

UPDATED 10/09/07

OCTOBER 2007
ORAL ARGUMENT
CALENDAR

10/09/07

OCTOBER, 2007

October 8, 2007 2:00 PM, MOTION PANEL, JUDGE DIXON, PRES.,
JUDGE TAYLOR, AND JUDGE VANMETER, ASSOC.

October 9, 2007 9:00 - 9:30 AM, ORAL ARGUMENT, #2006-CA-2141,
KATHERINE ZOELLER V. JOHN GUTTERMAN,
JUDGE THOMPSON PRES., JUDGE NICKELL AND
JUDGE STUMBO, ASSOC.

10:00 AM, COURT MEETING

1:30 - 2:00 PM, ORAL ARGUMENT, #2006-CA-001529,
ROBERT KANNADY V. SANDY KANNADY,
SENIOR JUDGE GUIDUGLI, PRES., JUDGE ACREE AND
JUDGE NICKELL, ASSOC.

2:15 - 2:45 PM, ORAL ARGUMENT, #2006-CA-001839,
JUDY BROUGHTON V. MOTORCYCLE SAFETY
FOUNDATION, INC., JUDGE ACREE, PRES.,
JUDGE NICKELL AND SR. JUDGE GUIDUGLI ASSOC.

3:00 - 3:30 PM, ORAL ARGUMENT, #2007-CA-00072,
LEONARD MICHAEL JAMEISON V. EAGLE ROD & GUN
CLUB, INC. , JUDGE ACREE, PRES., JUDGE NICKELL, AND
SR. JUDGE GUIDUGLI, ASSOC.

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

FRANKFORT - Contact Mary Zagale (502) 573-7920

LOUISVILLE - Contact Linda Fox (502) 595-3430

BURLINGTON - Contact Sandra Rouse (859) 334-2230

OWENSBORO - Contact Linda Calhoun (270) 686-4508

LOCATION: BOONE COUNTY JUSTICE CENTER, COURTROOM 2A, 2ND FLOOR, 6025 ROGERS LANE, BURLINGTON, KENTUCKY

DATE: Friday, October 05, 2007

10:15 AM
2005CA001712

PJ: ROSENBLUM MOORE STUMBO
HARROD CONCRETE AND STONE CO. VS JAMES MELTON ET AL.

Civil; Jury verdict for damages caused to 9 homes as result of limestone mining blasting; (1)Expert testimony per daubert improper?(2)Entitlement to directed verdict?(3)Statute of limitations; discovery rule; pre 5-year cut off?(4)punitive damages-insuff. of evidence; improper standard/instruct; award excessive per BMW? Award improper for failure to comply with CR 8.01 & Fratzke;(5) Error in denying mistrial and jnov b/c juror misconduct (6)granting of injunctive relief requiring future seismic monitoring.

CIVIL

FRANKLIN COUNTY

ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....
KELLERMAN, ROBERT W.
KOFFMAN, NORA ANN

.....
HARROD CONCRETE AND STONE CO.
HARROD CONCRETE AND STONE CO.

Appellee Atty:

Appellee Name:

.....
HILL, SARAH OSBORN
PATTERSON, DEBORAH H

.....
JAMES P. MELTON III
BURT STEVENSON
CATHERINE SUE JEFFERS
DARNELL DEVERS
DAVID WARNER
DEAN STORY
DONNA WARNER
EDWARD DUNN
ETHEL J. DUNN
FAYE PARRISH
JACK W. THOMPSON
JAMES P. MELTON III
JOANNE V. DEVERS
JOHN PARRISH
LANNY MYERS
LILLIAN B. MYERS
MARY ANN STEVENSON
MARY F. THOMPSON
MARY L. OLIVER
MICHAEL L. STORY
PAMELA MELTON
PATTY M. WOLEJSZA
RANDALL L. OLIVER
REVA M. LATHREM
RHODA L. SHAW
WILLIAM C. WOLEJSZA
BURT STEVENSON

