

UPDATED: 7/10/2018

JULY 2018

ORAL ARGUMENT

CALENDAR

07/10/2018

JULY, 2018

JULY 10, 2018

**12:00 P.M. (ET) – MOTION PANEL (JULY),
JUDGE JEFF TAYLOR, PRESIDING JUDGE;
JUDGE DENISE CLAYTON AND JUDGE KELLY
THOMPSON, ASSOCIATES.**

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

**FRANKFORT (Franklin County) – Contact Patricia Brauer /Sam Givens – (502) 573-7920
LOUISVILLE (Jefferson) – Contact Jacquelyn Sosa – (502) 595-3430**

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

DATE: Wednesday, July 11, 2018

10:00 AM PJ: **JOHNSON, HON. ROBERT G.** **ACREE, HON. GLENN E.** **THOMPSON, HON. KELLY**
2017CA001357 **GOLDEN GATE NATIONAL SENIOR CARE, LLC v DAVID DOLAN**

Alleged error when court would not enforce arbitration agreement based on POA's not granting authority to sign the agreement.

CIVIL	JEFFERSON COUNTY	HON MARY M SHAW
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
AHRENS, JAN		GOLDEN GATE NATIONAL SENIOR CARE, LLC
LOMOND, KRISTIN		
MILLER, DONALD II		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
JASPER, BRIAN		DOLAN, DAVID
SALYER, ROBERT		

**** NOTE:**

10:45 AM PJ: **SMALLWOOD, HON. GENE** **JOHNSON, HON. ROBERT G.** **THOMPSON, HON. KELLY**
2017CA000989 **JOSHUA BUMPHUS v COMMONWEALTH OF KENTUCKY**

Whether defendant received fair trial due to the commonwealth's statements in closing argument; palpable error on evidence admitted but allegedly prejudicial.

CRIMINAL	HENDERSON COUNTY	HON KAREN LYNN WILSON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
SCHMIDT, KATHLEEN		BUMPHUS, JOSHUA
YANG, ERIN		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BECKETT, JOSEPH		COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Wednesday, July 11, 2018

11:30 AM PJ: SMALLWOOD, HON. GENE JOHNSON, HON. ROBERT G. THOMPSON, HON. KELLY
2017CA001159 DAVID NELSON v COMMONWEALTH OF KENTUCKY

Timeliness of CR 60.02 motion due to defendant's recent medical condition requesting vacating conviction for sex abuse first degree and from registering as a sex offender.

LYON COUNTY

HON BILL CUNNINGHAM

Appellant Atty:

Appellant Name:

**COMER, KIERAN
REED, ANDREA**

NELSON, DAVID

Appellee Atty:

Appellee Name:

**LONG, WILLIAM JR
MOORE, JASON**

COMMONWEALTH OF KENTUCKY

**** NOTE:**

12:15 PM PJ: SMALLWOOD, HON. GENE JOHNSON, HON. ROBERT G. THOMPSON, HON. KELLY
2017CA001093 COMMONWEALTH OF KENTUCKY v PEDIATRIC SPECIALIST, PLLC.

Whether statute permits extrapolation of findings in medicine recoupment action; trial court reversed findings of the Cabinet; issue of burden of proof.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

YORK, CATHERINE

COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

CHRISTIAN, CAROLE

PEDIATRIC SPECIALIST, PLLC.

**** NOTE:**

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

DATE: Thursday, July 12, 2018

11:00 AM PJ: MAZE, HON. IRV

LAMBERT, HON. DEBRA HEMBREE

NICKELL, HON. C. SHEA

2017CA000669 WILLIAM S ALBRIGHT v LINDSEY CHILDERS

2017CA000670

Appeal from order denying motion to dismiss based upon "Stand your Ground" immunity. Application of KRS 503.085 to civil claims; application of collateral estoppel based upon prior determination in criminal action; whether constitutional challenge is properly raised.

CIVIL

JEFFERSON COUNTY

HON MITCHELL PERRY

Appellant Atty:

SMITH, MAXWELL
THORNTON, GREGG

Appellant Name:

ALBRIGHT, WILLIAM

Appellee Atty:

POHL, MARTIN

BLANDFORD, DANIELLE

Appellee Name:

CHILDERS, LINDSEY

PEARSON, KYLE

** NOTE:**40 MINUTE ORAL

12:00 PM PJ: MAZE, HON. IRV

LAMBERT, HON. DEBRA HEMBREE

NICKELL, HON. C. SHEA

2017CA001250 MARY CLAIR KRIETEMEYER v CITY OF MADISONVILLE KENTUCKY

Appeal from summary judgment dismissing personal injury claim. Whether stairs to city-owned building are a "public thoroughfare" requiring notice of injury under KRS 411.110.

CIVIL

HOPKINS COUNTY

HON JAMES C. BRANTLEY

Appellant Atty:

SPRINGER, THOMAS III

Appellant Name:

KRIETEMEYER, MARY

Appellee Atty:

SIGLER, JAMES

Appellee Name:

MADISONVILLE POLICE DEPARTMENT

** NOTE:

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

DATE: Thursday, July 12, 2018

01:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE NICKELL, HON. C. SHEA TAYLOR, HON. JEFF S.

2017CA000079 THOMAS O. EIFLER Sr v ARDIS E. GREENAMYER II

2017CA000434

Whether the verdict should be set aside in a contract dispute. Punitive damages also at issue.

CIVIL JEFFERSON COUNTY HON BRIAN C. EDWARDS

Appellant Atty:

**ABATE, MICHAEL
DOHENY, FRANK JR.**

Appellant Name:

EIFLER, THOMAS

Appellee Atty:

**REEVES, ADAM
SALES, WALTER
SCHAEFER, CHRISTOPHER**

Appellee Name:

EIFLER TOWER CRANE CO., LLC

**ADAMS, GARRY JR
WALTON, THEODORE**

GREENAMYER, ARDIS

**** NOTE:**40 MINUTE ORAL**

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

DATE: Friday, July 13, 2018

10:00 AM PJ: KRAMER, HON. JOY A.

ACREE, HON. GLENN E.

TAYLOR, HON. JEFF S.

2016CA001919 CATHOLIC HEATH INITIATIVES, INC. v KEVIN RAY WELLS Sr

2017CA000081

Medical Malpractice case, jury trial: Direct appeal issues: Whether the trial court erred in denying Appellants motion for a directed verdict regarding civil conspiracy and joint venture; whether the trial erred in instructing the jury on civil conspiracy and joint venture; whether the trial court erred in evidentiary rulings. cross appeal issues: Whether the trial court erred in reducing the punitive damages award.

CIVIL

LAUREL COUNTY

HON GREGORY A. LAY

Appellant Atty:

DYCHE, ROBERT III
HAYS, LON
HUME, BRADLEY
PROPST, CHAD
THOMPSON, B.

Appellant Name:

CATHOLIC HEATH INITIATIVES, INC.

Appellee Atty:

BURKE, KEVIN
COFFEY, ELLEN
HUDSON, GARY
KELTY, SCARLETTE
NEAL, JAMIE
POPPE, HANS JR

Appellee Name:

WELLS, KEVIN

** NOTE:**40 MINUTE ORAL

01:30 PM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

KRAMER, HON. JOY A.

2017CA001064 WILSON EQUIPMENT CO., LLC v MOTORISTS MUTUAL INS. CO.

Whether circuit court erred by granting appellee's motion for summary judgment and dismissing appellant's third-party complaint.

CIVIL

FAYETTE COUNTY

HON PAMELA R GOODWINE

Appellant Atty:

MERRILL, DYLAN
PERNICE, ANTHONY
WALTERS, JOHN

Appellant Name:

WILSON EQUIPMENT CO., LLC

Appellee Atty:

NORDSTROM, JENNIFER
ZAHNISER, DAVID

Appellee Name:

MOTORISTS MUTUAL INS. CO.

** NOTE: