

UPDATED: 10/27/2016

**NOVEMBER 2016**

**ORAL ARGUMENT**

**CALENDAR**

Updated: 10/27/2016

NOVEMBER, 2016

THERE WILL BE NO COURT MEETING.

November 16, 2016

1:00 PM (ET) MOTION PANEL,  
JUDGE VANMETER, PJ, JUDGE COMBS AND  
JUDGE THOMPSON.

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

FRANKFORT – Contact Patricia Brauer – (502) 573-7920  
LOUISVILLE – Contact Danae Bransford – (502) 595-3440

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

**DATE: Thursday, November 17, 2016**

**01:30 PM PJ: TAYLOR, HON. JEFF S.**

**ACREE, HON. GLENN E.**

**DIXON, HON. DONNA L.**

**2015CA001089      STEPHEN WILLIAM BARALT v MELISSA MITCHELL BARALT**

Whether family court erred in its division of marital property award of maintenance, and award of time-sharing.

**SPENCER COUNTY**

**HON S. MARIE HELLARD**

Appellant Atty:

Appellant Name:

**FRANK, ASHLEY**

**BARALT, STEPHEN**

Appellee Atty:

Appellee Name:

**FOX, KEVIN**

**BARALT, MELISSA**

**\*\* NOTE:**

**02:15 PM PJ: TAYLOR, HON. JEFF S.**

**ACREE, HON. GLENN E.**

**DIXON, HON. DONNA L.**

**2015CA001691      C. N. E. v CABINET FOR HEALTH AND FAMILY SERVICES**

Whether family court erred by involuntarily terminating appellant's parental rights.

**JEFFERSON COUNTY**

**HON DEANA C. MCDONALD**

Appellant Atty:

Appellant Name:

**SULLIVAN, MAUREEN  
WEBER, HENRY**

**E., C.**

Appellee Atty:

Appellee Name:

**CLAY, JENNIFER**

**CABINET FOR HEALTH AND FAMILY SERVICES**

**MCCARDWELL, KENNETH**

**E., M.**

**\*\* NOTE:**

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

**DATE: Thursday, November 17, 2016**

**03:00 PM PJ: TAYLOR, HON. JEFF S.**

**ACREE, HON. GLENN E.**

**DIXON, HON. DONNA L.**

**2016CA000034 JEFFREY MAINKA v DANA ROBINSON**

Whether the family court erred by granting DVO against appellant.

**JEFFERSON COUNTY**

**HON DONNA DELAHANTY**

Appellant Atty:

Appellant Name:

**HELMERS, JOHN JR.**

**MAINKA, JEFFREY**

**SHIFFMAN, COREY**

Appellee Atty:

Appellee Name:

**DOHENY, LAUREL**

**ROBINSON, DANA**

**\*\* NOTE:**

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

**DATE: Tuesday, November 29, 2016**

**01:30 PM PJ: LAMBERT, HON. DEBRA HEMBREE KRAMER, HON. JOY A. LAMBERT, HON. JAMES H.**

**2015CA000789 DRAKES CREEK HOLDING CO., LLC v FRANKLIN-SIMPSON COUNTY PLANNING &  
ZONING COMMISSION**

**2015CA001234  
2015CA001235  
2015CA001236**

Whether the trial court properly granted the Appellee's motion to dismiss pursuant to CR 12.02 for failure to state a claim.

**CIVIL SIMPSON COUNTY HON TYLER L GILL**

Appellant Atty:

**KNIGHT, ADAM  
TEEL, KATHRYN**

Appellant Name:

**DRAKES CREEK HOLDING CO., LLC**

Appellee Atty:

**SMITH, AARON**

Appellee Name:

**FRANKLIN-SIMPSON COUNTY BOARD OF  
ZONING ADJUSTMENT**

**\*\* NOTE:**

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

**DATE: Wednesday, November 30, 2016**

01:30 PM PJ: COMBS, HON. SARA W.

CLAYTON, HON. DENISE G.

MAZE, HON. IRV

2014CA000381

JOHNNIE R. DOUGLAS v COMMONWEALTH OF KENTUCKY

RCr 11.42 case. Appellant alleges as inadequate assistance of counsel the failure of trial counsel to remove from jury panel a victim of a previous crime of defendant. Case of first impression.

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

Appellant Name:

GARRISON, ROBERT  
STAPLES, AMY

DOUGLAS, JOHNNIE

Appellee Atty:

Appellee Name:

RIGGS, KEN  
VAN DE ROSTYNE, THOMAS

COMMONWEALTH OF KENTUCKY

\*\* NOTE:

02:15 PM PJ: MAZE, HON. IRV

CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

2015CA001238

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT v BETTY BRADEN

Appeal from declaratory judgment concluding that the Claims Against Local Governments Act (CALGA) required Metro to indemnify police officer for damages caused by his off-duty use of a police vehicle. Metro argues that officer's use of the vehicle fell outside of CALGA's "scope of employment" requirement.

CIVIL

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

Appellant Name:

LE MEUR, PATRICIA

LOUISVILLE/JEFFERSON COUNTY METRO  
GOVERNMENT

Appellee Atty:

Appellee Name:

BURKE, KEVIN  
HARTLEY, AMANDA  
MATTINGLY, ROBERT  
NEAL, JAMIE  
SONNE, DIANE

BRADEN, BETTY

STEPHENSON, BRIAN

HARTFORD ACCIDENT & INDEMNITY  
COMPANY

MEADE, DON  
MESSEX, ALISON

LEWIS, JOHN

\*\* NOTE:

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

**DATE: Wednesday, November 30, 2016**

**03:00 PM PJ: CLAYTON, HON. DENISE G. STUMBO, HON. JANET L. VANMETER, HON. LAURANCE B.**  
**2015CA001063 JEAN MCCUISTON v WILLIAM B BUTLER**

Administratrix of an estate appeals trial court's grant of summary judgment in a wrongful death action wherein the trial court held that defendant/appellee's actions did not constitute the elements necessary for a wrongful death action and further, that 911 dispatcher was protected by official immunity because his actions were discretionary rather than ministerial.

<b>CIVIL</b>	<b>HENDERSON COUNTY</b>	<b>HON KAREN LYNN WILSON</b>
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	<b>ARNETT, STEPHEN</b>	<b>MCCUISTON, JEAN</b>
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	<b>MALONEY, MICHAEL SCHAEFER, JUSTIN</b>	<b>BUTLER, WILLIAM</b>

**\*\* NOTE:\*\*PREVIOUSLY ON OCT. 7, 2016 AT 1:00 PM IN FRANKFORT, KENTUCKY**

**03:45 PM PJ: STUMBO, HON. JANET L. CLAYTON, HON. DENISE G. VANMETER, HON. LAURANCE B.**  
**2015CA000040 SYLVIA CHRISTINE CAYCE v TRACEY SUMNER**  
**2015CA000093**

Consolidated appeals arising from will contest jury verdict setting aside will due to undue influence and lack of testamentary capacit. Issues include number of preemptory strikes, and denial of motion for new trial. On protective cross appeal, did trial court err in granting directed verdict on separate tort claims and denying instructions on punitive damages to jury?

<b>CIVIL</b>	<b>CHRISTIAN COUNTY</b>	<b>HON ANDREW SELF</b>
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	<b>HAGGARD, CHARLES HAGGARD, KENNETH</b>	<b>CAYCE, SYLVIA</b>
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	<b>DEATHERAGE, WILLIAM JR ADAMS, JAMES III FEARS, ROBERT THOMAS, DANIEL</b>	<b>GONZALEZ, LISA SUMNER, TRACEY</b>
	<b>TALLEY, BENJAMIN</b>	<b>WASSON, REGEANA</b>

**\*\* NOTE:\*\*PREVIOUSLY ON OCT. 7, 2016 AT 1:45 PM IN FRANKFORT, KENTUCKY**