

UPDATED 01/05/2007

JANUARY 2007
ORAL ARGUMENT
CALENDAR

01/05/07

JANUARY, 2007

January 8, 2007 **2:00 P.M., MOTION PANEL, JUDGE ACREE, PRES.,
JUDGE DIXON, AND JUDGE VANMETER, ASSOC.**

January 9, 2007 **10:00 A.M., FULL COURT MEETING**

**1:00 - 1:30 P.M., ORAL ARGUMENT, #2006-CA-00006 &
#2006-CA-000113 LOUIS VILLE/JEFFERSON CO. METRO
GOVERNMENT V. TDC GROUP, LLC., ET AL.,
JUDGE WINE, PRES., CHIEF JUDGE COMBS AND
SR. JUDGE PAISLEY, ASSOC.**

**1:45 - 2:15 PM, ORAL ARGUMENT, #2006-CA-000436,
ST. CAMILLUS ACADEMY ALUMNI ASSOCIATION, INC.,
V. ENVIRONMENTAL AND PUBLIC PROTECTION CABINET,
SR. JUDGE PAISLEY, PRES., CHIEF JUDGE COMBS AND
JUDGE WINE, ASSOC.**

**2:30 - 3:00 P.M., ORAL ARGUMENT, #2005-CA-000757,
ARMANDO REYNA V. COMMONWEALTH OF KENTUCKY,
SR. JUDGE PAISLEY, PRES. CHIEF JUDGE COMBS, AND
JUDGE WINE, ASSOC.**

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

FRANKFORT - Contact Mary Zagale (502) 573-7920

ELIZABETHTOWN - Contact Sue Tipton (270) 766-5259

SOMERS ET - Contact Pat Lefebvre (606) 677-4098

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

DATE: Monday, January 08, 2007

1:00 PM

PJ: ROSENBLUM

ACREE

TAYLOR

2005CA002170

RUSSELL BEHANAN ET AL. VS MELINDA COBB

CIVIL; KY. WHISTLEBLOWER ACT; ISSUES: 1. PROPER JURY INST. RE ELEMENTS AND BURDEN UNDER WHISTLEBLOWER? 2. PRECLUSION ON COLLATERAL, UNDERLYING PROCEEDING; 3. WHISTLE JURY INST. ERROR? 4. DIRECTED VERDICT ON COBB'S WRONGFUL USE OF ADM PROCEEDING? 5. ERR TO NOT GIVE DEFENSE ADVICE OF COUNSEL JURY INST? 6. DIRECTED VERDICT -FAVOR FLYNN & BEHANAN B/C NO EVID INITIATED ADM PROCEEDING? 7. ERR TO ALLOW JURY EXISTENCE OF PROBABLE CAUSE; 8. ERR ALLOW SOCIAL WORKER TESTIFY AS EXPERT;

CIVIL

FAYETTE COUNTY

GARY D PAYNE

Appellant Atty:

Appellant Name:

.....
CHENOWETH, ROBERT L.

.....
PETER FLYNN

RUSSELL W. BEHANAN

THE BOARD OF EDUCATION OF FAYETTE COUNTY, KY

CONNOLLY, ROBERT MICHAEL

RUSSELL W. BEHANAN

LUNA, STACY SHEA

PETER FLYNN

RUSSELL W. BEHANAN

THE BOARD OF EDUCATION OF FAYETTE COUNTY, KY

Appellee Atty:

Appellee Name:

.....
GOLDEN, J. DALE

.....
MELINDA LEWIS COBB

**NOTE: ORIGINALLY 12/12/06 AT 9:30 AM

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

DATE: Tuesday, January 09, 2007

1:00 PM PJ: WINE COMBS PAISLEY
2006CA000068 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT VS TDC
GROUP, LLC ET AL.

2006CA000113 METRO APPEALS ORDER OF TC AFFIRMING THE ALCOHOLIC BEVERAGE CONTROL BOARD'S GRANTING A LIQUOR BY THE DRINK LICENSE TO MOLLY MALONES.ISSUE: LICENSE VIOLATES KRS 241.075 BECAUSE MOLLY'S IS WITHIN 700 FEET OF TWO OTHER RETAIL LIQUOR BY THE DRINK LICENSEES. 2006-CA-113:MOLLY'S CROSS-APPEAL ADDRESSES THE CONSTITUTIONALITY/VALIDITY OF KRS 241.075 AND 804 KAR:010 IN THEIR APPLICATION TO A SMALL AREA (HIGHLANDS) IN THE COMMONWEALTH AND CLAIMS THE TC FAILED TO ADDRESS THESE ISSUES.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
KING, WINSTON E

.....
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

Appellee Atty:

Appellee Name:

.....
HANDMAKER, KENNETH S.
HUMPHRESS, STEPHEN B.

.....
TDC GROUP, LLC
COMMONWEALTH OF KENTUCKY

1:45 PM PJ: PAISLEY COMBS WINE
2006CA000436 ST. CAMILLUS ACADEMY ALUMNI ASSOCIATION, INC. VS
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

DENIAL OF TEMPORARY GAMING LICENSE PENDING APPEAL; DENIAL OF A RENEWAL LICENSE; CHANGE IN PRIOR POLICY OF ADMINISTRATIVE AGENCY; MODIFICATION OF STATUTE.

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
HICKEY, PATRICK C

.....
ST. CAMILLUS ACADEMY ALUMNI ASSOCIATION, INC.

Appellee Atty:

Appellee Name:

.....
FINLEY, MATTHEW SCOTT
HUMPHRESS, STEPHEN B.

.....
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

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

DATE: Tuesday, January 09, 2007

2:30 PM

PJ: PAISLEY

COMBS

WINE

2005CA000757

ARMANDO REYNA VS COMMONWEALTH OF KENTUCKY

DENIAL OF CR 60.02; GUILTY PLEA; FAILURE TO INFORM OF IMMIGRATION AND DEPORTATION CONSEQUENCES;
VOLUNTARINESS OF PLEA.

POST-CONVICTION

MONTGOMERY COUNTY

WILLIAM B MAINS

Appellant Atty:

Appellant Name:

.....
ROM, LOUIS W

.....
ARMANDO REYNA

SUH, JAEHOH

ARMANDO REYNA

Appellee Atty:

Appellee Name:

.....
PRATHER, ROBERT E.

.....
COMMONWEALTH OF KENTUCKY

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

DATE: Wednesday, January 10, 2007

9:30 AM PJ: COMBS PAISLEY WINE
2005CA001320 LUTE COLWELL VS CHERYL ANN COLWELL

APPELLANT CHALLENGES A MODIFICATION OF A 10-YEAR OLD DIVORCE DECREE BASED ON A CR 60.02 MOTION ALLEGING EXTRAORDINARY CIRCUMSTANCES.

CIVIL BOONE COUNTY LINDA R. BRAMLAGE

Appellant Atty:

Appellant Name:

.....
GALBREATH, JAMES B.

.....
LUTE COLWELL

Appellee Atty:

Appellee Name:

.....
BENSON, NICK

.....
CHERYL ANN COLWELL

10:15 AM PJ: COMBS PAISLEY WINE
2006CA000104 THOMAS CROWE ET AL. VS DAVID CRENSHAW ET AL.

BOUNDARY DISPUTE; APPELLANT CONTENDS THAT COURT SHOULD HAVE DIRECTED A VERDICT BASED ON WEAKNESS OF THE EVIDENCE.

CIVIL HENRY COUNTY KAREN A. CONRAD

Appellant Atty:

Appellant Name:

.....
CARTER, GEORGE R.

.....
JEANNE MARIE CROWE

THOMAS MICHAEL CROWE

MAPLE, MICHAEL L

JEANNE MARIE CROWE

THOMAS MICHAEL CROWE

Appellee Atty:

Appellee Name:

.....
YATES, JOSEPH S

.....
DAVID D. CRENSHAW

PHILLIP JAMES PRESTIGIACOMO II

THERESA PRETIGIACOMO

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

DATE: Wednesday, January 10, 2007

11:00 AM

PJ: COMBS

PAISLEY

WINE

2004CA002659

CINCINNATI BELL TELEPHONE COMPANY VS KENTUCKY PUBLIC
SERVICE COMMISSION ET AL.

2005CA001459;

2005CA001644;

2005CA001674

THE PUBLIC SERVICE COMMISSION RETROACTIVELY REDUCED CERTAIN CHARGES BY BELLSOUTH ALLEGEDLY
IN VIOLATION OF STATE LAW PROHIBITING RETROACTIVE RULEMAKING. AFTER THE FRANKLIN CIRCUIT COURT
AFFIRMED THE PSC, BELLSOUTH FILED THIS APPEAL.

CIVIL

FRANKLIN COUNTY

WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
RENZELMANN, JASON PATRICK

.....
CINCINNATI BELL TELEPHONE COMPANY

Appellee Atty:

Appellee Name:

.....
DONOVAN, JOSEPH E.

.....
THE KENTUCKY PAYPHONE ASSOCIATION, INC.

DOUGHERTY, AMY E

KENTUCKY PUBLIC SERVICE COMMISSION

KELLY, HENRY T.

THE KENTUCKY PAYPHONE ASSOCIATION, INC.

SELENT, JOHN EDMUND

THE KENTUCKY PAYPHONE ASSOCIATION, INC.

WALLACE, HOLLY CROUCH

THE KENTUCKY PAYPHONE ASSOCIATION, INC.

**NOTE:40 MINUTE ORAL

LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, SMALL COURTROOM, 100
NORTH MAIN STREET, SOMERSET, KENTUCKY

DATE: Thursday, January 18, 2007

9:30 AM PJ: ACREE KNOPF TAYLOR

2005CA001834 MILTON KEENEY ET AL. VS BARBARA KEENEY

2005CA001877 CIVIL, DOMESTIC - APPEAL FROM DIVORCE JUDGMENT CREATING A CONSTRUCTIVE TRUST ON PROPERTY BOUGHT USING MARITAL FUNDS BUT DEEDED TO HUSBAND'S PARENTS. THE COURT ORDERED THE PROPERTY SOLD AND PROCEEDS DIVIDED BETWEEN HUSBAND AND WIFE, AS WELL AS PROCEEDS OF SALE OF MARITAL INVENTORY. APPELLANT ARGUES COURT EXCEEDED ITS AUTHORITY IN CREATING TRUST AND OTHER AWARDS. PROTECTIVE CROSS-APPEAL FILED DEALING WITH CONSTRUCTIVE VS. RESULTING TRUST ISSUE.

CIVIL PULASKI COUNTY EDDIE C LOVELACE

Appellant Atty:

Appellant Name:

.....
SMITH, MARCIA A.

.....
DRUSILLA K. WEDDLE
FONTALLA KEENEY
MILTON W. KEENEY
ROBERT WAYNE KENNEY
RUTH KEENEY

Appellee Atty:

Appellee Name:

.....
MITCHELL, DALE B

.....
BARBARA JOANNE KEENEY

10:15 AM PJ: ACREE KNOPF TAYLOR

2005CA002580 ESTATE OF TONY TURNER VS GLOBE INDEMNITY COMPANY

CIVIL, INSURANCE - WHETHER SUMMARY JUDGMENT WAS PROPER. APPELLANT ARGUES GENUINE ISSUE WHETHER POLICY OF INSURANCE COVERED HIS INJURIES SUSTAINED IN HIS ACCIDENT WHILE DRIVING COMPANY VEHICLE.

CIVIL HARLAN COUNTY D. JEFF CHOATE

Appellant Atty:

Appellant Name:

.....
ALRED, RUSSELL D.
BUSROE JR, FREDERIC M

.....
ESTATE OF TONY TURNER
ESTATE OF TONY TURNER

Appellee Atty:

Appellee Name:

.....
TAYLOR, MELANY C
WOMACK, JAMES G

.....
GLOBE INDEMNITY COMPANY
GLOBE INDEMNITY COMPANY

LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, SMALL COURTROOM, 100
NORTH MAIN STREET, SOMERSET, KENTUCKY

DATE: Thursday, January 18, 2007

11:00 AM PJ: ACREE KNOPF TAYLOR
2006CA000469 GRANGE MUTUAL CASUALTY COMPANY VS SUSIE HALCOMB

CIVIL, INSURANCE - INSURER APPEALS DENIAL OF MOTION TO SET ASIDE JUDGMENT BASED ON INSURER'S
NON-HOUSEHOLD-RESIDENT EXCLUSION OF UIM COVERAGE.

CIVIL LETCHER COUNTY SAMUEL T WRIGHT III

Appellant Atty:

Appellant Name:

.....
BUTTERMORE JR, RODNEY E

.....
GRANGE MUTUAL CASUALTY COMPANY

Appellee Atty:

Appellee Name:

.....
MOAK, THOMAS W

.....
SUSIE DAVIS HALCOMB

1:00 PM PJ: TAYLOR ACREE KNOPF
2005CA001723 PONDEROSA STEAKHOUSE VS DALEDITH GIBSON

WHETHER TRIAL COURT PROPERLY DENIED APPELLANT'S MOTION FOR NEW TRIAL BECAUSE LIABILITY
INSURANCE COVERAGE WAS IMPROPERLY INTRODUCED AS EVIDENCE.

CIVIL PERRY COUNTY WILLIAM ENGLE III

Appellant Atty:

Appellant Name:

.....
KINSER, HENRY E.

.....
PONDEROSA STEAKHOUSE

O'CARRA, LEILA GHABRIAL

PONDEROSA STEAKHOUSE

Appellee Atty:

Appellee Name:

.....
COLLINS, ADAM PETER

.....
DALEDITH GIBSON

1:45 PM PJ: ACREE KNOPF TAYLOR
2006CA000660 JIM HARDWICK ET AL. VS BOYD COUNTY FISCAL COURT

CIVIL, OCCUPATIONAL LICENSE TAX - INTERPRETATION OF KRS 68.197. QUESTIONS VALIDITY OF LOCAL
ORDINANCE ENACTING OCCUPATIONAL LICENSE TAX.

CIVIL BOYD COUNTY MARC I ROSEN

Appellant Atty:

Appellant Name:

.....
SANDERS, PATRICIA SUE

.....
JAY SIZEMORE

JIM HARDWICK

Appellee Atty:

Appellee Name:

.....
KING III, DANIEL

.....
BOYD COUNTY FISCAL COURT

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

DATE: Tuesday, January 30, 2007

1:00 PM

PJ: HOWARD

ABRAMSON

DIXON

2005CA002389

JOHN WHEAT VS COMMONWEALTH OF KENTUCKY

PATERNITY; DNA TEST; CHILD SUPPORT ARREARAGE.

FAMILY COURT

BARREN COUNTY

W. MITCHELL NANCE

Appellant Atty:

Appellant Name:

.....
ROGERS, BENJAMIN D

.....
JOHN WHEAT

Appellee Atty:

Appellee Name:

.....
SHARP, JEFFERY S

.....
COMMONWEALTH OF KENTUCKY

WILCUTT, DENNIS

COMMONWEALTH OF KENTUCKY