

UPDATED: 10/20/2017

NOVEMBER 2017

ORAL ARGUMENT

CALENDAR

10/20/2017

NOVEMBER, 2017

November 17, 2017

1:00 PM (ET) MOTION PANEL,
JUDGE JAMES LAMBERT, PJ, JUDGE SARA COMBS
AND JUDGE DEBRA LAMBERT.

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

ELIZABETHTOWN - Contact Loretta Crady, Clerk - (270) 766-5259

FRANKFORT - Contact Patricia Brauer - (502) 573-7920

LOUISVILLE - (Brandeis Law School) - Contact Tracie Cole, Director - (502) 852-1230

LOUISVILLE - (Jefferson Judicial Center) - Contact Christina Daknis - (502) 595-3440

RICHMOND (EKU)- Contact Jim Johns - (859) 622-6605

**LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY**

DATE: Wednesday, November 8, 2017

01:00 PM PJ: KRAMER, HON. JOY A. DIXON, HON. DONNA L. NICKELL, HON. C. SHEA
2016CA001897 CHAD WATSON v JAGOE HOMES, INC.

Civil case: Was summary judgment properly granted in this breach of contract case.

CIVIL	DAVIESS COUNTY	HON JAY A. WETHINGTON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BOSWELL, CLIFTON		WATSON, CHAD
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
HOLTREY, TRAVIS MAULDIN, TIMOTHY		JAGOE HOMES, INC.
.....		

**** NOTE:**

01:45 PM PJ: KRAMER, HON. JOY A. DIXON, HON. DONNA L. NICKELL, HON. C. SHEA
2016CA001339 CAROLYN MOORE v LOUISVILLE/JEFFERSON METROPLOITAN SEWER DISTRICT

Civil case: Appeal from order granting motion to dismiss regarding hiring or supervision of a contractor.

CIVIL	JEFFERSON COUNTY	HON ANGELA MCCORMICK BISIG
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
SAMPSON, JEFFREY		MOORE, CAROLYN
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
TROUT, ANNE		LOUISVILLE/JEFFERSON METROPLOITAN SEWER DISTRICT
.....		

**** NOTE:**

**LOCATION: HARDIN COUNTY JUSTICE CENTER, 120 EAST DIXIE AVENUE,
ELIZABETHTOWN, KENTUCKY**

DATE: Wednesday, November 8, 2017

02:30 PM PJ: MAZE, HON. IRV

ACREE, HON. GLENN E.

NICKELL, HON. C. SHEA

2016CA001225 THE GETTY LAW GROUP, PLLC v BOWLES, RICE, MCDAVID, GRAFF & LOVE PLLC

APPEAL FROM SUMMARY JUDGMENT DISMISSING CLAIM FOR WRONGFUL USE OF CIVIL PROCEEDINGS: EXISTENCE OF PROBABLE CAUSE; WHETHER PRIOR ACTION WAS DISMISSED IN PLAINTIFF'S FAVOR.

CIVIL

PIKE COUNTY

HON EDDY COLEMAN

Appellant Atty:

**BROWN, DANIELLE
SAMSON, KENDRA**

Appellant Name:

THE GETTY LAW GROUP, PLLC

Appellee Atty:

JOHNSON, BRIAN

Appellee Name:

**BOWLES, RICE, MCDAVID, GRAFF & LOVE
PLLC**

**** NOTE:*PREVIOUSLY ON SEPTEMBER 12, 2017 AT 10:00 AM AT THE COURT OF APPEALS COURTROOM,
FRANKFORT, KENTUCKY**

**LOCATION: BRANDEIS SCHOOL OF LAW, UNIVERSITY OF LOUISVILLE, ALLEN
COURTROOM, 2301 SOUTH THIRD STREET, LOUISVILLE, KENTUCKY**

DATE: Monday, November 13, 2017

11:00 AM PJ: LAMBERT, HON. DEBRA HEMBREE CLAYTON, HON. DENISE G. COMBS, HON. SARA W.
2016CA000412 JAMES JOHNSON v COMMONWEALTH OF KENTUCKY

Whether Appellant's due process rights were violated by the lack of specificity in the indictment and whether the evidence elicited by the prosecution (but not objected to by Appellant) regarding Appellant's unauthorized absence from the military after his arraignment constituted palpable error.