RAJKOVICH, MARCO M

LOCATION: BOONE COUNTY JUSTICE CENTER, COURTROOM 2A, 2ND FLOOR,
6025 ROGERS LANE, BURLINGTON, KENTUCKY

DATE: Friday, October 05, 2007

CATHERINE SUE JEFFERS
DARNELL DEVERS
DAVID WARNER
DEAN STORY
DONNA WARNER
EDWARD DUNN
ETHEL J. DUNN
FAYE PARRISH
JACK W. THOMPSON
JAMES P. MELTON III
JOANNE V. DEVERS
JOHN PARRISH
LANNY MYERS
LILLIAN B. MYERS
MARY ANN STEVENSON
MARY F. THOMPSON
MARY L. OLIVER
MICHAEL L. STORY
PAMELA MELTON
PATTY M. WOLEJSZA
RANDALL L. OLIVER
REVA M. LATHREM
RHODA L. SHAW
WILLIAM C. WOLEJSZA
BURT STEVENSON
CATHERINE SUE JEFFERS
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JAMES P. MELTON III
JOANNE V. DEVERS
JOHN PARRISH
LANNY MYERS
LILLIAN B. MYERS
MARY ANN STEVENSON
MARY F. THOMPSON
MARY L. OLIVER

WARD, RICHARD C

LOCATION: BOONE COUNTY JUSTICE CENTER, COURTROOM 2A, 2ND FLOOR,
6025 ROGERS LANE, BURLINGTON, KENTUCKY

DATE: Friday, October 05, 2007

ZALUSKI, JOSEPH J

MICHAEL L. STORY
PAMELA MELTON
PATTY M. WOLEJSZA
RANDALL L. OLIVER
REVA M. LATHREM
RHODA L. SHAW
WILLIAM C. WOLEJSZA
BURT STEVENSON
CATHERINE SUE JEFFERS
DARNELL DEVERS
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JOANNE V. DEVERS
JOHN PARRISH
LANNY MYERS
LILLIAN B. MYERS
MARY ANN STEVENSON
MARY F. THOMPSON
MARY L. OLIVER
MICHAEL L. STORY
PAMELA MELTON
PATTY M. WOLEJSZA
RANDALL L. OLIVER
REVA M. LATHREM
RHODA L. SHAW
WILLIAM C. WOLEJSZA

LOCATION: BOONE COUNTY JUSTICE CENTER, COURTROOM 2A, 2ND FLOOR,
6025 ROGERS LANE, BURLINGTON, KENTUCKY

DATE: Friday, October 05, 2007

11:00 AM PJ: MOORE STUMBO ROSENBLUM
2006CA001520 KEITH FITZPATRICK VS COMMONWEALTH OF KENTUCKY

Whether evidence seized during a search should have been suppressed where the police received an anonymous tip.

CRIMINAL PULASKI COUNTY JEFFREY T BURDETTE

Appellant Atty:

Appellant Name:

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

.....
KEITH FITZPATRICK
KEITH FITZPATRICK

Appellee Atty:

Appellee Name:

.....
LOGAN, KRISTIN N.

.....
COMMONWEALTH OF KENTUCKY

**NOTE:ORIGINALLY 1:00 PM

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

DATE: Monday, October 08, 2007

1:15 PM PJ: ACREE NICKELL GUIDUGLI
2007CA000172 DAVID LAKE VS COMMONWEALTH OF KENTUCKY

Criminal/11.42: Claiming ineffective assistance of counsel and witness perjury.

POST-CONVICTION KNOX COUNTY RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
ROBINSON, GAIL

.....
DAVID ALLEN LAKE

SCHMIDT, KATHLEEN K.

DAVID ALLEN LAKE

Appellee Atty:

Appellee Name:

.....
FUCHS, GREGORY C.

.....
COMMONWEALTH OF KENTUCKY

2:00 PM PJ: NICKELL ACREE GUIDUGLI
2006CA001396 ROY TURNER VS DEREK FUGATE

Whether the trial court properly overruled a motion for a new trial following a jury verdict in a personal injury/car accident case.

