

**UPDATED: 05/21/2010**

**MAY 2010**

**ORAL ARGUMENT**

**CALENDAR**

**05/21/2010**

**MAY, 2010**

**May 4, 2010**

**2:00 P.M., MOTION PANEL, JUDGE CAPERTON, PRES.,  
JUDGE MOORE, AND JUDGE STUMBO, ASSOC.**

**May 12, 2010**

**SPECIAL COURT MEETING – 12:00 NOON**

**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**

**LEXINGTON – Contact Dana Carter – (859) 246-2132**

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

**DATE: Tuesday, May 4, 2010**

10:00 AM PJ: BUCKINGHAM, HON. DAVID C. CAPERTON, HON. MICHAEL O. MOORE, HON. JOY A.

2009CA001361 BEVERLY ENTERPRISES, INC. v DONNA PING

2009CA001379

Enforceability of ADR agreement.

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

DAVIS, SARA  
GWIN, ROBERT  
PEARSON, MARCIA

Appellant Name:

BEVERLY ENTERPRISES, INC.

Appellee Atty:

O'BRIEN, STEPHEN III

Appellee Name:

PING, DONNA

\*\* NOTE:

10:45 AM PJ: MOORE, HON. JOY A. CAPERTON, HON. MICHAEL O. BUCKINGHAM, HON. DAVID C.

2009CA000714 A. C. v COMMONWEALTH OF KENTUCKY

Palpable error review of juvenile case wherein Appellant alleges she was denied due process when she was not given notice that she appearing to answer charges of contempt and/or violation of probation and alleges that she was not given a meaningful opportunity to be heard. Pending motion to dismiss by Commonwealth as moot because Appellant is no longer in the custody of the Cabinet.

JESSAMINE COUNTY

HON C. MICHAEL DIXON, JUDGE

Appellant Atty:

HOBBS, REBECCA  
KYLE-GRIFFITHS, LA  
ROBINSON, GAIL  
SCHMIDT, KATHLEEN

Appellant Name:

C., A.

Appellee Atty:

RIGGS, KEN

Appellee Name:

COMMONWEALTH OF KENTUCKY

\*\* NOTE:

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

**DATE: Tuesday, May 4, 2010**

**11:30 AM PJ: MOORE, HON. JOY A. CAPERTON, HON. MICHAEL O. BUCKINGHAM, HON. DAVID C.**

**2008CA002389 STONESTREET ENTITIES v BUCKRAM OAK HOLDINGS, N.V.**

**2009CA000026**

Contract case wherein Appellant alleges the trial court erred in granting summary judgment. Claims on direct appeal include legal errors regarding the merger doctrine, fraudulent misrepresentation, fraudulent omission, and civil conspiracy. Protective cross appeal involves claims of error regarding whether trial court should have granted dismissal for alleged discovery misconduct.

**CIVIL FAYETTE COUNTY HON JAMES D ISHMAEL**

Appellant Atty:

**CASE, JESSICA  
CHILDERS, JOE JR  
GETTY, RICHARD  
HUGHES, ELIZABETH  
KELLER, JAMES**

Appellant Name:

**STONESTREET ENTITIES**

Appellee Atty:

**BULLOCK, THOMAS  
CHESNUT, ANNE  
KIRTLEY, HAROLD II  
MARTIN, THEODORE  
SCOTT, PHILLIP  
STINETORF, J**

Appellee Name:

**BUCKRAM OAK HOLDINGS, N.V.**

**\*\* NOTE:60 MINUTE ORAL - PREVIOUSLY AT 1:00 PM**

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

**DATE: Tuesday, May 11, 2010**

11:00 AM PJ: THOMPSON, HON. KELLY

CLAYTON, HON. DENISE G.

TAYLOR, HON. JEFF S.

2009CA001565 TERRY L. GOODMAN v MELISSA L. CRAIG

A 1995 Kentucky paternity judgment determined that appellant was the father of a female child. At age 18, after graduation from high school, the father moved to terminate child support. Family court denied the motion finding no jurisdiction because in 1996 the action had been transferred to Indiana.

**JEFFERSON COUNTY**

**HON DONNA DELAHANTY**

Appellant Atty:

Appellant Name:

CONNELLY, MICHAEL

GOODMAN, TERRY

Appellee Atty:

Appellee Name:

DEEB (LOHMAN), PHYLLIS

CRAIG, MELISSA

**\*\* NOTE:**

11:45 AM PJ: TAYLOR, HON. JEFF S.

CLAYTON, HON. DENISE G.

THOMPSON, HON. KELLY

2009CA000468 DON R WILKINS v GRACE WILKINS

2009CA000512

2009-CA-000468 – Whether circuit court erred by setting aside a portion of a property settlement agreement as unconscionable. 2009-CA-000512 – Whether circuit court erred by not setting aside entire property settlement agreement.

**OLDHAM COUNTY**

**HON TIMOTHY E. FEELEY**

Appellant Atty:

Appellant Name:

RAGLAND, SANDRA

WILKINS, DON

SKAGGS, DIANA

Appellee Atty:

Appellee Name:

BUBA, VICKI

WILKINS, GRACE

OLDFATHER, ANN

**\*\* NOTE:**

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

**DATE: Monday, May 17, 2010**

01:00 PM PJ: STUMBO, HON. JANET L. NICKELL, HON. C. SHEA WHITE, EDWIN M.

