

UPDATED: 05/11/2012

JUNE 2012

ORAL ARGUMENT

CALENDAR

Report Updated On: 05/11/2012

05/11/2012

JUNE, 2012

JUNE 4, 2012

**2:00 P.M., FRANKFORT TIME, MOTION PANEL,
JUDGE NICKELL, PRES., JUDGE ACREE AND
JUDGE JAMES LAMBERT, ASSOC.**

JUNE 5, 2012

**10:30 AM – 11:00 AM – ORAL ARGUMENT AT
JEFFERSON COUNTY JUDICIAL CENTER,
10TH FLOOR APPELLATE COURTROOM,
HBR MADISONVILLE, LLC, ET AL. V.
PEARLINE W. OFFUTT, ET AL. – 2011-CA-000437
SENIOR JUDGE JOSEPH LAMBERT, PJ,
JUDGE SARA COMBS AND JUDGE KELLY THOMPSON,
ASSOC.**

**2:30 P.M. COURT MEETING AT JEFFERSON COUNTY
JUDICIAL CENTER, CONFERENCE ROOM,
LOUISVILLE, KENTUCKY**

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

**FRANKFORT – Contact Mary Zagale – (502) 573-7920
LOUISVILLE – Contact Marti Dodd – (502) 595-3440**

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

DATE: Monday, June 4, 2012

10:00 AM PJ: STUMBO, HON. JANET L.

MOORE, HON. JOY A.

VANMETER, HON. LAURANCE B.

2011CA001367

UNITED OUTDOOR MEDIA, LLC v THE BARBOURVILLE BOARD OF ADJUSTMENT

MOR appeal from trial court decision affirming decision of Barbourville Code Enforcement Officer and Board of Adjustment which denied approval to erect billboard. Issues include whether denial of permit was arbitrary in that the zoning regulations involved were in fact zoning regulations rather than a statement of policy in regard to advertising within city limits, whether regulations when read literally, grant discretion to zoning board and whether regulations are unconstitutionally void for vagueness.

CIVIL

KNOX COUNTY

HON JOHN KNOX MILLS

Appellant Atty:

WILSON, PHILIP

Appellant Name:

UNITED OUTDOOR MEDIA, LLC

Appellee Atty:

DIXON, CHARLEY JR

Appellee Name:

THE BARBOURVILLE BOARD OF
ADJUSTMENT

** NOTE:

10:45 AM PJ: STUMBO, HON. JANET L.

ACREE, HON. GLENN E.

MOORE, HON. JOY A.

2011CA001059

KEVIN JONES v TOYOTETSU AMERICA, INC.

MOR appeal from summary judgment in sexual discrimination case in which a hostile work environment is alleged as well as a failure to protect male workers' from sexual harassment perpetrated by a sub-contractor from whom it is alleged Appellee protected female workers. Appellant alleges he was fired for defending himself from a sexual battery. The issue presented is whether the trial court erred in entering the summary judgment dismissing all claims against Appellee as a matter of law.

CIVIL

PULASKI COUNTY

HON JEFFREY T BURDETTE

Appellant Atty:

SMITH, DAVID

SMITH, MARCIA

Appellant Name:

JONES, KEVIN

Appellee Atty:

BARR, P

PINSON, GWENDOLYN

Appellee Name:

TOYOTETSU AMERICA, INC.

** NOTE:

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

DATE: Monday, June 4, 2012

11:30 AM PJ: MOORE, HON. JOY A.

ACREE, HON. GLENN E.

STUMBO, HON. JANET L.

2011CA001243

ELIZABETH YADON v TOYOTETSU AMERICA, INC.

Employment case: appeal from summary judgment in employment disability and retaliation case brought pursuant to KRS Chapter 344.

CIVIL

PULASKI COUNTY

HON JEFFREY T BURDETTE

Appellant Atty:

Appellant Name:

HUFF, WINTER
LANGENDORF, GAIL

YADON, ELIZABETH

Appellee Atty:

Appellee Name:

BARR, P
PINSON, GWENDOLYN

TOYOTETSU AMERICA, INC.

** NOTE:

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

DATE: Tuesday, June 5, 2012

10:30 AM PJ: LAMBERT, HON. JOSEPH E.

COMBS, HON. SARA W.

THOMPSON, HON. KELLY

2011CA000437

HBR MADISONVILLE, LLC v PEARLINE W. OFFUTT

Appeal from verdict and judgment in long-term healthcare case where it was determined patient's rights were violated. Evidentiary issues, jury instructions, amount of punitive damages, and post-judgment interest.

CIVIL

HOPKINS COUNTY

HON JAMES C. BRANTLEY

Appellant Atty:

GWIN, ROBERT
MCGREGOR, HEATHER
RENZELMANN, JASON
SNYDER, SHERYL
SUMNER, GRIFFIN

Appellant Name:

HBR MADISONVILLE, LLC

Appellee Atty:

BURKE, KEVIN
CIRCEO, LISA
CIRCEO, RICHARD
REINS, ANTHONY
RHOADS, JERRY
SALYER, ROBERT

Appellee Name:

OFFUTT, PEARLINE

DYCHE, JOHN

SIGNATURE HEALTH CARE

** NOTE:

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

DATE: Thursday, June 14, 2012

10:45 AM PJ: KELLER, HON. MICHELLE M.

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2011CA000228

LOWRY R. WATKINS v STOCK YARDS BANK & TRUST CO.

2011CA000279

2011CA000290

This case involves a shareholder derivative suit and breach of fiduciary duty action arising from the sale of the Oxmoor Center Mall. On appeal, Watkins argues that the court granted summary judgment prematurely. On cross-appeal, the Appellees argue that the court should have awarded attorneys fees and costs.

CIVIL

JEFFERSON COUNTY

HON FREDERIC COWAN

Appellant Atty:

BURKE, KEVIN
CANTLEY, SHAWN
MERCER, MICHAEL
OSTERMILLER, PETER

Appellant Name:

WATKINS, LOWRY

Appellee Atty:

.....
FIORELLA, MICHAEL
SULLIVAN, R

Appellee Name:

DAVID HOCKER & ASSOCIATES, INC.

.....
ALFORD, HENRY
JENNINGS, REBECCA

HOCKER, D.

.....
DOHENY, FRANK JR.
MERRICK, MICHAEL

MAYNARD, E.

.....
FORE, F.

NORA IASIGI BULLITT TRUST

.....
DYCHE, JOHN
TACHAU, DAVID

STOCK YARDS BANK & TRUST CO.

** NOTE:

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

DATE: Thursday, June 14, 2012

11:30 AM PJ: KELLER, HON. MICHELLE M.

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2011CA001161

BRIDGETT SELF v BARRY MANTOOTH

Self, on behalf of the estate of Mary Downs, appeals from the court's summary judgment of the estate's wrongful death claim. Self argues that the Mantooths breached their duty of care when they provided alcohol and marijuana to Horace Downs who shot and killed Mary Downs.

CIVIL

JEFFERSON COUNTY

HON MARY M SHAW

Appellant Atty:

BREEN, RICHARD
REDDEN, GREGORY

Appellant Name:

SELF, BRIDGETT

Appellee Atty:

TRAVIS, WILLIAM

DEVER, MARIE

Appellee Name:

DOWNS, HORACE

MANTOOTH, BARRY

** NOTE:

01:30 PM PJ: ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

KELLER, HON. MICHELLE M.

2011CA001210

WILLIAM E. TAYLOR v UNITED PARCEL SERVICE, INC.

Civil; Civil Rights: Whether circuit court properly granted summary judgment dismissing claim of retaliatory discharge.

CIVIL

JEFFERSON COUNTY

HON FREDERIC COWAN

Appellant Atty:

MILLER, J.
MILLER, NORMA

Appellant Name:

TAYLOR, WILLIAM

Appellee Atty:

COLEMAN, TONY

Appellee Name:

UNITED PARCEL SERVICE, INC.

** NOTE:

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

DATE: Thursday, June 14, 2012

02:15 PM PJ: COMBS, HON. SARA W. KELLER, HON. MICHELLE M. LAMBERT, HON. JOSEPH E.
2011CA001660 CITY OF BOWLING GREEN, KENTUCKY v SHAWN HELBIG

Challenge to a declaration of rights action holding that the overtime policy of the City of Bowling Green violates the statute governing hours of work and annual leave for police officers of 2nd class cities and urban-county governments.

CIVIL WARREN COUNTY HON STEVE ALAN WILSON

Appellant Atty:

**HARMON, H.
LAUFENBERG, SCOTT
STIVERS, GREGORY**

Appellant Name:

CITY OF BOWLING GREEN, KENTUCKY

Appellee Atty:

**SIDEBOTTOM, SHANE
WOLNITZEK, STEPHEN**

Appellee Name:

HELBIG, SHAWN

**** NOTE:**

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

DATE: Friday, June 29, 2012

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

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2010CA002074

JOSEPH D. GREENWELL v LOWE'S HOME CENTERS, INC.

Whether circuit court erred by granting Lowe's motion for partial summary judgment and dismissing Greenwell's claim for third-party indemnity against Lowes.

CIVIL BOYLE COUNTY HON DARREN W. PECKLER

Appellant Atty:

FELD, TIMOTHY
MCLANE, RYAN
MCMURTRY, TODD
MEADOWS, DREW

Appellant Name:

GREENWELL, JOSEPH

Appellee Atty:

CLARK, ROBERT
TACKETT, JOHN

Appellee Name:

JAMES R. VANNOY & SONS CONSTRUCTION
CO., INC.

CRITTENDEN, DAVID
STOPHER, ROBERT

LOWE'S HOME CENTERS, INC.

MCNEILL, JOHN

MIKE MONTGOMERY

MALONEY, MICHAEL

THE ALLEN COMPANY

** NOTE:

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

DATE: Friday, June 29, 2012

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

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2011CA000306

**LAMAR ADVANTAGE GP COMPANY, LLC v TRANSPORTATION CABINET,
DEPARTMENT OF HIGHWAYS**

2011CA000344

2011CA000361

2011CA000487

Whether Cabinet correctly determined that Lamar's billboards violated the regulated prohibition against intermittent lights; whether Cabinet's decision violated Lamar's right to free speech.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

TAFT, RICHARD
THEISSEN, TIMOTHY
YANG, ANDREA

LAMAR ADVANTAGE GP COMPANY, LLC

Appellee Atty:

Appellee Name:

HAMILTON, TAYLOR
WHITE, SCOTT

TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS

** NOTE:

03:15 PM PJ: LAMBERT, HON. JAMES H.

TAYLOR, HON. JEFF S.

NICKELL, HON. C. SHEA

2011CA000631

ABC, INC. v COMMONWEALTH OF KENTUCKY

Appeal by college from summary judgment in favor of attorney general challenging the authority of the AG to obtain records through a subpoena under the Consumer Protection Act. Issue includes the reasonableness of the scope of the demand.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

DAVIS, TIMOTHY
GRASCH, ALBERT JR
THOMERSON, JAMES

ABC, INC.

Appellee Atty:

Appellee Name:

CONWAY, JACK
JUSTICE ***MESSENGER***, DELLA
LEATHERMAN, TODD
NICKLES, DANA

COMMONWEALTH OF KENTUCKY

** NOTE: