

UPDATED: 07/12/2011

JULY 2011

ORAL ARGUMENT

CALENDAR

Report Updated On: 07/12/2011

07/12/2011

JULY, 2011

July 11, 2011

**10:00 AM, FRANKFORT TIME, MOTION PANEL,
JUDGE ACREE, PRES., JUDGE STUMBO, AND
JUDGE WINE, ASSOC.**

COURT MEETING WILL NOT BE HELD

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

**FRANKFORT – Contact Mary Zagale - (502) 573-7920
ELIZABETHTOWN – Contact Belinda Peace – (270) 766-5039
LOUISVILLE – Contact Marti Dodd – (502) 595-3440
COVINGTON – Contact Jennie Wolking – (859) 292-6531**

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

DATE: Wednesday, July 13, 2011

01:00 PM PJ: MOORE, HON. JOY A.

ACREE, HON. GLENN E.

NICKELL, HON. C. SHEA

2010CA000343

PAUL HURT v COMMONWEALTH OF KENTUCKY

Criminal: Appeal from denial of RCr 11.42 motion; issues include whether trial counsel's failure to consult an expert to rebut testimony concerning a physical examination relating to evidence of sexual abuse.

JEFFERSON COUNTY

HON STEPHEN K MERSHON

Appellant Atty:

Appellant Name:

HACKETT, BRUCE

HURT, PAUL

Appellee Atty:

Appellee Name:

LONG, WILLIAM JR

COMMONWEALTH OF KENTUCKY

**** NOTE:**

01:45 PM PJ: MOORE, HON. JOY A.

ACREE, HON. GLENN E.

NICKELL, HON. C. SHEA

2010CA000920

JANET JONES v STEPHEN K. OVERSTREET

Civil: Appeal from a judgment after jury verdict in a medical negligence case; issues include rulings allowing an exhibit into evidence and allowing the jurors to take it with them while they deliberated.

CIVIL

JEFFERSON COUNTY

HON CHARLES L. CUNNINGHAM

Appellant Atty:

Appellant Name:

BURKE, KEVIN

JONES, JANET

CASI, PAUL II

Appellee Atty:

Appellee Name:

BECK, GREG

HUMANA INSURANCE COMPANY

HUME, BRADLEY

OVERSTREET, STEPHEN

WHONSETLER, SCOTT

**** NOTE:**

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

DATE: Thursday, July 14, 2011

01:45 PM PJ: **KELLER, HON. MICHELLE M.** **THOMPSON, HON. KELLY** **WINE, HON. THOMAS B.**
2010CA001558 **ALISA AHMETOVIC v MUHAREM TAHIROVIC**

Plaintiff passengers in a motor vehicle accident argue that counsel retained by the insurer to represent the defendant driver impermissibly impeached his own client.

CIVIL	WARREN COUNTY	HON JOHN R. GRISE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
SPARKS, DAVID		AHMETOVIC, ALISA
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BISHOP, MICHAEL WALKER, CHARLES		TAHIROVIC, MUHAREM
.....		

**** NOTE:**

02:30 PM PJ: **WINE, HON. THOMAS B.** **KELLER, HON. MICHELLE M.** **THOMPSON, HON. KELLY**
2010CA000279 **DEREK HAMMERS v JOE PLUNK**

Appeal from an order dismissing on statute of limitations ground. Appellant argues wrong SOL was applied.

CIVIL	MUHLENBERG COUNTY	HON BRIAN WIGGINS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
MCGILL, MATTHEW		HAMMERS, DEREK
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BRENNENSTUHL, H.		PLUNK, JOE
.....		

**** NOTE:**

**LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,
COVINGTON, KENTUCKY**

DATE: Monday, July 18, 2011

10:00 AM PJ: KELLER, HON. MICHELLE M.

THOMPSON, HON. KELLY

WINE, HON. THOMAS B.

2010CA000680 BRATSCHI D. CAMPBELL v WILLIAM B. DRESCHER

2010CA000681

2010CA000682

This real property case involves a dispute regarding entitlement to the proceeds from an avigation easement on property located near Ft. Campbell.

CIVIL

CHRISTIAN COUNTY

HON JOHN L. ATKINS

Appellant Atty:

**AMES, E
ENGLISH, CHARLES
JONES , KENNETH JR**

Appellant Name:

CAMPBELL, BRATSCHI

Appellee Atty:

**HARVEY, WILLIAM
KENNEDY, JOHN
TOWNSEND, DARRELL
WHITE, LEE**

Appellee Name:

DRESCHER, WILLIAM

**** NOTE:45 MINUTE ORAL - PREVIOUSLY AT 11:15 AM ON 7/18/11 AND ALSO ON 7/14/11 AT 1:00 PM IN ELIZABETHTOWN, KY**

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

DATE: Tuesday, July 19, 2011

01:00 PM PJ: TAYLOR, HON. JEFF S.

CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

2010CA001268

MICHAEL CLAYPOOL v ANTHONY BROCK

Whether circuit court erred by granting a partial summary judgment in favor of appellee and thereby dismissing appellant's claims for fraud, negligent misrepresentation and breach of contract.

CIVIL

KENTON COUNTY

HON MARTIN J SHEEHAN

Appellant Atty:

Appellant Name:

SCHAFFNER, CHARLES

CLAYPOOL, MICHAEL

Appellee Atty:

Appellee Name:

GREENE, ANGELA

BROCK, ANTHONY

SERGENT, GARY

EIBECK REALTY GROUP, LLC

KUHLMAN, JASON

KUEHNE, PAULA

**** NOTE:**

01:45 PM PJ: TAYLOR, HON. JEFF S.

CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

2010CA001673

COMMONWEALTH OF KENTUCKY v RORY SNOWDEN

Whether circuit court erred by granting Snowden's motion to suppress certain evidence.

CRIMINAL

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

GRAY, ANTHONY

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

GORDON, DEREK

SNOWDEN, RORY

**** NOTE:**

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

DATE: Tuesday, July 19, 2011

02:30 PM PJ: TAYLOR, HON. JEFF S.

CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

2010CA001597

**CITIZENS FOR ALTERNATIVE WATER SOLUTIONS v KENTUCKY PUBLIC SERVICE
COMMISSION**

Whether circuit court erred by affirming an order of the KPSC denying a petition for rehearing filed by CAWS from an order granting KAWC's application for a certificate of need to construct a water treatment plant.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

FITZGERALD, THOMAS

CITIZENS FOR ALTERNATIVE WATER SOLUTIONS

Appellee Atty:

Appellee Name:

CONWAY, JACK

CONWAY, JACK

INGRAM, LINDSEY III
INGRAM, LINDSEY JR.
TURNER, AUBREY JR

KENTUCKY AMERICAN WATER COMPANY

SPENARD, DAVID
WUETCHER, GERALD

KENTUCKY PUBLIC SERVICE COMMISSION

BARBERIE, DAVID

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

DICKENS, BARBARA

LOUISVILLE WATER COMPANY

** NOTE:

03:15 PM PJ: TAYLOR, HON. JEFF S.

CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

2010CA001770

TIMOTHY M. SMITH v KIM WOLFE

Whether circuit court erred by granting appellee's motion for summary judgment and thereby dismissing appellant's claim under KRS 367.826.

CIVIL

KENTON COUNTY

HON MARTIN J SHEEHAN

Appellant Atty:

Appellant Name:

DEERING, DANA
WHITTAKER, JUSTIN

SMITH, TIMOTHY

Appellee Atty:

Appellee Name:

ARNZEN, MARK
MOLLOY, MARY

WOLFE, KIM

** NOTE:

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

DATE: Wednesday, July 20, 2011

10:00 AM PJ: CLAYTON, HON. DENISE G. CAPERTON, HON. MICHAEL O. TAYLOR, HON. JEFF S.

2010CA001244 FULLMER A. MENDEZ v UNIVERSITY OF KENTUCKY BOARD OF TRUSTEES

2010CA001311

Appeal of summary judgment that was granted on dismissal of wrongful discharge based on public policy argument and erroneous jury instructions in a religious discrimination mixed motive case.

CIVIL FAYETTE COUNTY HON ERNESTO M. SCORSONE

Appellant Atty:

JACOBS, WILLIAM

Appellant Name:

MENDEZ, FULLMER

Appellee Atty:

KRIZ, BARBARA

Appellee Name:

UNIVERSITY OF KENTUCKY BOARD OF
TRUSTEES

** NOTE:

10:45 AM PJ: CLAYTON, HON. DENISE G. CAPERTON, HON. MICHAEL O. TAYLOR, HON. JEFF S.

2010CA001429 DUSTIN JERAULD v MARK KROGER

An appeal of the grant of a motion for summary judgment wherein the trial court ruled that the relevant acts were ministerial, and therefore entitled to immunity.

CIVIL KENTON COUNTY HON PATRICIA M SUMME

Appellant Atty:

COHEN, GLENN
EFFINGER, CYNTHIA
HERSHBERG, PAUL

Appellant Name:

JERAULD, DUSTIN

Appellee Atty:

CASE, BRADLEY
ROGERS, JEREMY

Appellee Name:

KROGER, MARK

LANGEN, JENNIFER
STEWART, MARY

SAMS, PAMELA

** NOTE:

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

DATE: Wednesday, July 20, 2011

11:30 AM PJ: CAPERTON, HON. MICHAEL O. CLAYTON, HON. DENISE G. TAYLOR, HON. JEFF S.

2009CA002190 RALPH WAYNE ADAMS v BARRY SHARP

2009CA002283
2009CA002325
2009CA002326

Administrative case – Several farmers appeal decision of Franklin Circuit Court. Farmers requested reversal of SEC decision to uphold permits issued to farmers for animal feeding operations.

CIVIL FRANKLIN COUNTY HON PHILLIP J. SHEPHERD

Appellant Atty:

BARTLEY, KELLY
BROWN, CAROLYN
OWEN, DAVID

Appellant Name:

ADAMS, RALPH

Appellee Atty:

WEST, JOHN

BARFIELD, MINDY

BLASER, MICHAEL
FORMICA, MICHAEL
MEADOWS, DREW
WALTERS, JOHN

FITZGERALD, THOMAS
GRADDY, W. IV

Appellee Name:

ENERGY AND ENVIRONMENT CABINET

KENTUCKY ASSOCIATION OF
MANUFACTURERS

NATIONAL PORK PRODUCERS COUNCIL

SHARP, BARRY

** NOTE:

01:30 PM PJ: CAPERTON, HON. MICHAEL O. CLAYTON, HON. DENISE G. TAYLOR, HON. JEFF S.

2010CA000607 FLOYD GROVER JOHNSON v COMMONWEALTH OF KENTUCKY

Whether the Attorney General's office has authority to investigate drug offenses in conjunction with Operation UNITE officers where no local law enforcement officers are involved.

CRIMINAL POWELL COUNTY HON FRANK ALLEN FLETCHER

Appellant Atty:

RHORER, EMILY
SCHMIDT, KATHLEEN

Appellant Name:

JOHNSON, FLOYD

Appellee Atty:

SHACKELFORD, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE: