

UPDATED 04/21/06

MAY 2006

ORAL ARGUMENT

CALENDAR

MAY 2006

May 2, 2006

9:15 AM, ORAL ARGUMENT, (RESCHEDULED FROM APRIL 11, 2006), 2005-CA-000397, JANE MEEK, INDIVIDUALLY, ET AL. V. HENRY VAS CONEZ, M.D. JUDGE BUCKINGHAM, PRES., JUDGES HENRY AND VANMETER, ASSOC.

10:00 AM, FULL COURT MEETING

1:00 PM, MOTION PANEL, JUDGE SCHRODER, PRES., JUDGES BARBER AND BUCKINGHAM, ASSOC.

1:30 PM, ORAL ARGUMENT, (RESCHEDULED FROM APRIL 11, 2006), 2005-CA-000893, TEN BROECK DUPONT, INC., V. ARTEMECIA BROOKS, JUDGE TAYLOR, PRES., JUDGES EMBERTON AND TACKETT, ASSOC.

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

FRANKFORT - Contact Mary Zagale, (502) 573-7920

LOUISVILLE - Contact Shelly Hawes, Judge Knopf's Secretary, (502) 595-3440

BARDSTOWN - Contact Diane Thompson, Circuit Clerk, (502) 348-3648

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

DATE: Tuesday, May 02, 2006

9:15 AM PJ: BUCKINGHAM HENRY VANMETER
2005CA000397 JANE MEEK ET AL. VS HENRY VASCONEZ
MEDICAL MALPRACTICE.

CIVIL FAYETTE COUNTY MARY C NOBLE

Appellant Atty:

Appellant Name:

.....
BLANKENSHIP, ANTHONY DAVID

.....
JANE A. MEEK

JANE A. MEEK

RICKY L. MEEK

RICKY L. MEEK

KINNER, MITCHELL D

JANE A. MEEK

JANE A. MEEK

RICKY L. MEEK

RICKY L. MEEK

Appellee Atty:

Appellee Name:

.....
GALLION, WILLIAM J.

.....
HENRY C. VASCONEZ M.D.

**NOTE: ORIGINALLY ON APRIL 11, 2006 SAME LOCATION

1:30 PM PJ: TAYLOR EMBERTON TACKETT
2005CA000893 TEN BROECK DUPONT, INC. VS ARTEMECIA BROOKS

WHETHER APPELLANT WAS ENTITLED TO DIRECTED VERDICT UPON PUNITIVE DAMAGE CLAIM, NEGLIGENT
HIRING CLAIM, FUTURE PAIN AND SUFFERING CLAIM; WHETHER CIRCUIT COURT ERRONEOUSLY EXCLUDED
CERTAIN EVIDENCE; WHETHER CIRCUIT COURT ERRED BY FAILING TO INSTRUCT JURY ON APPORTIONMENT OF
FAULT; WHETHER CIRCUIT COURT IMPROPERLY ADMITTED CERTAIN EVIDENCE; WHETHER CIRCUIT COURT
ERRONEOUSLY FAILED TO INSTRUCT JURY.

CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....
BALLANTINE, JOHN T.

.....
TEN BROECK DUPONT, INC.

HECTUS, C. THOMAS

TEN BROECK DUPONT, INC.

SCHUSTER, STEPHEN F

TEN BROECK DUPONT, INC.

STRAUSE, RANDALL S

TEN BROECK DUPONT, INC.

Appellee Atty:

Appellee Name:

.....
ELLERIN, IRWIN M.

.....
ARTEMECIA BROOKS

HILLERICH, GARY R.

ARTEMECIA BROOKS

WARREN, R. DALE

ARTEMECIA BROOKS

**NOTE: ORIGINALLY SCHEDULED APRIL 11, 2006 AT 9:30 AM IN BRANDENBURG, KY

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

DATE: Wednesday, May 03, 2006

9:00 AM PJ: BUCKINGHAM BARBER MCANULTY
2004CA001839 THIRD STREET SANITATION CORPORATION VS LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT ET AL.
INVERSE CONDEMNATION.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:	Appellant Name:
..... BLANKENSHIP, HARLEY N THIRD STREET SANITATION CORPORATION
Appellee Atty:	Appellee Name:
..... ALSTON, V JEFFERY DWYER JR, JOHN H. FROCKT, I JOEL THERIOT, JANICE M. ZIELKE, LAURENCE CITIZENS FIDELITY BANK AND TRUST COMPANY LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT A CLASS OF ALL HOMEOWNERS ANDREW K. MILLER JOSEPH HARRINGTON LINDA SHEDCO LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

9:45 AM PJ: BUCKINGHAM BARBER MCANULTY
2004CA002681 CHARLES BREWSTER VS COLGATE-PALMOLIVE COMPANY ET AL.
ASBESTOS/PREMISES LIABILITY.

CIVIL JEFFERSON COUNTY LISABETH HUGHES ABRAM

Appellant Atty:	Appellant Name:
..... KELLEY, PAUL JASON SATTERLEY, JOSEPH D. CHARLES BREWSTER CHARLES BREWSTER
Appellee Atty:	Appellee Name:
..... DEJACO, LISA CATHERINE GARY, JAMES M. GAULT, PATRICK W. SAUNDERS, RUSSELL H. SCHUPBACH, REBECCA F. COLGATE-PALMOLIVE COMPANY JEWISH HOSPITAL HEALTHCARE SERVICES, INC. JEWISH HOSPITAL HEALTHCARE SERVICES, INC. JEWISH HOSPITAL HEALTHCARE SERVICES, INC. COLGATE-PALMOLIVE COMPANY

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

DATE: Wednesday, May 03, 2006

10:30 AM PJ: BUCKINGHAM BARBER MCANULTY
2005CA000286 LINDA SHANNON D/B/A LINDA'S DAY CARE VS COM. OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES
DAYCARE SERVICES/NEGLECT.

CIVIL OLDHAM COUNTY PAUL W. ROSENBLUM

Appellant Atty:

Appellant Name:

.....
CARTER, JOHN K

.....
LINDA SHANNON D/B/A LINDA'S DAY CARE

Appellee Atty:

Appellee Name:

.....
POWELL, TERESA JANE
REDMOND, SHEILA

.....
COM. OF KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES
COM. OF KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES

11:15 AM PJ: BARBER BUCKINGHAM MCANULTY
2004CA001259 CITY OF SHEPHERDSVILLE VS SOUTHEAST BULLITT FIRE PROTECTION
DISTRICT ET AL.
2004CA001261 APPEAL OF THE ANNEXATION OF AN UNINCORPORATED AREA.

CIVIL BULLITT COUNTY THOMAS L. WALLER

Appellant Atty:

Appellant Name:

.....
WANTLAND, JOSEPH J.

.....
CITY OF SHEPHERDSVILLE

Appellee Atty:

Appellee Name:

.....
MCGREGOR, JASON F.

WHITE, C TIMOTHY

.....
MT. WASHINGTON FIRE PROTECTION DISTRICT
ZONETON FIRE PROTECTION DISTRICT
NICHOLS FIRE PROTECTION DISTRICT
SOUTHEAST BULLITT FIRE PROTECTION DISTRICT

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

DATE: Wednesday, May 03, 2006

9:30 AM PJ: HENRY JOHNSON SCHRODER
2005CA000611 KAREEM HENRY VS COMMONWEALTH OF KENTUCKY
2005CA000631 APPEAL FROM DENIAL OF MOTION TO SUPPRESS EVIDENCE SEIZED WITHOUT WARRANT; DOUBLE JEOPARDY.

CRIMINAL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

.....
HACKETT, BRUCE P

.....
KAREEM HENRY

Appellee Atty:

Appellee Name:

.....
FUCHS, GREGORY C.

.....
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: JOHNSON HENRY SCHRODER
2005CA000343 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT VS
COMMONWEALTH OF KENTUCKY ET AL.
APPELLANT CLAIMS THE ABC BOARD ERRED BY NOT APPLYING THE CORRECT LAW TO THE FACTS.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
KING, WINSTON E

.....
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

Appellee Atty:

Appellee Name:

.....
BLANDFORD JR, JOSEPH E

.....
J& J NICHOLS, INC.

.....
HUMPHRESS, STEPHEN B.

.....
COMMONWEALTH OF KENTUCKY

11:00 AM PJ: JOHNSON HENRY SCHRODER
2004CA002154 ROBERT BRATCHER VS COMMONWEALTH OF KENTUCKY
APPELLANT CLAIMS THE TRIAL COURT ERRED (1) BY ALLOWING EVIDENCE OF PRIOR BAD ACTS WITHOUT
PRIOR NOTICE; (2) BY REFUSING TO GRANT A DIRECTED VERDICT; AND (3) BY REFUSING TO INSTRUCT ON
LESSER-INCLUDED OFFENSES.