CRIMINAL CHRISTIAN COUNTY HON ANDREW SELF

Appellant Atty:

**POTTER, SAMUEL
SCHMIDT, KATHLEEN**

Appellant Name:

JOHNSON, JAMES

Appellee Atty:

BECKETT, JOSEPH

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

11:45 AM PJ: LAMBERT, HON. DEBRA HEMBREE CLAYTON, HON. DENISE G. COMBS, HON. SARA W.
2016CA001391 CHARLES WILLIAM PEARSON v PAULA PEARSON

Whether the trial court properly granted summary judgment to Appellee, finding that the parties were married and cohabiting and that the Appellant owed no heightened duty to protect Appellee from harm that was not foreseeable.

CIVIL JEFFERSON COUNTY HON MITCHELL PERRY

Appellant Atty:

**KLAUSING, JOSEPH
OPPENHEIMER, BRETT
STRITE, DAVID**

Appellant Name:

PEARSON, CHARLES

Appellee Atty:

**GALASSO, ANTHONY JR
SARGE, CARMEN**

Appellee Name:

**NATIONWIDE MUTUAL FIRE INSURANCE
COMPANY**

**RUEFF, ANNA
SMITH, GREGORY**

PEARSON, PAULA

**** NOTE:**

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

DATE: Monday, November 13, 2017

11:45 AM PJ: JONES, HON. ALLISON E.

STUMBO, HON. JANET L.

TAYLOR, HON. JEFF S.

2016CA001344 JAMES BENSON v JANET LIVELY

Family; domestic violence. Appellant challenges the family court's entry of an amended DVO, which added a provision requiring him to surrender his firearms. Appellant contends that the amendment adding the requirement is both procedurally and substantively improper, as it is a modification of a final order beyond the ten-day time limitation as stated in CR 59.

JEFFERSON COUNTY

HON JUDITH BARTHOLOMEW

Appellant Atty:

Appellant Name:

BIRK HOLD, KRISTIN
TATE, SARAH
WINNER, LOUIS

BENSON, JAMES

Appellee Atty:

Appellee Name:

JOYNER, J

LIVELY, JANET

** NOTE:*PREVIOUSLY ON SEPTEMBER 21, 2017 AT 10:00 AM AT THE COURT OF APPEALS COURTROOM, FRANKF

12:30 PM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

STUMBO, HON. JANET L.

2016CA001010 CHERYL A. HENDERSON v HILLIARY M. OLIVER

Whether circuit court erred by dismissing appellant's complaint pursuant to CR 41.02(1).

CIVIL

JEFFERSON COUNTY

HON JAMES M SHAKE

Appellant Atty:

Appellant Name:

OYLER, MICHAEL

HENDERSON, CHERYL

Appellee Atty:

Appellee Name:

BREIT, MARC
MILLER, SCOTT

OLIVER, HILLIARY

** NOTE:*PREVIOUSLY ON SEPTEMBER 21, 2017 AT 10:45 AM AT THE COURT OF APPEALS COURTROOM, FRANKF

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

DATE: Monday, November 13, 2017

01:15 PM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

STUMBO, HON. JANET L.

2016CA001272 ALICE DAY v APPALACHIAN REGIONAL HEALTHCARE, INC.

Whether circuit court erred by prematurely rendering summary judgment dismissing appellant's negligence action.

CIVIL

LETCHER COUNTY

HON SAMUEL T WRIGHT

Appellant Atty:

Appellant Name:

MORGAN, JEFFREY

DAY, ALICE

MORGAN, JEREMY

Appellee Atty:

Appellee Name:

BANKS, DARRIN

APPALACHIAN REGIONAL HEALTHCARE, INC.

SCHMITT, MICHAEL

** NOTE:*PREVIOUSLY ON SEPTEMBER 21, 2017 AT 11:30 AM AT THE COURT OF APPEALS COURTROOM, FRANK

02:00 PM PJ: STUMBO, HON. JANET L.

JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

2016CA001549 JEFFREY STEWART v KATHY LITTERAL

Appeal from grant of summary judgment to Department of Corrections officials based on qualified immunity. Appellant, an inmate, was subject to a contract with the Department of Transportation to do paid roadwork for the state and was injured while using a chainsaw.

CIVIL

HARLAN COUNTY

HON KENT HENDRICKSON

Appellant Atty:

Appellant Name:

BELZLEY, GREGORY

STEWART, JEFFREY

MCCARTHY, TIMOTHY

Appellee Atty:

Appellee Name:

BAYLOUS, EDWARD II

LITTERAL, KATHY

EASTERLING, STAFFORD

** NOTE:

**LOCATION: EASTERN KENTUCKY UNIVERSITY, CARL D. PERKINS BUILDING,
KIT CARSON DRIVE, RICHMOND, KENTUCKY**

DATE: Thursday, November 30, 2017

10:45 AM PJ: JOHNSON, HON. ROBERT G. ACREE, HON. GLENN E. TAYLOR, HON. JEFF S.

2016CA000953 WILDCAT PROPERTY MANAGEMENT, LLC v LINDSAY FRANZEN

2016CA000978

Issues of whether a landlord recovered all reasonable damages including interest and attorney fees.

CIVIL FAYETTE COUNTY HON JAMES D ISHMAEL

Appellant Atty:

**BILLINGS, JOHN
COLSON, CHRISTOPHER
COLSON, GUY**

Appellant Name:

WILDCAT PROPERTY MANAGEMENT, LLC

Appellee Atty:

**REDFORD, CARROLL III
MCGEEHAN, MARY
STINETORF, J**

Appellee Name:

**FRANZEN, LINDSAY
MCGEEHAN, MARY
REUSS, STEPHANIE**

**** NOTE:**

11:30 AM PJ: JOHNSON, HON. ROBERT G. ACREE, HON. GLENN E. TAYLOR, HON. JEFF S.

2016CA001894 ROBERT POPPE v COMMONWEALTH OF KENTUCKY

Whether the restitution in a criminal case was properly set after conviction.

CRIMINAL JEFFERSON COUNTY HON BARRY WILLETT

Appellant Atty:

REHO, JOSHUA

Appellant Name:

POPPE, ROBERT

Appellee Atty:

**BESHEAR, ANDREW
HIGHTOWER, COURTNEY**

Appellee Name:

COMMONWEALTH OF KENTUCKY

**** NOTE:**

**LOCATION: EASTERN KENTUCKY UNIVERSITY, CARL D. PERKINS BUILDING,
KIT CARSON DRIVE, RICHMOND, KENTUCKY**

DATE: Thursday, November 30, 2017

01:15 PM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

JOHNSON, HON. ROBERT G.

2016CA000108 DMITRIY ZILBERMAN v H.W. LOCHNER, INC.

Whether circuit court properly rendered summary judgment based upon qualified official immunity.

CIVIL JEFFERSON COUNTY

HON SUSAN SCHULTZ GIBSON

Appellant Atty:

Appellant Name:

HARRIS, CEBERN IV

ZILBERMAN, DMITRIY

Appellee Atty:

Appellee Name:

BROOKS, ROBERT

H.W. LOCHNER, INC.

** NOTE:

02:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE

COMBS, HON. SARA W.

JOHNSON, HON. ROBERT G.

2016CA000394 ABBOTT, INC. v SAMUEL GUIRGUIS

Whether the trial court properly granted summary judgment regarding ownership of a former railroad bed titled in the name of Appellant.

CIVIL HOPKINS COUNTY

HON JAMES C. BRANTLEY

Appellant Atty:

Appellant Name:

SNYDER, SHERYL

ABBOTT, INC.

SPRINGER, THOMAS III

THE ESTATE OF JOHNNY BROWN RUSSELL, BY
AND THROUGH ITS

Appellee Atty:

Appellee Name:

DEATHERAGE, WILLIAM JR
GILBERT, MARK

GUIRGUIS, SAMUEL

HOLLAND, PATSY

HOLLAND, PATSY

EMMONS, LISA

PADUCAH & LOUISVILLE RAILWAY, INC.

RUSSELL, MICHAEL

RUSSELL, MICHAEL

RUSSELL, SHARON

RUSSELL, SHARON

PEYTON, RICHARD

SPEAKS, JAMES

FARMER, TODD

TABOR, DARRIN

** NOTE:*PREVIOUSLY ON OCT. 18, 2017 AT 1:20 PM, IN GEORGETOWN, KENTUCKY