

UPDATED: 1/8/2018

JANUARY 2018

ORAL ARGUMENT

CALENDAR

UPDATED: 1/8/2018

JANUARY, 2018

January 16, 2018

**1:00 P.M., (FRANKFORT TIME) MOTION PANEL,
JUDGE JOHNSON, PRESIDING JUDGE, JUDGE DIXON
AND JUDGE JONES, ASSOCIATES.**

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

BARDSTOWN – Contact Diane Thompson – (502) 348-3648

FRANKFORT – Contact Patricia Brauer – (502) 573-7920, Ext. 52020

SOMERSET – Contact Bobbie Turner – (606) 677-4098

LEXINGTON-Frederick Douglass High School– Contact Kelly Kilgore - (310) 994-9883

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

DATE: Wednesday, January 3, 2018

**10:00 AM PJ: JONES, HON. ALLISON E. LAMBERT, HON. DEBRA HEMBREE TAYLOR, HON. JEFF S.
2016CA001910 KHRISTINA LARISON v HOME OF THE INNOCENTS**

Labor & employment; whether trial court erred by granting summary judgment in favor of the employer.

CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN

Appellant Atty:

SCHARFENBERGER, KURT

Appellant Name:

LARISON, KHRISTINA

Appellee Atty:

**PERRY, DONNA
ROGERS, VANESSA**

Appellee Name:

HOME OF THE INNOCENTS

**** NOTE:**

**10:45 AM PJ: JONES, HON. ALLISON E. LAMBERT, HON. DEBRA HEMBREE TAYLOR, HON. JEFF S.
2016CA001629 COMMONWEALTH OF KENTUCKY v DENNIS VOWELS**

Criminal; whether circuit court erred by granting Vowel's application to vacate and expunge conviction.

CRIMINAL DAVIESS COUNTY HON JOSEPH W CASTLEN

Appellant Atty:

LUCAS, EMILY

Appellant Name:

COMMONWEALTH OF KENTUCKY

Appellee Atty:

**SCHMIDT, KATHLEEN
YANG, ROBERT**

Appellee Name:

VOWELS, DENNIS

**** NOTE:**

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

DATE: Thursday, January 4, 2018

10:00 AM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

LAMBERT, HON. DEBRA HEMBREE

2017CA000204 **DARRYL ISAACS v SENTINEL INSURANCE COMPANY, LIMITED**

Whether court erred by granting summary judgment in favor of Sentinal Insurance after circuit court determined that Isaacs was not entitled to UIM benefits under the policy of insurance.

CIVIL

JEFFERSON COUNTY

HON AUDRA J. ECKERLE

Appellant Atty:

Appellant Name:

ELY, CAROLYN

ISAACS, DARRYL

SITLINGER, LEE

Appellee Atty:

Appellee Name:

BROWN, DONALD

SENTINEL INSURANCE COMPANY, LIMITED

HOOTS, DOUGLAS

POPPE, JERI

STOPHER, ROBERT

** NOTE:

10:45 AM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

LAMBERT, HON. DEBRA HEMBREE

2016CA000340 **DAVID NEWMAN v ESTATE OF JOSEPH K. HOBBIC**

Whether circuit court properly granted summary judgment and ordered sale of real property when the notice of judgment lien did not strictly comply with KRS 426.720.

CIVIL

JEFFERSON COUNTY

HON ANGELA MCCORMICK BISIG

Appellant Atty:

Appellant Name:

O'DONNELL, HARRY

NEWMAN, DAVID

Appellee Atty:

Appellee Name:

HIGGINS, JERRY

ESTATE OF JOSEPH K. HOBBIC

RADMACHER, B III

SCHWAGER, STEPHEN

** NOTE:

**LOCATION: FREDERICK DOUGLASS HIGH SCHOOL, 2000 WINCHESTER ROAD,
LEXINGTON, KENTUCKY**

DATE: Monday, January 8, 2018

10:30 AM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.
2016CA000175 ROY DAVID PROCTOR v ESTATE OF ROY FLOYD PROCTOR

Whether the action was one in equity and whether the directed verdict was properly addressed.

CIVIL HARDIN COUNTY HON KEN M. HOWARD

Appellant Atty:

MOULTON, C.

Appellant Name:

PROCTOR, ROY

Appellee Atty:

COX, JARED

DURHAM, C

Appellee Name:

ESTATE OF ROY FLOYD PROCTOR

MALITO, SHARON

**** NOTE:**

11:15 AM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.
2016CA000576 BETTY DAWSON v VIRGINIA L. BOONE

Are all the indispensable parties included and whether the 1913 Indentured Act was properly interpreted.