CRIMINAL BUTLER COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....
HORSMAN, LINDA ROBERTS

.....
ROBERT EARL BRATCHER

.....
PRESTON, DAMON

.....
ROBERT EARL BRATCHER

Appellee Atty:

Appellee Name:

.....
LONG JR, WILLIAM ROBERT

.....
COMMONWEALTH OF KENTUCKY

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

DATE: Wednesday, May 03, 2006

1:00 PM PJ: JOHNSON HENRY SCHRODER
2004CA000339 500 ASSOCIATES, INC. VS NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION CABINET

2004CA000451 APPELLANT CLAIMS THE CIRCUIT COURT ERRED BY AFFIRMING THE CABINET'S ASSESSMENT OF LIABILITY
AGAINST IT FOR ENVIRONMENTAL CONTAMINATION BECAUSE OF A LACK OF SUBSTANTIAL EVIDENCE. THE
CROSS-APPELLANT CLAIMS IT SHOULD NOT HAVE BEEN PENALIZED FOR ITS SITE CHARACTERIZATION REPORT.

CIVIL FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
COHEN, GLENN ALAN
EFFINGER, CYNTHIA L.
HERSHBERG, PAUL J.

.....
500 ASSOCIATES, INC.
500 ASSOCIATES, INC.
500 ASSOCIATES, INC.

Appellee Atty:

Appellee Name:

.....
MCDOWELL, RANDALL
MCPEAK, TROY A
PAULEY, BARBARA MAGGIO

.....
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

**NOTE:40 MINUTE ORAL (20/20) - ORIGINALLY AT 1:45 PM

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

DATE: Thursday, May 11, 2006

9:30 AM PJ: KNOFF HUDDLESTON TACKETT

2004CA002595 S. K. VS COMMONWEALTH OF KENTUCKY

2004CA002596; IN CONSOLIDATED CASES, THREE FORMER JUVENILE OFFENDERS HAVE BEEN GRANTED DISCRETIONARY
2004CA002597 REVIEW OF A CIRCUIT COURT OPINION RULING THAT DISTRICT COURT RETAINS CIVIL CONTEMPT JURISDICTION OVER JUVENILE RESTITUTION ORDERS EVEN AFTER THE JUVENILES BECOME ADULTS.

DR CRIMINAL DAVIESS COUNTY HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....
ARNOLD, TIMOTHY G.
PRESTON, DAMON

.....
S. K.
S. K.

Appellee Atty:

Appellee Name:

.....
BURLEW II, DANIEL M
STUMBO, GREGORY D.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: HUDDLESTON KNOFF TACKETT

2004CA002487 TRUSERV CORPORATION VS FLEGLES, INC.

2005CA000162 FLEGLES, HARDWARE STORE OBTAINED \$1.3 MILLION JUDGMENT AGAINST TRUSERV, MEMBER-OWNED CO-OP, BASED ON ALLEGEDLY FRAUDULENT FINANCIAL PROJECTIONS WHICH LED FLEGLES TO INVEST IN LARGER STORE. TRUSERV CONTENDS, INTER ALIA, THAT RELIANCE ON PROJECTIONS WAS UNJUSTIFIED, JURY WAS BIASED, CHANGE OF VENUE SHOULD HAVE BEEN GRANTED AND EVIDENCE SHOULD HAVE BEEN EXCLUDED. PROTECTIVE CROSS-APPEAL CHALLENGES FAILURE TO GIVE INSTRUCTIONS ON BREACH OF FIDUCIARY DUTY AND NEGLIGENT MISREPRESENTATION.

CIVIL CARLISLE COUNTY WILLIAM LEWIS SHADOAN

Appellant Atty:

Appellant Name:

.....
BIRD, JEAN W.
SMITH, KERRY D
SNELL, VIRGINIA HAMILTON

.....
TRUSERV CORPORATION
TRUSERV CORPORATION
TRUSERV CORPORATION

Appellee Atty:

Appellee Name:

.....
FLEGLE, JIM L.
HOGANCAMP, MICHAEL W

.....
FLEGLES, INC.
FLEGLES, INC.