2008CA001690 REPUBLIC WESTERN INSURANCE COMPANY v JOSEPH ANTHONY WEST

2008CA001691

MOR appeal from jury verdict on claim of violation of unfair settlement claims act. Issues include whether all elements of claim were established; whether punitive damages were properly awarded; whether punitive damages were excessive; whether insurer was properly ordered to make payment; and, whether award of attorney's fees was an abuse of discretion.

CIVIL PULASKI COUNTY HON JEFFREY T BURDETTE

Appellant Atty:

Appellant Name:

BAUGHMAN, BRENT  
SNELL, VIRGINIA  
WEATHERHOLT, TIMOTHY  
WEST, JOHN

REPUBLIC WESTERN INSURANCE COMPANY

Appellee Atty:

Appellee Name:

GILLUM, JOHN

WEST, JOSEPH

\*\* NOTE:

01:45 PM PJ: WINE, HON. THOMAS B. NICKELL, HON. C. SHEA STUMBO, HON. JANET L.

2009CA000338 TERESA SHEFFIELD v WILBER GRAVES

2009CA001213

CIVIL MONROE COUNTY HON EDDIE C LOVELACE

Appellant Atty:

Appellant Name:

RATHER, JULIUS

SHEFFIELD, TERESA

Appellee Atty:

Appellee Name:

BELANGER, LAWRENCE

GRAVES, WILBER

\*\* NOTE:

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

**DATE: Monday, May 17, 2010**

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

**STUMBO, HON. JANET L.**

**VANMETER, HON. LAURANCE B.**

**2009CA000903 VERONICA CANTRELL-MAY v BRENDEN M. WETHERTON**

Whether circuit court erred by admitting into evidence the deposition of expert witness.

**CIVIL SHELBY COUNTY HON CHARLES R. HICKMAN**

Appellant Atty:

**CLARE, BRIAN**

Appellant Name:

**CANTRELL-MAY, VERONICA**

Appellee Atty:

**OTT, ROBERT  
WHONSETLER, SCOTT**

Appellee Name:

**WETHERTON, BRENDEN**

**\*\* NOTE:PREVIOUSLY ON 3/24/10 AT 10:15 AM AT UNIV. OF LOUISVILLE LAW SCHOOL**

**LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR,  
120 NORTH LIMESTONE, LEXINGTON, KENTUCKY**

**DATE: Wednesday, May 26, 2010**

**1:00 PM PJ: VANMETER, HON. LAURANCE B.**

**ACREE, HON. GLENN E.**

**WINE, HON. THOMAS B.**

**2009CA001145 KENTUCKY EXECUTIVE BRANCH ETHICS COMMISSION v BETTY ATKINSON**

County Government: whether executive branch ethics commission has jurisdiction over property valuation administrators.

**CIVIL FRANKLIN COUNTY**

**HON PHILLIP J. SHEPHERD**

Appellant Atty:

Appellant Name:

**NICKLES, DANA**

**KENTUCKY EXECUTIVE BRANCH ETHICS  
COMMISSION**

**STEFFEN, JOHN**

Appellee Atty:

Appellee Name:

**MORGAN, DANIEL  
RICHARDSON, BOBBY**

**ATKINSON, BETTY**

**\*\* NOTE: ORIGINALLY AT 10:00 AM**

**1:45 PM PJ: WINE, HON. THOMAS B.**

**ACREE, HON. GLENN E.**

**VANMETER, HON. LAURANCE B.**

**2009CA000209 LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT v L.L. HANKS, JR. & SONS**

**2009CA000926**

LFUCG appeals from a district court order which awarded attorney fees after dismissal of a code enforcement violation citation. Whether proof of bad faith is necessary to support an equitable award of attorney fees. Adequacy of award.

**FAYETTE COUNTY**

**HON ERNESTO M. SCORSONE**

Appellant Atty:

Appellant Name:

**BOWMAN, LESLYE**

**LEXINGTON - FAYETTE URBAN COUNTY  
GOVERNMENT**

**SANNER, MICHAEL**

**WILSON, WILLIS**

Appellee Atty:

Appellee Name:

**REDFORD, CARROLL III**

**L.L. HANKS, JR. & SONS**

**\*\* NOTE: ORIGINALLY AT 10:45 AM**



**LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR,  
120 NORTH LIMESTONE, LEXINGTON, KENTUCKY**

**DATE: Wednesday, May 26, 2010**

**2:30 PM PJ: WINE, HON. THOMAS B. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.  
2009CA000155 JAMES D. CARREER v CABINET FOR HEALTH AND FAMILY SERVICES**

Carreer appeals from a circuit court order affirming the Personnel Board's decision to uphold the Cabinet's decision to transfer him to another division. Whether there was substantial evidence to support agency's finding that transfer was justified and not a demotion or penalization; whether reorganization was properly implemented; authority of Cabinet to order transfer; whether transfer effect of Carreer's retirement on his claim; and due process issues.

**CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE**

Appellant Atty:

**CARREER, JAMES**

Appellant Name:

**CARREER, JAMES**

Appellee Atty:

**ARNETT, ALEA**

**CROCKER, BOYCE**

Appellee Name:

**CABINET FOR HEALTH AND FAMILY SERVICES**

**KENTUCKY PERSONNEL BOARD**

**\*\* NOTE:40 MINUTE ORAL ORIGINALLY AT 11:30 AM**