name:

.....
HAYNES, KENNETH GREGORY

.....
JAMES H. THORNTON
MAPP, LLC.
PBS 1 JOINT VENTURE
THORNTON OIL CORPORATION

KELLY, DONALD J

JAMES H. THORNTON
MAPP, LLC.
PBS 1 JOINT VENTURE
THORNTON OIL CORPORATION

SNELL, VIRGINIA HAMILTON

THORNTON OIL CORPORATION

Appellee Atty:

Appellee Name:

.....
ISON, ERIC L

.....
PABJI CORP.
PAUL J. PERCONTI
PJP HOLDING, INC.

MOORE, CHRISTIE A.

PABJI CORP.
PAUL J. PERCONTI
PJP HOLDING, INC.

****NOTE: CONTINUED FROM DECEMBER**

2:30 PM PJ: EMBERTON SCHRODER TACKETT
2001CA002201 LATISHA HILL VS BRADLEY REAL ESTATE ET AL.
2001CA002363 SLIP & FALL; DIRECTED VERDICT; OPEN AND OBVIOUS CONDITION; NECESSITY OF EXPERT TO ESTABLISH
ORDINARY CARE EVIDENCE; STATUTE OF LIMITATIONS

CIVIL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
CLARE, BRIAN E

.....
LATISHA HILL

Appellee Atty:

Appellee Name:

.....
BELANGER, LAWRENCE H.
CARTER, GEORGE R.

.....
BRADLEY REAL ESTATE
FLYNN BROTHERS

****NOTE:CONTINUED FROM DECEMBER**

PANEL: RESCHEDULED CASES AND MISC OR

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: February 04, 2003

3:15 PM

PJ: GUIDUGLI

HUDDLESTON

JOHNSON

2002CA000738

CHARLES SMITH ET AL. VS HOUSING AUTHORITY OF MIDDLESBOROUGH ET AL.

WHETHER "ON-CALL" EMPLOYEES ARE ENTITLED TO ADDITIONAL COMPENSATION PURSUANT TO PERSONNEL POLICY

CIVIL

BELL COUNTY

JAMES L BOWLING JR

Appellant Atty:

Appellant Name:

.....
FREEMAN, BRADLEY C.

.....
CHARLES SMITH
EDDIE HARRELL

Appellee Atty:

Appellee Name:

.....
DUFF, DONALD
GREENE JR, GLENN L
TAYLOR, KEMBRA SEXTON

.....
HOUSING AUTHORITY OF MIDDLESBOROUGH
HOUSING AUTHORITY OF MIDDLESBOROUGH
KENTUCKY LABOR CABINET-GENERAL COUNSEL

**NOTE:CONTINUED FROM JANUARY

4:00 PM

PJ: JOHNSON

GUIDUGLI

HUDDLESTON

2001CA001471

ORVILLE MCCARTY ET AL. VS JOHN BOSEWELL ET AL.

APPELLANTS CLAIM THE TRIAL COURT ABUSED ITS DISCRETION BY REFUSING TO ALLOW THEM AN EXTENSION OF TIME TO PRODUCE ANOTHER MEDICAL EXPERT IN THEIR MEDICAL MALPRACTICE ACTION AFTER THE TESTIMONY FROM THEIR EXPERT WAS EXCLUDED AND THAT THEY COULD PRODUCE SUFFICIENT EVIDENCE AT TRIAL WHEREBY THE GRANTING OF SUMMARY JUDGMENT WAS ERROR.

CIVIL

FLOYD COUNTY

JOHN DAVID CAUDILL

Appellant Atty:

Appellant Name:

.....
HOWARD, MELISSA CAROL

MCCARTY, JOANNE
MCCARTY, ORVILLE
STIDHAM, MICHAEL A

.....
JOANNE MCCARTY
ORVILLE MCCARTY
JOANNE MCCARTY
ORVILLE MCCARTY
JOANNE MCCARTY
ORVILLE MCCARTY

Appellee Atty:

Appellee Name:

.....
BLACKBURN, ERICH E
MAY, PAMELA R
RATLIFF, RANDALL

.....
JOHN BOSEWELL M.D.
JOHN BOSEWELL M.D.
CONSOLIDATED HEALTH SYSTEMS

**NOTE:CONTINUED FROM JANUARY