

UPDATED: 9/14/2017

NOVEMBER 2017
ORAL ARGUMENT
CALENDAR

09/14/2017

NOVEMBER, 2017

November (*), 2017

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

*Motion Panel day and time to be determined.

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: 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:

ABNER, DAVID

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

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:

**BELZLEY, GREGORY
MCCARTHY, TIMOTHY**

Appellant Name:

STEWART, JEFFREY

Appellee Atty:

**BAYLOUS, EDWARD II
EASTERLING, STAFFORD**

Appellee Name:

LITTERAL, KATHY

**** NOTE:**

02:45 PM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2016CA001020 CHARLES MOSLEY v ALBEY BROCK

2016CA001099

Appeal and cross-appeal from a partial grant of summary judgment as to claims of malicious prosecution and wrongful use of civil proceedings and a partial denial of summary judgment as to a claim of qualified immunity.

CIVIL BELL COUNTY

HON ROBERT COSTANZO

Appellant Atty:

HOSTETTLER, R.

Appellant Name:

MOSLEY, CHARLES

Appellee Atty:

BROWN, MARTHA

WARD, WILLIAM

Appellee Name:

BROCK, ALBEY

NUNN, BRUCE

**** NOTE:**

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

DATE: Thursday, November 30, 2017

10:00 AM PJ: TAYLOR, HON. JEFF S. JOHNSON, HON. ROBERT G. THOMPSON, HON. KELLY
2016CA001028 CERTAIN UNDERWRITERS AT LLOYD'S, LONDON v JOSEPH N. POPE Jr

Whether circuit court properly granted summary judgment determining that an insurance policy issued by appellant provides coverage for certain claims against Kentucky School Boards Association and Board of Trustees of the Kentucky School Board Insurance Trust.

CIVIL FRANKLIN COUNTY HON THOMAS D. WINGATE

Appellant Atty:

**LANGDON, DOUGLAS
SNYDER, SHERYL
SUMNER, GRIFFIN
WELLS, JOHN IV**

Appellant Name:

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

Appellee Atty:

**BENTLEY, PERRY
BISHOP, SARAH
DUNN, BARRY
HARNICE, PAUL
PAGE, TODD**

Appellee Name:

POPE, JOSEPH

ROBERTSON, WILLIAM III

**THE BOARD OF TRUSTEES OF THE
KENTUCKY SVHOOOL BOARD**

COLSON, GUY

**THE KENTUCKY SCHOOL BOARDS
ASSOCIATION**

ELLISON, MATTHEW

KELLERMAN, DAVID

MIDDLETON, CHARLES III

**** 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. TAYLOR, HON. JEFF S. THOMPSON, HON. KELLY

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. TAYLOR, HON. JEFF S. THOMPSON, HON. KELLY

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.

JOHNSON, HON. ROBERT G.

THOMPSON, HON. KELLY

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: