

**UPDATED: 05/01/2012**

**MAY 2012**

**ORAL ARGUMENT**

**CALENDAR**

Report Updated On: 05/01/2012

**05/01/2012**

**MAY, 2012**

**THERE WILL BE NO COURT MEETING.**

**May 8, 2012**

**10:00 A.M., (FRANKFORT TIME) MOTION PANEL,  
CHIEF JUDGE TAYLOR, PRES., JUDGE CLAYTON,  
AND SENIOR JUDGE LAMBERT, ASSOC.**

**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**

**MAYFIELD – Contact Joyce Norsworthy – (270) 247-8726**

**SHEPHERDSVILLE – Contact Layne Abell – (502) 543-7104**

**LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE,  
COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY**

**DATE: Tuesday, May 1, 2012**

**10:45 AM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. CAPERTON, HON. MICHAEL O.**  
**2011CA000811 WARD REALTY, LLC v ROY STOESS ESTATE, LLC**

Whether circuit court erred by dismissing certain parties; whether circuit court erred by granting summary judgment in favor of remaining parties.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON MARTIN F MCDONALD</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>ARRINGTON, NORBERT</b>		<b>WARD REALTY, LLC</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>HELLINE, DENISE</b>		<b>GRISANTI GROUP COMMERCIAL REAL ESTATE LLC</b>
.....		
<b>CHAUVIN, L III</b>		<b>JORDAN RIVER, INC.</b>
.....		
<b>STOESS, RAY JR</b>		<b>ROY STOESS ESTATE, LLC</b>
.....		
<b>CHUPPE, FRANK HAYNES, KENNETH</b>		<b>STOLL KEENON OGDEN, PLLC</b>
.....		

**\*\* NOTE:PREVIOUSLY ON 4/24/12.**

**11:30 AM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. CAPERTON, HON. MICHAEL O.**  
**2011CA000768 BRADFORD QUATKEMEYER v KENTUCKY BOARD OF MEDICAL LICENSURE**

Whether circuit court erred by affirming the Kentucky Board of Medical Licensure order of probation.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON BARRY WILLETT</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>BLANKENSHIP, RANDY MASSEY, C.</b>		<b>QUATKEMEYER, BRADFORD</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>VEST, C II</b>		<b>KENTUCKY BOARD OF MEDICAL LICENSURE</b>
.....		

**\*\* NOTE:PREVIOUSLY ON 4/24/12.**

**LOCATION: BULLITT COUNTY JUDICIAL CENTER, 250 FRANK E. SIMON AVENUE,  
COURTROOM 301, THIRD FLOOR, SHEPHERDSVILLE, KENTUCKY**

**DATE: Tuesday, May 1, 2012**

12:15 PM PJ: CAPERTON, HON. MICHAEL O.

CLAYTON, HON. DENISE G.

LAMBERT, HON. JAMES H.

2010CA002039

DAYMAR COLLEGES GROUP, LLC v BRITTANY DIXON

Denial of motion to compel arbitration. Issues of unconscionability, severability of cost splitting provision, enforcement of arbitration.

CIVIL

MCCRACKEN COUNTY

HON TIMOTHY KALTENBACH

Appellant Atty:

Appellant Name:

MATTINGLY, STEPHEN  
MEYER, R.  
ZAHN, EMILY

DAYMAR COLLEGES GROUP, LLC

Appellee Atty:

Appellee Name:

BRYANT, DAVID  
BRYANT, MARK  
SALES, KENNETH

DIXON, BRITTANY

\*\* NOTE:

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

**DATE: Tuesday, May 15, 2012**

**01:00 PM PJ: CLAYTON, HON. DENISE G. ACREE, HON. GLENN E. DIXON, HON. DONNA L.**  
**2011CA000546 COLLEGE HEIGHTS CORPORATION v KENTUCKY BOARD OF TAX APPEALS**

An appeal from the Kentucky Board of Tax Appeals regarding assessment of low income, Section 8 property.

<b>CIVIL</b>	<b>KNOX COUNTY</b>	<b>HON JOHN KNOX MILLS</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>HOWLAND, BIXLER</b>		<b>COLLEGE HEIGHTS CORPORATION</b>
<b>LOLLIS, JANE</b>		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>DIXON, CHARLEY JR</b>		<b>KENTUCKY BOARD OF TAX APPEALS</b>
<b>DIXON, JOHN</b>		
.....		

**\*\* NOTE:**

**01:45 PM PJ: ACREE, HON. GLENN E. CLAYTON, HON. DENISE G. LAMBERT, HON. JOSEPH E.**  
**2011CA001276 DEXTER COLEMAN v WENDELL SMITH, GRANDPARENT AND GUARDIAN**

Civil; Wrongful Death: Whether the trial court erred when it determined that appellants were not entitled to the protections of Qualified Official Immunity.

<b>CIVIL</b>	<b>PIKE COUNTY</b>	<b>HON EDDY COLEMAN</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>BLANKENSHIP, STACEY</b>		<b>COLEMAN, DEXTER</b>
<b>STRATTON, DAVID</b>		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>BELZLEY, GREGORY</b>		<b>WENDELL SMITH, GRANDPARENT AND</b>
<b>ROWE, ROBERT JR</b>		<b>GUARDIAN</b>
.....		

**\*\* NOTE:PREVIOUSLY AT 2:30 PM**

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

**DATE: Monday, May 21, 2012**

**01:30 PM PJ: STUMBO, HON. JANET L. COMBS, HON. SARA W. LAMBERT, HON. JOSEPH E.**

**2011CA000853 THE SULLIVAN UNIVERSITY SYSTEM, INC. v KENTUCKY BOARD OF NURSING**

MOR appeal from grant of summary judgment denying Appellant's challenge to imposing of probationary status on Appellant's degree program. The issue is whether trial court acted arbitrarily and capriciously and without affording Appellant due process and by retroactively applying its regulations.

**CIVIL JEFFERSON COUNTY HON OLU A. STEVENS**

Appellant Atty:

**BASHA, RANIA  
LAMB, EMILY  
POTTS, GROVER JR  
WYRICK, MITZI**

Appellant Name:

**THE SULLIVAN UNIVERSITY SYSTEM, INC.**

Appellee Atty:

**HANLEY, JOHN  
ROBINSON, MARK  
VALENTI, MICHAEL**

Appellee Name:

**BARNETT, SHIRLEY**

**DOMENE, DAVID  
POWELL, SCOTT**

**KENTUCKY BOARD OF NURSING**

**\*\* NOTE:**

**02:15 PM PJ: LAMBERT, HON. JOSEPH E. COMBS, HON. SARA W. STUMBO, HON. JANET L.**

**2011CA001096 CITY OF TAYLORSVILLE v SPENCER COUNTY FISCAL COURT**

Appeal from declaratory judgment challenging petition filed under the Charter County Government Act. Whether Act is unconstitutionally vague in failing to provide prerequisites for validity of petition. Whether Act is unconstitutional in violation of equal protection or as special or local legislation. Sufficiency of petition filed under Act.

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

Appellant Atty:

**CARL, SAMUEL  
STEWART, WILLIAM**

Appellant Name:

**CITY OF TAYLORSVILLE**

Appellee Atty:

**ROSS, LAURA**

**PETITT, CAROL**

Appellee Name:

**KENTUCKY LEAGUE OF CITIES**

**SPENCER COUNTY FISCAL COURT**

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

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

**DATE: Wednesday, May 23, 2012**

**10:00 AM PJ: TAYLOR, HON. JEFF S. KELLER, HON. MICHELLE M. THOMPSON, HON. KELLY**  
**2011CA001906 BRANDY NICOLE SWIGERT v JOHN WILLIAM SWIGERT**

Whether circuit court erred by denying petition for domestic violence order.

**OWEN COUNTY**

**HON STEPHEN L BATES**

Appellant Atty:

Appellant Name:

**THRELKELD, JOHN**

**SWIGERT, BRANDY**

Appellee Atty:

Appellee Name:

**ADKINS, WILLIAM**

**SWIGERT, JOHN**

**\*\* NOTE:**

**10:45 AM PJ: TAYLOR, HON. JEFF S. KELLER, HON. MICHELLE M. THOMPSON, HON. KELLY**  
**2011CA000699 BRETT ALAN LOVELL v ST. PAUL FIRE & MARINE INSURANCE COMPANY**

Whether circuit court erred by determining that Lovell was not an insured of the first class and was not entitled to UIM coverage.

**CIVIL**

**KENTON COUNTY**

**HON PATRICIA M SUMME**

Appellant Atty:

Appellant Name:

**DOWELL, STEVEN  
MORGAN, JAMES JR**

**LOVELL, BRETT**

Appellee Atty:

Appellee Name:

**MALONEY, MICHAEL  
SCHAEFER, JUSTIN  
YEAGER, STEPHEN**

**ST. PAUL FIRE & MARINE INSURANCE  
COMPANY**

**\*\* NOTE:**

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

**DATE: Wednesday, May 23, 2012**

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**11:30 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. KELLER, HON. MICHELLE M.**  
**2007CA001610 THE TRAVELERS INSURANCE CO. v BLACKSTONE MINING COMPANY, INC.**

Whether circuit court properly concluded that Blackstone was entitled to judgment for overpayment of insurance premiums.

**CIVIL PIKE COUNTY HON EDDY COLEMAN**

Appellant Atty:

**BURNHAM, WILLIAM  
SHEFFER, RONALD**

Appellant Name:

**THE TRAVELERS INSURANCE CO.**

.....  
Appellee Atty:

**IRTZ, FREDRICK II**

Appellee Name:

**BLACKSTONE MINING COMPANY, INC.**  
.....

**\*\* NOTE:**

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**LOCATION: GRAVES COUNTY COURTHOUSE, COURTHOUSE 2, 100 EAST  
BROADWAY, MAYFIELD, KENTUCKY**

**DATE: Thursday, May 24, 2012**

12:30 PM PJ: CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2011CA000884

**MATTHEW MILLER v AMBREEN FRASER**

2011CA000905

Appeal of defense verdict in medical negligence case. Issues of expert testimony on causation, and instruction regarding informed consent. Cross-Appeal—was the condition foreseeable?

CIVIL

WARREN COUNTY

HON STEVE ALAN WILSON

Appellant Atty:

Appellant Name:

SCHUETTE, BRIAN

MILLER, MATTHEW

Appellee Atty:

Appellee Name:

MOORE, FRANK JR.

FRASER, AMBREEN

\*\* NOTE:

01:15 PM PJ: NICKELL, HON. C. SHEA

CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

2011CA000398

**RUBY H. PORTER v HELEN CATHEY**

Whether trial court erred in overruling plaintiff's Motion for a Protective Order, thereby admitting the testimony of two attorneys who had prepared plaintiff's trust document and deeds? Whether trial court subsequently erred in granting the defendant's Motion for Summary Judgment in this action for damages alleging fraud, undue influence, and elder abuse?

CIVIL

SIMPSON COUNTY

HON G. SIDNOR BRODERSON

Appellant Atty:

Appellant Name:

HAMMER, JOSEPH

PORTER, RUBY

Appellee Atty:

Appellee Name:

ENGLISH, CHARLES

CATHEY, HELEN

\*\* NOTE:

**LOCATION: GRAVES COUNTY COURTHOUSE, COURTHOUSE 2, 100 EAST BROADWAY, MAYFIELD, KENTUCKY**

**DATE: Thursday, May 24, 2012**

02:00 PM PJ: NICKELL, HON. C. SHEA

CAPERTON, HON. MICHAEL O.

LAMBERT, HON. JAMES H.

2011CA000591

**OSCAR CHERRY v CITY OF BOWLING GREEN, KENTUCKY**

2011CA000641

APPEAL: Whether trial court erroneously (1) excluded evidence of other city employees making personal purchases with a city procurement card; (2) failed to grant directed verdict on Cherry's entitlement to a hearing; and (3) instructed the jury? Whether Claims Against Local Govt Act unconstitutionally prevents recovery of punitive damages from a municipality?

CROSS-APPEAL: Whether KRS 446.070 provides cause of action or claim for damages resulting from alleged violation of KRS 95.450? Whether trial court erroneously concluded KRS 95.450 applies to orders issued by fire chief? Whether trial court erred in granting Cherry a trial on damages where he did not seek hearing and city commission was not permitted to consider fire chief's orders?

CIVIL

WARREN COUNTY

HON JOHN R. GRISE

Appellant Atty:

Appellant Name:

BAKER, MATTHEW

CHERRY, OSCAR

Appellee Atty:

Appellee Name:

HARMON, H.

CITY OF BOWLING GREEN, KENTUCKY

STIVERS, GREGORY

\*\* NOTE: