

UPDATED 06/12/07

JUNE 2007

ORAL ARGUMENT

CALENDAR

06/12/07

JUNE, 2007

June 6, 2007

10:00 AM, MOTION PANEL, JUDGE VANMETER, PRES., JUDGE ACREE, AND JUDGE KELLER, ASSOC. MOTION PANEL WILL MEET AT THE COURT OF APPEALS, FRANKFORT, KY.

June 19, 2007

3:15 P.M., FULL COURT MEETING WILL BE HELD AT THE HYATT REGENCY, CHURCHILL ROOM IN LOUISVILLE, KY.

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

FRANKFORT - Contact Mary Zagale (502) 573-7920

LOUISVILLE - Contact Linda Fox (502) 595-3430

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

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

DATE: Friday, June 01, 2007

9:45 AM PJ: BUCKINGHAM HENRY STUMBO

2006CA001392 MAE MEFFORD ET AL. VS WILLIAM SWINNEY ET AL.

DECEDENT'S ESTATE/STATUTE OF LIMITATIONS.

CIVIL CHRISTIAN COUNTY EDWIN M WHITE

Appellant Atty:

Appellant Name:

.....
BROWN, KELLI E

.....
LARRY P. SWINNEY

LARRY P. SWINNEY

MAE S. MEFFORD

MAE S. MEFFORD

ENGLISH, CHARLES E.

LARRY P. SWINNEY

LARRY P. SWINNEY

MAE S. MEFFORD

MAE S. MEFFORD

Appellee Atty:

Appellee Name:

.....
WILLEN, H. DOUGLAS

.....
HAPPY HOLLOW ACRES, LLC.

WILLIAM C. SWINNEY

WILLIAM C. SWINNEY

**NOTE:ORIGINALLY 6/19/07 AT 9:45 AM IN ELIZABETHTOWN, KY

10:30 AM PJ: BUCKINGHAM HENRY STUMBO

2006CA001142 GREEN'S MOTORCYCLE SALVAGE, INC. ET AL. VS CANEYVILLE VOLUNTEER FIRE DEPARTMENT ET AL.

VOLUNTEER FIRE DEPARTMENT/SOVEREIGN IMMUNITY.

CIVIL GRAYSON COUNTY ROBERT A MILLER

Appellant Atty:

Appellant Name:

.....
CANNON, ALTON L

.....
CATHERINE GREEN

GREEN'S MOTORCYCLE SALVAGE, INC.

ORVILLE GREEN

Appellee Atty:

Appellee Name:

.....
BELL, JASON B.

.....
ANTHONY CLARK

CANEYVILLE VOLUNTEER FIRE DEPARTMENT

CITY OF CANEYVILLE

**NOTE:ORIGINALLY 6/19/07 AT 10:30 AM IN ELIZABETHTOWN, KY

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

DATE: Tuesday, June 12, 2007

9:30 AM

PJ: TAYLOR

ABRAMSON

KNOPF

2006CA000480

R & J DEVELOPMENT COMPANY, LLC VS COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET,

2006CA000508

2006CA000480; 2006CA000508 - WHETHER APPELLANTS WERE AWARDED JUST COMPENSATION BY JURY IN CONDEMNATION CASE; WHETHER CIRCUIT COURT ERRONEOUSLY ADMITTED AND/OR EXCLUDED EXPERT TESTIMONY.

CIVIL

ROWAN COUNTY

WILLIAM B MAINS

Appellant Atty:

Appellant Name:

.....
ATKINSON JR, J D

.....
R & J DEVELOPMENT COMPANY, LLC

GOHMANN, REBECCA S

R & J DEVELOPMENT COMPANY, LLC

MCGINNIS, JOHN R.

R & J DEVELOPMENT COMPANY, LLC

Appellee Atty:

Appellee Name:

.....
JOHNSON, JON H

.....
COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET,

WICKER, PHILLIP K

COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET,

**NOTE:48 MINUTE ORAL ORIGINALLY ON MAY 9, 2007, 10:00 AM IN LEXINGTON, KY

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

DATE: Wednesday, June 13, 2007

3:00 PM

PJ: ACREE

COMBS

VANMETER

2005CA001926

THOMAS RANKIN VS CHRISTIAN CHURCH (DISCIPLES OF CHRIST) IN
KENTUCKY, INC. ET AL.

CIVIL

JEFFERSON COUNTY

BARRY WILLETT

Appellant Atty:

Appellant Name:

.....
OLT, SCHUYLER J

.....
THOMAS RANKIN

Appellee Atty:

Appellee Name:

.....
HUME, BRADLEY R

.....
CRAIG WATTS

PAGE, TODD S.

CHRISTIAN CHURCH (DISCIPLES OF CHRIST) IN KENTUCKY, INC.

STOPHER, ROBERT E.

CRAIG WATTS

**NOTE:SHOW CAUSE HEARING - PEDLEY, ZIELKE, GORDINIER & PENCE, PLLC

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

DATE: Thursday, June 14, 2007

9:30 AM PJ: ACREE ABRAMSON WINE
2006CA001449 CATHOLIC MUTUAL GROUP & ROMAN CATHOLIC BISHOP OF LOUISVILLE VS TACO, INC.
CIVIL, APPEAL FROM SUMMARY JUDGMENT IN FAVOR OF MANUFACTURER OF DEFECTIVE HVAC CHILLER PUMP, ISSUE IS WHETHER TRIAL COURT PROPERLY APPLIED ECONOMIC LOSS RULE.

CIVIL JEFFERSON COUNTY STEPHEN K MERSHON

Appellant Atty:	Appellant Name:
.....
BOWMAN, WILLIAM S.	CATHOLIC MUTUAL GROUP & ROMAN CATHOLIC BISHOP OF LOUISVILLE
CRUTCHFIELD, JOHN G	CATHOLIC MUTUAL GROUP & ROMAN CATHOLIC BISHOP OF LOUISVILLE
Appellee Atty:	Appellee Name:
.....
O'BRYAN, PATRICK SHANE	TACO, INC.

10:15 AM PJ: WINE ABRAMSON ACREE
2006CA001557 HENRY JARRETT VS CYNTHIA JARRETT ET AL.
HENRY APPEALS THE TRIAL COURTS ORDER IN HIS MARRIAGE DISSOLUTION BECAUSE 1. THE TRIAL COURT REFUSED TO RESTORE NONMARITAL PROPERTY; 2. THE T.C.'S FINDINGS RELATIVE TO PROPERTY VALUATION FOR PURPOSES OF DIVISION ARE UNSUPPORTED BY THE EVIDENCE; 3. THE AWARD OF MAINTENANCE IS EXCESSIVE AS TO DURATION AND AMOUNT; 4. THE ALLOCATION OF DEBTS IS AN ABUSE OF DISCRETION; 5. THE ATTORNEY FEES AGAINST HENRY WERE EXCESSIVE AND DUPLICATIVE; 6. THE RECORD INDICATES BIAS TOWARD HENRY.

FAMILY COURT JEFFERSON COUNTY PAULA SHERLOCK

Appellant Atty:	Appellant Name:
.....
ROGERS, WALLACE N.	HENRY K. JARRETT
Appellee Atty:	Appellee Name:
.....
SIMS, WILLIAM DENNIS	CYNTHIA M. JARRETT DENNIS SIMS

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

DATE: Thursday, June 14, 2007

11:00 AM

PJ: WINE

ABRAMSON

ACREE

2005CA001301

ROSIETTA TAYLOR ET AL. VS MIKE O'NEIL ET AL.

2005CA001385;
2005CA001438

TAYLOR APPEALS JURY VERDICT IN FAVOR CITY AFTER POLICE OFFICER SHOT JAMES TAYLOR TO DEATH DURING ARREST. ARGUMENTS: 1. TRIAL CT DEPRIVED APPELLEES OF THEIR RIGHTS TO DP AND EP BY ALLOWING ALL BLACK JURORS TO BE STRUCK; 2. TRIAL CT REFUSED TO INSTRUCT JURY THAT CITY FAILED TO PROPERLY TRAIN OFF. ON ISSUE OF DEADLY FORCE; 3. TRIAL CT COMMITTED REVERSIBLE ERROR BY NOT DECLARING MISTRIAL WHEN COUNSEL TOLD JURY TAYLOR HAD BEEN CONVICTED OF MANSLAUGHTER; AND REVERSIBLE ERROR TO DENY DIRECT ON EXCESSIVE FORCE.

CIVIL

JEFFERSON COUNTY

KATHLEEN VOOR MONTAN

Appellant Atty:

Appellant Name:

.....
WILLIAMS, AUBREY

.....
LINDA CANNON

ROSIETTA TAYLOR

Appellee Atty:

Appellee Name:

.....
CHUPPE, FRANK F.

.....
MIKE O'NEIL

MCCLAIN II, MICHAEL WAYNE

MIKE O'NEIL

RADMACHER III, B FRANK

CITY OF LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

LOUISVILLE DIVISION OF POLICE

STARR, JENNIFER BETH

MIKE O'NEIL

**NOTE:40 MINUTE ORAL

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

DATE: Monday, June 18, 2007

2:15 PM PJ: PAISLEY THOMPSON VANMETER
2006CA001061 JOSEPH BROWN ET AL. VS CHERYL MCLAMB ET AL.

DID AWARD OF SOCIAL SECURITY BENEFITS BIND TRIAL COURT TO FIND APPELLANT WAS BIOLOGICAL CHILD OF INTESTATE DECEDENT? ATTORNEY'S FEES.

CIVIL PULASKI COUNTY DAVID A. TAPP

Appellant Atty:

Appellant Name:

.....
BROWN, KELLI E

.....
JOSEPH EDWIN BROWN

JOSEPH EDWIN BROWN

ENGLISH JR., CHARLES E.

JOSEPH EDWIN BROWN

JOSEPH EDWIN BROWN

Appellee Atty:

Appellee Name:

.....
ORWIN, D. BRUCE

.....
CHERYL M. MCLAMB

CHERYL M. MCLAMB

LINDA HALL

THE UNKNOWN SPOUSE OF

THE UNKNOWN SPOUSE OF

**NOTE:ORIGINALLY AT 1:30 PM

3:00 PM PJ: THOMPSON PAISLEY VANMETER
2006CA001200 EILEEN HASSLER VS PARAMOUNT ARTS CENTER, INC. ET AL.

THE PERFORMER, CARROT TOP, APPEARED AT THE PARAMOUNT ARTS CENTER AND UTILIZED PYROTECHNICS. HASSLER COMPLAINS OF LUNG DAMAGE FROM SMOKE INHALATION AND APPEALS FROM SUMMARY JUDGMENT BY COURT.

CIVIL BOYD COUNTY MARC I ROSEN

Appellant Atty:

Appellant Name:

.....
PERRY III, GEORGE C

.....
EILEEN HASSLER

Appellee Atty:

Appellee Name:

.....
LAVERY, DARRYL SCOTT

.....
CARROT TOP, INC.

SLOAN, DAVID B

PARAMOUNT ARTS CENTER, INC.

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

DATE: Tuesday, June 19, 2007

9:00 AM PJ: DIXON MOORE TAYLOR
2005CA002491 RONALD MANNING ET AL. VS HARVIE WILKINSON ET AL.

LEGAL MALPRACTICE/DISMISSAL FOR LACK OF PROSECUTION.

CIVIL FAYETTE COUNTY MARY C NOBLE

Appellant Atty:

Appellant Name:

.....
DYKEMAN, WILLIAM A.

.....
RONALD MANNING
THE MANNING FAMILY TRUST

Appellee Atty:

Appellee Name:

.....
HAYNES, KENNETH GREGORY

.....
HARVIE WILKINSON
STOLL, KEENON & PARK
HARVIE WILKINSON
STOLL, KEENON & PARK

PATTERSON, DEBORAH H

9:45 AM PJ: TAYLOR DIXON MOORE
2006CA001173 COMMONWEALTH OF KENTUCKY VS DUBIN ORTHOPAEDIC CENTRE, INC. ET AL.

WHETHER A PHYSICIAN MAY BILL FOR PHYSICAL THERAPY SERVICES THAT WERE NOT PROVIDED BY A LICENSED PHYSICAL THERAPIST; WHETHER CIRCUIT COURT PROPERLY INTERPRETED KRS 327.020.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
BRENGELMAN, MARK

.....
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....
BENNETT, JOHN J.
CRONAN, CHARLES J

.....
AMERICAN PHYSICAL THERAPY ASSOCIATION
THE AMERICAN MEDICAL ASSOCIATION
THE KENTUCKY MEDICAL ASSOCIATION
DUBIN ORTHOPAEDIC CENTRE, INC.
AMERICAN PHYSICAL THERAPY ASSOCIATION
THE AMERICAN MEDICAL ASSOCIATION
THE KENTUCKY MEDICAL ASSOCIATION
DUBIN ORTHOPAEDIC CENTRE, INC.

CURRY, HOLLY TURNER
DARLING, JEFFREY A
ELLIOTT, JENNIFER L

HINKLE, LISA ENGLISH

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

DATE: Tuesday, June 19, 2007

10:30 AM PJ: TAYLOR DIXON MOORE

2006CA000545 MARK BROWN VS COMMONWEALTH OF KENTUCKY

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT OF ACQUITTAL.

CRIMINAL FAYETTE COUNTY SHEILA R. ISAAC

Appellant Atty:

Appellant Name:

.....
PIGG, JOSEPH BRANDON

.....
MARK EDMOND BROWN

PRESTON, DAMON

MARK EDMOND BROWN

Appellee Atty:

Appellee Name:

.....
RYAN, PERRY T

.....
COMMONWEALTH OF KENTUCKY

11:15 AM PJ: TAYLOR DIXON MOORE

2006CA000717 ROBERT HAMMONS VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT PROPERLY INSTRUCTED JURY.

CRIMINAL BOONE COUNTY ANTHONY W. FROHLICH

Appellant Atty:

Appellant Name:

.....
ARNETT JR, JOHN GREENE

.....
ROBERT HAMMONS

Appellee Atty:

Appellee Name:

.....
WATSON, CLINT EVANS

.....
COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY 1:30 PM

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

DATE: Wednesday, June 27, 2007

1:30 PM PJ: KELLER KNOF NICKELL
2006CA000221 KINDRED HOSPITALS LIMITED PARTNERSHIP ET AL. VS SUSAN LUTTRELL
APPEAL OF ORDER DENYING PETITION TO COMPEL ARBITRATION.

CIVIL CASEY COUNTY JAMES G. WEDDLE

Appellant Atty:	Appellant Name:
.....
GWIN, ROBERT Y	KINDRED HEALTHCARE OPERATING INC.
	KINDRED HEALTHCARE, INC.
	KINDRED HOSPITALS LIMITED PARTNERSHIP
MILLER II, DONALD L.	KINDRED HEALTHCARE OPERATING INC.
	KINDRED HEALTHCARE, INC.
	KINDRED HOSPITALS LIMITED PARTNERSHIP
PEARSON, MARCIA L	KINDRED HOSPITALS LIMITED PARTNERSHIP
Appellee Atty:	Appellee Name:
.....
BROOKS, BRIAN G.	SUSAN LUTTRELL
CIRCEO, RICHARD E.	SUSAN LUTTRELL
O'BRIEN III, STEPHEN M.	SUSAN LUTTRELL
RIORDAN, DEBORAH KAY	SUSAN LUTTRELL

**NOTE:ORIGINALLY ON 6/19/07 AT 9:45 AM

2:15 PM PJ: KELLER KNOF NICKELL
2006CA000285 JAMES ATKINS VS COMMONWEALTH OF KENTUCKY
POSSESSION MARIJUANA, PARAPHANALIA; DENIAL TO HOLD KRS 218A.500-510 AS UNCONSTITUTIONAL, DENIAL
OF RULE OF LENITY.

CRIMINAL SCOTT COUNTY ROBERT G. JOHNSON

Appellant Atty:	Appellant Name:
.....
GALBRAITH, LOUIS GATEWOOD	JAMES DEAN ATKINS II
Appellee Atty:	Appellee Name:
.....
FUCHS, GREGORY C.	COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY ON 6/19/07 AT 10:30 AM