

UPDATED 01/07/08

JANUARY 2008

ORAL ARGUMENT

CALENDAR

01/07/08

JANUARY, 2008

January 8, 2008

10:00 A.M., FULL COURT MEETING

**1:00 - 1:30 P.M., ORAL ARGUMENT, #2007-CA-000575,
TINA CONNER V. PAUL PATTON, SR. JUDGE KNOPF, PRES.,
JUDGE MOORE AND JUDGE VANMETER, ASSOC.**

**1:45 - 2:15 P.M., ORAL ARGUMENT, #2007-CA-000268,
CHARLES BEALL V. OAKWOOD COMMUNITY CENTER,
JUDGE CLAYTON, PRES., JUDGE NICKELL, AND
SR. JUDGE GRAVES, ASSOC.**

**2:00 P.M., MOTION PANEL, JUDGE ACREE, PRES.,
JUDGE THOMPSON, AND SENIOR JUDGE BUCKINGHAM,
ASSOC.**

**3:15 - 3:30 P.M., SHOW CAUSE HEARING, #2007-CA-000399,
BONNIE SMITH V. BILLIE RAMBO, ET AL.,
JUDGE ACREE, PRES., JUDGE KELLER AND
JUDGE VANMETER, ASSOC.**

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

FRANKFORT - Contact Mary Zagale (502) 573-7920

BOWLING GREEN - Contact Jim Gildersleeve (270) 746-7411

MAYSVILLE - Contact Heather Hardwick (606) 564-9736

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

DATE: Monday, January 07, 2008

3:00 PM

PJ: NICKELL

CLAYTON

GRAVES

2007CA000104

GREG HOPPE VS MELISSA TALLENT

Whether court abused its discretion in denying a father's motion to reinstate visitation with his daughter. Father had joint custody of daughter until allegations of improper contact arose. Father claims allegations are suspect because were never reduced to a formal charge and may have been ill-motivated.

CIVIL

CLINTON COUNTY

EDDIE C LOVELACE

Appellant Atty:

Appellant Name:

.....
HERBERT JR, H. JEFFERSON
PACK, BRIAN K.

.....
GREG HOPPE
GREG HOPPE

Appellee Atty:

Appellee Name:

.....
HOOVER, JEFFREY H

.....
MELISSA TALLENT

**NOTE:ORIGINALLY 1/8/08 AT 1:45 PM

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

DATE: Tuesday, January 08, 2008

1:00 PM PJ: KNOFF MOORE VANMETER
2007CA000575 TINA CONNER VS PAUL PATTON

Appeal from an order dismissing Connor's second lawsuit against Patton as being barred on the ground of res judicata.

CIVIL FRANKLIN COUNTY PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

.....
JACOBS, WILLIAM C.

.....
TINA B. CONNER

Appellee Atty:

Appellee Name:

.....
RENZELMANN, JASON PATRICK

.....
PAUL PATTON

.....
SNYDER, SHERYL G.

.....
PAUL PATTON

1:45 PM PJ: CLAYTON NICKELL GRAVES
2007CA000268 CHARLES BEALL ET AL. VS OAKWOOD COMMUNITY CENTER

Wrongful death and residents' rights case appealing the dismissal of a claim under the Resident's Rights Statute, KRS 216.515. Issue is whether the General Assembly has waived sovereign immunity for claims brought against the Oakwood Community Center under RRS.

CIVIL PULASKI COUNTY DAVID A. TAPP

Appellant Atty:

Appellant Name:

.....
BATTEN II, BRUCE CLARK

.....
CHARLES BEALL

MARILYN BEALL

O'BRIEN III, STEPHEN M.

CHARLES BEALL

MARILYN BEALL

Appellee Atty:

Appellee Name:

.....
BUTLER, WESLEY R

.....
OAKWOOD COMMUNITY CENTER

.....
HERKLOTZ, JOHANN F

.....
OAKWOOD COMMUNITY CENTER

**NOTE:ORGINALLLY 2:30 PM

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

DATE: Tuesday, January 08, 2008

3:15 PM

PJ: ACREE

KELLER

VANMETER

2007CA000399

BONNIE SMITH VS BILLIE RAMBO ET AL.

CIVIL

MARTIN COUNTY

DANIEL SPARKS

Appellant Atty:

Appellant Name:

.....
MARCUM, LEO A

.....
BONNIE SMITH

Appellee Atty:

Appellee Name:

.....
CUMBO, N BRIAN

.....
JAMES EDWARD HORN

LITTLER, GENEVA SUE

GENEVA SUE LITTLER

RAMBO, BILLIE

BILLIE RAMBO

**NOTE:SHOW CAUSE HEARING

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

DATE: Wednesday, January 16, 2008

2:00 PM PJ: TAYLOR THOMPSON BUCKINGHAM

2006CA002610 CHARLES WILLIAMS ET AL. VS PRIMARY CARE ASSOCIATES OF SOUTHERN KY, PLLC ET AL.

Whether trial court properly granted mistrial after jury returned \$800,000 verdict; whether trial court erred in failing to restrict second trial to issue of damages only.

CIVIL BARREN COUNTY PHIL PATTON

Appellant Atty:

Appellant Name:

ANDERSON, DAVID W.

BOBBY DUNAGAN

CHARLES D. WILLIAMS

LORI DUNAGAN

YOUNG, ROBERT A.

BOBBY DUNAGAN

CHARLES D. WILLIAMS

LORI DUNAGAN

Appellee Atty:

Appellee Name:

MILLIKEN, W. CURRIE

Laurie BRANSTETTER, A.R.N.P.

PRIMARY CARE ASSOCIATES OF SOUTHERN KY, PLLC

2:45 PM PJ: TAYLOR THOMPSON BUCKINGHAM

2007CA000925 P. C. VS J. J.

Whether circuit court properly designated appellee as the primary residential custodian.

FAMILY COURT MCCracken COUNTY CYNTHIA E. SANDERSON

Appellant Atty:

Appellant Name:

ALDERDICE, KAREN

P. C.

Appellee Atty:

Appellee Name:

BARNES, NANCY

J. J.

PRUITT, DELBERT K

J. J.

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

DATE: Thursday, January 17, 2008

9:30 AM PJ: BUCKINGHAM TAYLOR THOMPSON
2007CA000476 ANDREA JOHNSON VS COMMONWEALTH OF KENTUCKY

Criminal/search warrant.

CRIMINAL MCLEAN COUNTY DAVID H JERNIGAN

Appellant Atty:

Appellant Name:

.....
DANT, DONNA M

.....
ANDREA MORRIS JOHNSON

Appellee Atty:

Appellee Name:

.....
FLORES JR, HENRY ALBERT

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: BUCKINGHAM TAYLOR THOMPSON
2006CA002248 OHIO COUNTY HOSPITAL CORPORATION VS TINA MARTIN,
ADMINISTRATRIX ET AL.

Medical malpractice.

CIVIL OHIO COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
BURNHAM, WILLIAM K
SHEFFER, RONALD G.

.....
OHIO COUNTY HOSPITAL CORPORATION
OHIO COUNTY HOSPITAL CORPORATION

Appellee Atty:

Appellee Name:

.....
CONWAY II, A V

.....
DONALD RAY SHREVE
TINA MARTIN, ADMINISTRATRIX
DONALD RAY SHREVE
TINA MARTIN, ADMINISTRATRIX

.....
DRY, LAURENCE R

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

DATE: Thursday, January 17, 2008

11:00 AM PJ: THOMPSON TAYLOR BUCKINGHAM
2006CA002461 TOMMY LOPEZ VS COMMONWEALTH OF KENTUCKY

Appellant was sex offender who entered plea of guilty to misdemeanor with twelve months probated for period of two years. While as a member of the National Guard and serving in Iraq, he was accused by the Army of viewing adult pornography. Appellant agreed to Article 10 administrative discharge. His probation was revoked. He alleges that trial ct.'s findings were not based upon preponderance of evidence, and there was insuff. evidence that he committed new offense, or engaged in an injurious habit.

CRIMINAL

HARDIN COUNTY

KELLY MARK EASTON

Appellant Atty:

Appellant Name:

.....
MIRKIN, STEVE
MITCHNER, KENT

.....
TOMMY LOPEZ
TOMMY LOPEZ

Appellee Atty:

Appellee Name:

.....
MAXSON, JAMES CHESNUT

.....
COMMONWEALTH OF KENTUCKY

LOCATION: MASON COUNTY COURT OF JUSTICE BUILDING, 100 WEST THIRD STREET, 2ND FLOOR, MAYSVILLE, KENTUCKY

DATE: Tuesday, January 22, 2008

9:30 AM

PJ: ACREE

KELLER

MOORE

2007CA000042

JOHN GILBERT, M.D. ET AL. VS COMMONWEALTH OF KENTUCKY ET AL.

Civil; Administrative Law: Whether regulations promulgated by the Cabinet for Health and Family Services and an advisory opinion issued by the Cabinet during the pendency of the appeal of this matter from the Cabinet to the Circuit Court, require reversal of the circuit court's opinion and remand to the agency.

CIVIL

FRANKLIN COUNTY

THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

CHILDERS JR, JOE FRANCIS
CURRY, HOLLY TURNER

ELLIOTT, JENNIFER L

GETTY, RICHARD A.

HINKLE, LISA ENGLISH

MOESER, ALEXANDER J

TERRY, JOSEPH H.

JOHN W. GILBERT, M.D.

JOHN W. GILBERT, M.D.

PHYSICIAN SERVICES, P.S.C.

AMERICAN MEDICAL ASSOCIATION

KENTUCKY MEDICAL ASSOCIATION

JOHN W. GILBERT, M.D.

PHYSICIAN SERVICES, P.S.C.

JOHN W. GILBERT, M.D.

PHYSICIAN SERVICES, P.S.C.

AMERICAN ACCADEMY OF PHYICIANS AND SURGEONS

AMERICAN ACCADEMY OF PHYICIANS AND SURGEONS

Appellee Atty:

Appellee Name:

BAKER, MICHAEL D.

HAYDEN, MARIAN J

HOUSTON, ELLEN MICHELLE

HUNSAKER, ANN T

KLEIN JR, MATHEW R

KRAMER, DAVID V

APPALACHIAN REGIONAL HEALTHCARE, INC.

MARYMOUNT MEDICAL CENTER

THE KENTUCKY HOSPITAL ASSOCIATION

COMMONWEALTH OF KENTUCKY

COMMONWEALTH OF KENTUCKY

PIKEVILLE MEDICAL CENTER

THE KENTUCKY DIAGNOSTIC CENTER

THE KENTUCKY DIAGNOSTIC CENTER

LOCATION: MASON COUNTY COURT OF JUSTICE BUILDING, 100 WEST THIRD STREET, 2ND FLOOR, MAYSVILLE, KENTUCKY

DATE: Tuesday, January 22, 2008

10:15 AM PJ: ACREE KELLER MOORE

2007CA000525 NORMA CROCKETT VS CHA HMO, INC.

Civil; Employment Discrimination: Whether trial court correctly found that appellant was unable to establish a prima facie case of gender discrimination.

CIVIL FAYETTE COUNTY KIMBERLY N BUNNELL

Appellant Atty:

Appellant Name:

.....
MORRIS, JAMES MICHAEL

.....
NORMA CROCKETT

MORRIS, SHARON K.

NORMA CROCKETT

Appellee Atty:

Appellee Name:

.....
EDELMAN, BARBARA B

.....
CHA HMO, INC.

WRIGHT, CATHERINE S

CHA HMO, INC.

11:00 AM PJ: MOORE ACREE KELLER

2007CA000164 HERMAN VIRES VS COMMONWEALTH OF KENTUCKY

Criminal case involving a post conviction motion for relief where victim and witnesses recanted trial testimony in a rape case. Trial court denied post-conviction motion.

CRIMINAL BREATHITT COUNTY LARRY MILLER

Appellant Atty:

Appellant Name:

.....
LOWE, MELANIE L

.....
HERMAN LEE VIRES

RUFF, BRIAN THOMAS

HERMAN LEE VIRES

SCHMIDT, KATHLEEN K.

HERMAN LEE VIRES

Appellee Atty:

Appellee Name:

.....
MORROW, BRYAN D.

.....
COMMONWEALTH OF KENTUCKY

2:00 PM PJ: KELLER ACREE MOORE

2007CA000490 THOMAS FOURNER VS CITY OF LAWRENCEBURG

This appeal in the area of employment law, involves whether there were facts sufficient to form a basis under KRS 15.520 for the termination of a police officer.

CIVIL ANDERSON COUNTY CHARLES R. HICKMAN

Appellant Atty:

Appellant Name:

.....
BUTRUM, GREGORY WARD

.....
THOMAS R. FOURNER

RADOLOVICH, FRED R.

THOMAS R. FOURNER

Appellee Atty:

Appellee Name:

.....
COLE, CHARLES D.

.....
CITY OF LAWRENCEBURG