**NOTE:60 MINUTE ORAL (30/30)

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

DATE: Thursday, May 11, 2006

1:30 PM

PJ: KNOFF

HUDDLESTON

TACKETT

2004CA002251

WARREN COUNTY CITIZENS FOR MANAGED GROWTH, INC. ET AL. VS BOARD OF COMMISSIONERS OF CITY OF BOWLING GREEN ET AL.

2004CA002320;
2005CA000287;
2005CA000345

WARREN COUNTY CITIZENS FOR MANAGED GROWTH, INC., APPEALS FROM AN ORDER UPHOLDING THE REZONING FROM AGRICULTURAL TO INDUSTRIAL OF ABOUT 235 ACRES IN BOWLING GREEN FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK. THE APPELLANTS CONTEND THAT THE COUNTY PLANNING COMMISSION AND THE BOWLING GREEN BOARD OF COMMISSIONERS APPROVED THE AMENDMENT WITHOUT FOLLOWING STATUTORY PROCEDURES AND ON THE BASIS OF INSUFFICIENT EVIDENCE. PROPONENTS OF THE CHANGE CROSS-APPEAL.

CIVIL

WARREN COUNTY

STEVE A WILSON

Appellant Atty:

Appellant Name:

.....
CROCKER, BENJAMIN D.

.....
GAYLA CISSELL

GAYLA CISSELL

JIM DUFFER

JIM DUFFER

WARREN COUNTY CITIZENS FOR MANAGED GROWTH, INC.

GRADDY IV, W. HENRY

GAYLA CISSELL

GAYLA CISSELL

JIM DUFFER

JIM DUFFER

WARREN COUNTY CITIZENS FOR MANAGED GROWTH, INC.

Appellee Atty:

Appellee Name:

.....
CLARK JR, LAWRENCE JUDE

.....
BOARD OF COMMISSIONERS OF CITY OF BOWLING GREEN

HELEN MARIE WALLACE STAHL

INTER-MODAL TRANSPORTATION AUTHORITY, INC.

SOUTH CENTRAL KENTUCKY REGIONAL DEVELOPMENT AUTHORITY

COOK, MATTHEW P.

CITY-COUNTY PLANNING COMMISSION OF WARREN COUNTY, KY

HARMON, H. EUGENE

BOARD OF COMMISSIONERS OF CITY OF BOWLING GREEN

MOORE JR., FRANK HAMPTON

CITY-COUNTY PLANNING COMMISSION OF WARREN COUNTY, KY

PRIEST JR, WHAYNE C

BOARD OF COMMISSIONERS OF CITY OF BOWLING GREEN

HELEN MARIE WALLACE STAHL

INTER-MODAL TRANSPORTATION AUTHORITY, INC.

SOUTH CENTRAL KENTUCKY REGIONAL DEVELOPMENT AUTHORITY

SUMNER, GRIFFIN TERRY

HELEN MARIE WALLACE STAHL

INTER-MODAL TRANSPORTATION AUTHORITY, INC.

SOUTH CENTRAL KENTUCKY REGIONAL DEVELOPMENT AUTHORITY

**NOTE: 40 MINUTE ORAL (20/20)

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

DATE: Thursday, May 11, 2006

2:30 PM

PJ: TACKETT

HUDDLESTON

KNOPF

2004CA002523

GEORGE LAWSON VS WILLIAM HAYNES ET AL.

PARTNERSHIPS; WHETHER ADMINISTRATOR OF DECEASED PARTNER'S ESTATE HAS FAILED TO MAKE EQUAL CONTRIBUTION, WHETHER SUMMARY JUDGMENT WAS APPROPRIATELY GRANTED.

CIVIL

WARREN COUNTY

STEVE A WILSON

Appellant Atty:

Appellant Name:

.....
EVANS, JOHN E

.....
GEORGE D. LAWSON

LANPHEAR, DAVID A

GEORGE D. LAWSON

WALTON, D BAILEY

GEORGE D. LAWSON

Appellee Atty:

Appellee Name:

.....
BRODERICK, DAVID F.

.....
THOMAS R. LOID JR

WILLIAM S. HAYNES

HACKWORTH, KEVIN

THOMAS R. LOID JR

WILLIAM S. HAYNES

REYNOLDS, MIKE

WILLIAM S. HAYNES

THOMAS, LINDA B

THOMAS R. LOID JR

WILLIAM S. HAYNES

**NOTE: 40 MINUTE ORAL (20/20)