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

**RAMBICURE, WILLIAM
SMITH, ANDREW**

Appellant Name:

DAWSON, BETTY

Appellee Atty:

CECIL, PRESTON

LIEBMAN, JAMES

HIX, BRYAN

Appellee Name:

BOONE, VIRGINIA

STANFIELD, HANNAH

STANFIELD, JUSTIN

**** NOTE:**

**LOCATION: FREDERICK DOUGLASS HIGH SCHOOL, 2000 WINCHESTER ROAD,
LEXINGTON, KENTUCKY**

DATE: Monday, January 8, 2018

12:00 PM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.
2016CA001534 MILES DEVON SKEENS v UNIVERSITY OF LOUISVILLE

Whether the appellant is eligible for a tuition waiver according to KRS 164.2841.

CIVIL	JEFFERSON COUNTY	HON ANGELA MCCORMICK BISIG
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	MCCARTHY, TIMOTHY	SKEENS, MILES
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	PATTERSON, DEBORAH	UNIVERSITY OF LOUISVILLE

**** NOTE:**

01:45 PM PJ: KRAMER, HON. JOY A. JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E.
2015CA001953 JAMES BRADLEY ANDERSON v NORTH MARSHALL WATER DISTRICT

2015CA001954
2016CA000334

Civil Case: Appeal from a jury verdict wherein punitive damages were vacated and costs were reduced; issues also include issues regarding evidentiary and jury instructions; cross-appeal on defamation.

CIVIL	MARSHALL COUNTY	HON DENNIS R. FOUST
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	LEE, JOSEPH	ANDERSON, JAMES
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	FUTRELL, FRANKLIN	FUTRELL, FRANKLIN
	WARD, MICHAEL	LANGSTON, RAY
	SMITH, STEPHEN JR	NORTH MARSHALL WATER DISTRICT

**** NOTE:*40 MINUTE ORAL; PREVIOUSLY ON JAN. 9, 2018 @ 1:15 PM AT THE COURT OF APPEALS, FRANKFORT, KENTUCKY**

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

DATE: Tuesday, January 9, 2018

10:00 AM PJ: JONES, HON. ALLISON E. JOHNSON, HON. ROBERT G. KRAMER, HON. JOY A.
2017CA000186 HON SEAN R. DELAHANTY v COMMONWEALTH OF KENTUCKY

Civil; appeal to vacate circuit court ruling which found KRS 186.574(6) to be unconstitutional.

CIVIL	JEFFERSON COUNTY	HON A. C. MCKAY CHAUVIN
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
MAZZOLI, MICHAEL		DELAHANTY, SEAN
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BESHEAR, ANDREW SEXTON, DAVID		COMMONWEALTH OF KENTUCKY
.....		

**** NOTE:**

10:45 AM PJ: JONES, HON. ALLISON E. JOHNSON, HON. ROBERT G. KRAMER, HON. JOY A.
2017CA000030 EDGEMONT MANOR NURSING HOME, INC. v COMMONWEALTH OF KENTUCKY

Civil; appeal arising from circuit court's denial of motion to direct commonwealth to pay pre- and post-judgement interest on Medicaid reimbursements.

CIVIL	FRANKLIN COUNTY	HON PHILLIP J. SHEPHERD
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BURD, JAMES O'BRIEN, EDWARD		EDGEMONT MANOR NURSING HOME, INC.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
YORK, CATHERINE		COMMONWEALTH OF KENTUCKY
.....		

**** NOTE:**

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

DATE: Tuesday, January 9, 2018

11:30 AM PJ: JONES, HON. ALLISON E.

JOHNSON, HON. ROBERT G.

KRAMER, HON. JOY A.

2016CA001721 **TEEN CHALLENGE OF KENTUCKY, INC. v THE KENTUCKY COMMISSION ON HUMAN RIGHTS**

Civil; appealing an order that dismissed Teen Challenge's petition for writ of mandamus.

CIVIL

JEFFERSON COUNTY

HON SUSAN SCHULTZ GIBSON

Appellant Atty:

Appellant Name:

HARP, JOSHUA

TEEN CHALLENGE OF KENTUCKY, INC.

Appellee Atty:

Appellee Name:

DUERR, KEITH

THE KENTUCKY COMMISSION ON HUMAN RIGHTS

NOT REPRESENTED BY COUNSEL,

THE LEXINGTON FAIR HOUSING COUNCIL, INC.

** NOTE:

03:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE

JONES, HON. ALLISON E.

TAYLOR, HON. JEFF S.

2016CA001557 **DENNIS THOMAS v UNIVERSITY MEDICAL CENTER, INC.**

Whether the trial court properly excluded evidence of a remedial measure and properly excluded the same evidence for impeachment purposes. The Appellant also seeks reversal of a directed verdict in favor of Neurosurgical Institute of Kentucky, P.S.C..

CIVIL

JEFFERSON COUNTY

HON A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

FAULKNER, T.

THOMAS, DENNIS

Appellee Atty:

Appellee Name:

LE MEUR, PATRICIA

NEUROSURGICAL INSTITUTE OF KENTUCKY, P.S.C.

PHILLIPS, JOHN

WATTS, KATHERINE

DAVIS, SARA

UNIVERSITY MEDICAL CENTER, INC.

MCMASTERS, BETH

** NOTE:**PREVIOUSLY ON JAN. 3, 2018 @ 2:00 PM IN BARDSTOWN, KENTUCKY.

**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,
SOMERSET, KENTUCKY**

DATE: Wednesday, January 10, 2018

10:00 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY
2015CA001484 GLEASON F. HUMPHREY v CAROLYN ANN HUMPHREY

Whether the trial court properly classified and assigned marital property in a dissolution case.

CLARK COUNTY

HON JEFFREY M. WALSON

Appellant Atty:

Appellant Name:

THOMAS, BRIAN

HUMPHREY, GLEASON

Appellee Atty:

Appellee Name:

**NORMENT, WILLIAM III
WOMACK, JAMES**

HUMPHREY, CAROLYN

**** NOTE:**

10:45 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY
2016CA001101 KEM ANDERSON v FAYETTE COUNTY BOARD OF EDUCATION

Whether the trial court properly entered summary judgment for the Appellees.

CIVIL

FAYETTE COUNTY

HON THOMAS L CLARK

Appellant Atty:

Appellant Name:

**ARNOLD, CHARLES
HUFFMAN, WILLIAM
MCCAULEY, STEVEN
MIHALEK, CHARLES
MILLER, CHRISTOPHER**

ANDERSON, KEM

Appellee Atty:

Appellee Name:

**DEENER, ELIZABETH
DEENER, LARRY**

FAYETTE COUNTY BOARD OF EDUCATION

NOT REPRESENTED BY COUNSEL,

UNKNOWN DEFENDANTS

**** NOTE:**

**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,
SOMERSET, KENTUCKY**

DATE: Wednesday, January 10, 2018

11:30 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY
2016CA001324 LARRY HARMS v CHASE HOME FINANCE, LLC

Whether post foreclosure and post judicial sale, summary judgment can be granted on an amended complaint to reform the mortgage based on clerical error, mutual mistake and unjust enrichment when tract where home was located wasn't included in original mortgage.

CIVIL CLAY COUNTY HON OSCAR G HOUSE

Appellant Atty:

HOSKINS, RALPH

Appellant Name:

HARMS, LARRY

Appellee Atty:

**CUMMINS, PETER
JOHNSON, DAVID
SUMNER, GRIFFIN**

Appellee Name:

CHASE HOME FINANCE, LLC

CHEEK, KAREN

CHEEK, KAREN

CHEEK, RICHARD

CHEEK, RICHARD

RAMEY, JUSTIN

JAMOS FUND I, LP

NOT REPRESENTED BY COUNSEL,

MID SOUTH CAPITAL PARTNERS, LP

BRICE, JOHN II

NATIONAL CITY BANK

HOUSE, STELLA

SMITH, ETHEL

**** NOTE:**

**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,
SOMERSET, KENTUCKY**

DATE: Wednesday, January 10, 2018

01:15 PM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY
2016CA001842 QUEEN DEBORAH CA'MEL v LOUISVILLE/JEFFERSON COUNTY METROPOLITAN

Whether Circuit Court erred in granting the Police Board's motion for summary judgment and upheld her termination as a police office.

CIVIL JEFFERSON COUNTY HON BARRY WILLETT

Appellant Atty:

KIMBALL, PHILIP

Appellant Name:

CA'MEL, QUEEN

Appellee Atty:

**DOBBINS, MARK
KEENE, SANDRA**

Appellee Name:

LOUISVILLE METRO POLICE MERIT BOARD

SHOLAR, WALTER

**LOUISVILLE/JEFFERSON COUNTY
METROPOLITAN**

**** NOTE:**

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

DATE: Thursday, January 25, 2018

01:00 PM PJ: COMBS, HON. SARA W.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2016CA001446

JANET FRALEY v PHILIP ZAMBOS

Medical negligence case in which appellant was allegedly misdiagnosed for breast cancer. Numerous trial errors involving expert testimony are raised as issues on appeal.

CIVIL

FLOYD COUNTY

HON JOHNNY RAY HARRIS

Appellant Atty:

Appellant Name:

COLLINS, KELLIE

FRALEY, JANET

GOLDEN, J.

MELTON, MARY

PETERSON, JUSTIN

Appellee Atty:

Appellee Name:

BROWN, DANIEL

ZAMBOS, PHILIP

MARSH, GEOFFREY

WILLIAMS, KENNETH JR

WOOD, RYAN

** NOTE:

01:45 PM PJ: LAMBERT, HON. DEBRA HEMBREE

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2016CA000725

ERIN EMILY BAAS v EDWARD ARTHUR BAAS

Whether a mediated bullet point document, signed by Appellant after her attorney left the mediation, is an enforceable separation agreement.

CAMPBELL COUNTY

HON RICHARD A. WOESTE

Appellant Atty:

Appellant Name:

MEGERLE, STEVEN

BAAS, ERIN

Appellee Atty:

Appellee Name:

KNOEBEL, WILLIAM

BAAS, EDWARD

** NOTE: