

DATED 11/18/2008

NOVEMBER 2008

ORAL ARGUMENT

CALENDAR

Dated 11/18/2008

NOVEMBER, 2008

November 18, 2008

10:00 A.M. MOTION PANEL, JUDGE KELLER, PJ,
JUDGE CAPERTON AND JUDGE TAYLOR.

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

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

COVINGTON – Contact Jennie Wolking – (859) 292-6531

WINCHESTER – Contact Mary Eades – (859) 737-7263

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

DATE: Monday, November 03, 2008

1:00 PM PJ: COMBS STUMBO GUIDUGLI
2007CA001999 MORDECAI BLACK VS COMMONWEALTH OF KENTUCKY

Conditional plea involving complicity to commit robbery, 2nd degree. Appellant challenges validity of the initial Terry stop as having been impermissibly motivated by race alone.

CRIMINAL CAMPBELL COUNTY JULIE REINHARDT WARD

Appellant Atty:

Appellant Name:

.....
HORSMAN , LINDA ROBERTS
SCHMIDT , KATHLEEN K.

.....
MORDECAI BLACK
MORDECAI BLACK

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
RIGGS , KEN W.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

1:45 PM PJ: COMBS STUMBO GUIDUGLI
2007CA002030 DERAY FRYE VS COMMONWEALTH OF KENTUCKY

Criminal case; conviction for possession of a handgun by a convicted felon and PFO II. Appellant raises Batson issue alleging improper striking of the only black juror. Other peripheral relevancy issues are raised as well.

CRIMINAL KENTON COUNTY GREGORY M BARTLETT

Appellant Atty:

Appellant Name:

.....
SCHMIDT , KATHLEEN K.

.....
DERAY FRYE

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
HIGHTOWER , COURTNEY J.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

2:30 PM PJ: STUMBO COMBS GUIDUGLI
2007CA001882 D.E. VS COMMONWEALTH OF KENTUCKY

DR granted from circuit court opinion affirming juvenile conviction of criminal mischief; sufficiency of evidence to support conviction.

DR CRIMINAL LINCOLN COUNTY DAVID A. TAPP

Appellant Atty:

Appellant Name:

.....
ARNOLD , TIMOTHY G.
SCHMIDT , KATHLEEN K.
STRONG , ROBERT KENNETH

.....
D.E.
D.E.
D.E.

Appellee Atty:

Appellee Name:

.....
DAY , DARYL KEVIN

.....
COMMONWEALTH OF KENTUCKY

LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,
COVINGTON, KENTUCKY

DATE: Wednesday, November 12, 2008

10:15 AM PJ: CLAYTON ACREE KELLER
2007CA002282 RACING INVESTMENT FUND 2000, LLC VS CLAY WARD AGENCY, INC.

Appeal from circuit court's order finding the appellant in contempt of court for failing to satisfy the terms of the parties' agreed judgment and denial of their Motion for Reconsideration. Appellant also argues the court improperly interpreted RIF's operating agreement.

CIVIL FAYETTE COUNTY KIMBERLY N BUNNELL

Appellant Atty:

Appellant Name:

.....
CASE , JESSICA K
CHILDERS JR, JOE FRANCIS
GETTY , RICHARD A.

.....
RACING INVESTMENT FUND 2000, LLC
RACING INVESTMENT FUND 2000, LLC
RACING INVESTMENT FUND 2000, LLC

Appellee Atty:

Appellee Name:

.....
COOPER , JAMES B
INGRAM , HANLY ACTON

.....
CLAY WARD AGENCY, INC.
CLAY WARD AGENCY, INC.

11:00 AM PJ: KELLER ACREE CLAYTON
2007CA001171 LINDA CARMICLE VS CASEY COUNTY HOSPITAL ET AL.

2007CA001924 Appeal from two separate orders granting summary judgment to all defendants in a medical negligence action. The appellant alleges that the trial court erred by overlooking and ignoring materials, affidavits, and testimony offered on behalf of the appellant.

CIVIL CASEY COUNTY JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....
RIDINGS , JAMES A

.....
LINDA CARMICLE

Appellee Atty:

Appellee Name:

.....
ARNETT , MARTIN A.
EDWARDS , CLAY A
FULKERSON , CALVIN R.
NOT REPRESENTED BY COUNSEL ,

TREVEY , DAVID ANDREW
VESELY , KATHERINE K
WALKER , TIMOTHY J.

.....
JARED WILSON, M.D.
HOUSAM HADDAD, M.D.
EDWARD GRIMBALL, M.D.
UNKNOWN DOCTORS
UNKNOWN MEDICAL CARE PROVIDERS
EDWARD GRIMBALL, M.D.
HOUSAM HADDAD, M.D.
CASEY COUNTY HOSPITAL
WESTLAKE REGIONAL HOSPITAL

LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,
COVINGTON, KENTUCKY

DATE: Wednesday, November 12, 2008

1:30 PM PJ: KELLER ACREE CLAYTON
2007CA002093 MELVIN BANKS VS L.G. FOX, INC. ET AL.

Appeal from summary judgment on issue of causation in wrongful death action. Appellant argues violation of statute is proximate cause of injury if injury complained of is one which statute was intended to prevent.

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
ADAMS JR, CHARLES C
WRIGHT , JERRY L

.....
MELVIN BANKS
MELVIN BANKS

Appellee Atty:

Appellee Name:

.....
BOLAND , ROCHELLE E
BOWMAN , LESLIE BROOKE
DUNLAP III, WHITNEY
REARDON , KATHERINE H
STEPHENSON , BRIAN HENRY

.....
MARWAN RAYAN
L.G. FOX, INC.
L.G. FOX, INC.
FOX REAL ESTATE, LLC
FOX REAL ESTATE, LLC

2:15 PM PJ: KELLER ACREE CLAYTON
2007CA002427 DAWAN MULAZIM VS COMMONWEALTH OF KENTUCKY

Appellant pled guilty to possession of handgun by convicted felon & PFO II & was sentenced to 10 years' imprisonment. Appellant argues that trial court erred in failing to grant his motion to suppress anonymous tip & denying his motion to amend/dismiss indictment due to improper double enhancements.

CRIMINAL FAYETTE COUNTY KIMBERLY N BUNNELL

Appellant Atty:

Appellant Name:

.....
BOYD , MATTHEW W.
BRAUN , LUCAS RYAN

.....
DAWAN QAADIR MULAZIM
DAWAN QAADIR MULAZIM

Appellee Atty:

Appellee Name:

.....
ABNER , DAVID BRYAN

.....
COMMONWEALTH OF KENTUCKY

LOCATION: KENTON COUNTY JUSTICE CENTER, 230 MADISON AVENUE,
COVINGTON, KENTUCKY

DATE: Thursday, November 13, 2008

9:30 AM PJ: ACREE CLAYTON KELLER
2007CA001982 MELVIN LITTERAL VS COMMONWEALTH OF KENTUCKY

Criminal; Right to Counsel: Does the right to counsel attach before submitting to an intoxilyzer test and, if so, does such right include the right to private consultation outside of the hearing of the officer who is required to observe the subject for 20 minutes before administering the test?

DR CRIMINAL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....
CORNETT , JOHN E
LEWIS , BRANDI N

.....
MELVIN P LITTERAL
MELVIN P LITTERAL

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
GEVEDEN , CHARLES R
MURPHY , MELISSA MOORE

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

10:15 AM PJ: ACREE CLAYTON KELLER
2007CA002572 JEFFREY HOWELL VS COMMONWEALTH OF KENTUCKY

Criminal; RCr 11.42: Is Appellant entitled to a reversal of his conviction due to the ineffectiveness of his defense counsel?

POST-CONVICTION GRANT COUNTY STEPHEN L BATES

Appellant Atty:

Appellant Name:

.....
LUBANS-OTTO , DACE A

.....
JEFFREY HOWELL

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
HARNED , MICHAEL L.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

LOCATION: CLARK COUNTY CIRCUIT COURTROOM, 34 SOUTH MAIN STREET,
WINCHESTER, KENTUCKY

DATE: Wednesday, November 19, 2008

10:00 AM PJ: WINE CAPERTON TAYLOR
2007CA002074 GLEN BRYANT VS PULASKI COUNTY DETENTION CENTER ET AL.

Bryant appeals the court's summary judgment order dismissing his claim for personal injury against the Pulaski County Detention Center and it's employee, Bishop, based on sovereign immunity and qualified official immunity. Also, Bryant appeals the court's order denying his motion to amend his complaint.

CIVIL PULASKI COUNTY JEFFREY T BURDETTE

Appellant Atty:

Appellant Name:

.....
NORFLEET , ROBERT EUGENE
PRICE , AUSTIN

.....
GLEN AVERY BRYANT
GLEN AVERY BRYANT

Appellee Atty:

Appellee Name:

.....
BEAUMAN , BRYAN H.

.....
BRIAN BISHOP
PULASKI COUNTY DETENTION CENTER

10:45 AM PJ: CAPERTON TAYLOR WINE
2007CA000412 T. TACKETT VS MOUNTAIN COMPREHENSIVE CARE CENTER

Wrongful termination.

CIVIL FLOYD COUNTY JOHN DAVID CAUDILL

Appellant Atty:

Appellant Name:

.....
CALLIS III, JOHN HARLAN

.....
T. MESHAY TACKETT

Appellee Atty:

Appellee Name:

.....
PAXTON , JULIE

.....
MOUNTAIN COMPREHENSIVE CARE CENTER