CIVIL MADISON COUNTY JULIA HYLTON ADAMS

Appellant Atty:

Appellant Name:

.....
DAVIS, RODNEY G.

.....
ROY TURNER

Appellee Atty:

Appellee Name:

.....
KELLER, J. WARREN

.....
DEREK W. FUGATE

OSWALD, CLAYTON OTIS

DEREK W. FUGATE

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

DATE: Tuesday, October 09, 2007

9:00 AM PJ: THOMPSON NICKELL STUMBO
2006CA002141 KATHERINE ZOELLER ET AL. VS JOHN GUTTERMAN ET AL.

After mother of a child died on May 3, 2004, the paternal grandparents of child filed for a judgment of adoption and did not notify the Appellee, paternal grandparent. The paternal grandparent filed a motion for grandparent visitation prior to the final adoption. After adoption by the maternal grandparents, Court granted paternal grandparent grandparent visitation. Maternal grandparents who have adopted child argue that the paternal grandparent's rights have been terminated by virtue of the adoption.

CIVIL JEFFERSON COUNTY DOLLY W. BERRY

Appellant Atty:

Appellant Name:

.....
MCCROCKLIN, JAMES P.

.....
KATHERINE L. ZOELLER

ROBERT ZOELLER

OSTERMILLER, PETER L.

KATHERINE L. ZOELLER

ROBERT ZOELLER

STALLINGS, ROBERT G

KATHERINE L. ZOELLER

ROBERT ZOELLER

Appellee Atty:

Appellee Name:

.....
NOT REPRESENTED BY COUNSEL,

.....
P. M. F.

WHITE, J. ANDREW

JOHN K. GUTTERMAN

**NOTE:ORIGINALLY 9/12/07 AT 1:30 PM IN LOUISVILLE, KY

1:30 PM PJ: GUIDUGLI ACREE NICKELL
2006CA001529 ROBERT KANNADY VS SANDY KANNADY

Dissolution of marriage. Appellant alleges court erred in granting maintenance and in division of property.

CIVIL BOONE COUNTY LINDA R. BRAMLAGE

Appellant Atty:

Appellant Name:

.....
NIGHSWANDER, NICHOLAS M

.....
ROBERT BERT KANNADY

Appellee Atty:

Appellee Name:

.....
CASSIDY, MARY SUZANNE

.....
SANDY JEAN KANNADY

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

DATE: Tuesday, October 09, 2007

2:15 PM PJ: ACREE NICKELL GUIDUGLI
2006CA001839 JUDY BROUGHTON VS MOTORCYCLE SAFETY FOUNDATION, INC. ET AL.

Civil: Whether waiver of liability signed by Appellant bars personal injury action.

CIVIL MADISON COUNTY WILLIAM T JENNINGS

Appellant Atty:

Appellant Name:

.....
FRANKLIN, BRYCE D
MOLONEY, MICHAEL R
PAFUNDA, BERNARD

.....
JUDY BROUGHTON
JUDY BROUGHTON
JUDY BROUGHTON

Appellee Atty:

Appellee Name:

.....
BAUGH, BRIAN C

.....
ADAM MOSS
GARY LAIL
MOTORCYCLE SAFETY FOUNDATION, INC.
WAYNE STEELE
ADAM MOSS
GARY LAIL
MOTORCYCLE SAFETY FOUNDATION, INC.
WAYNE STEELE

KINSER, HENRY E.

3:00 PM PJ: ACREE NICKELL GUIDUGLI
2007CA000072 LEONARD JAMEISON ET AL. VS EAGLE ROD & GUN CLUB, INC.

Civil: Whether a public road exists across Appellant's property, giving Appellees access to a state or country road.

CIVIL OWEN COUNTY STEPHEN L BATES

Appellant Atty:

Appellant Name:

.....
BAXTER, RUTH H.

.....
LEONARD MICHAEL JAMEISON
PAULINE JAMEISON

Appellee Atty:

Appellee Name:

.....
ROUSE, THOMAS L
WRIGHT, JOHN G

.....
EAGLE ROD & GUN CLUB, INC.
EAGLE ROD & GUN CLUB, INC.

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

DATE: Tuesday, October 09, 2007

2:15 PM PJ: KNOFF COMBS LAMBERT

2006CA001553 KERRY WATTERS VS COMMONWEALTH OF KENTUCKY

Watters appeals from a judgment convicting him of first-degree assault. He contends that a discovery violation concerning an eye witness entitled him to a continuance.

CRIMINAL JEFFERSON COUNTY BARRY WILLETT

Appellant Atty:

Appellant Name:

.....
NIEHAUS, J. DAVID

.....
KERRY ALAN WATTERS

Appellee Atty:

Appellee Name:

.....
FLOYD JR, SAMUEL J

.....
COMMONWEALTH OF KENTUCKY

3:00 PM PJ: COMBS LAMBERT KNOFF

2006CA001514 J. RICE VS SUSAN RICE (NOW MOLONEY)

2006CA001525 A dissolution of marriage case alleging abuse of discretion in court's application of standards and statutes as to maintenance.

FAMILY COURT JEFFERSON COUNTY JOSEPH W. O'REILLY

Appellant Atty:

Appellant Name:

.....
HELMAN, GRANT M.

.....
J. BAYARD RICE

Appellee Atty:

Appellee Name:

.....
MOSLEY, EUGENE L.

.....
SUSAN RICE (NOW MOLONEY)

.....
UNDERWOOD, MICHAEL THOMAS

.....
SUSAN RICE (NOW MOLONEY)

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

DATE: Wednesday, October 10, 2007

2:45 PM

PJ: KNOFF

HOWARD

GUIDUGLI

2006CA001601

THE RAILWAY EXPOSITION COMPANY VS CSX TRANSPORTATION, INC.

REC appeals from the dismissal of its damages complaint against CSX. The trial court ruled that its jurisdiction had been preempted by federal law, in favor of the Surface Transportation Board. REC contends that some of its claims, at least, may still be brought in state court.

CIVIL

KENTON COUNTY

PATRICIA M SUMME

Appellant Atty:

Appellant Name:

.....
BROOKING, JOHN S
HALLORAN, BRIAN P

.....
THE RAILWAY EXPOSITION COMPANY
THE RAILWAY EXPOSITION COMPANY

Appellee Atty:

Appellee Name:

.....
BROCKMAN, JAMES F.
ROBERTS, EDWARD

.....
CSX TRANSPORTATION, INC.
CSX TRANSPORTATION, INC.

**NOTE:ORIGINALLY ON 9/21/07 AT 10:15 AM IN FRANKFORT, KY

LOCATION: OWENSBORO COMMUNITY & TECHNICAL COLLEGE, BLANDFORD HALL, 4800 NEW HARTFORD ROAD, OWENSBORO, KENTUCKY

DATE: Wednesday, October 24, 2007

10:00 AM PJ: TAYLOR KELLER HENRY
2007CA000116 CITY OF EDDYVILLE, KENTUCKY VS RICHARD WHITTINGTON ET AL.

Whether circuit court properly entered order dissolving City of Eddyville's lien upon real property owned by appellees.

CIVIL LYON COUNTY BILL CUNNINGHAM

Appellant Atty:

Appellant Name:

.....
WILSON, MARVIN L

.....
CITY OF EDDYVILLE, KENTUCKY

Appellee Atty:

Appellee Name:

.....
YOUNG, WILLIAM R

.....
PATRICIA S WICKER
RICHARD R. WHITTINGTON
SALLY WHITTINGTON

10:45 AM PJ: TAYLOR KELLER HENRY
2007CA000363 MICHAEL PURSLEY VS VICKY PURSLEY

Whether circuit court erred by awarding sole custody of parties' children to appellee and granting supervised visitation to appellant.

CIVIL MARSHALL COUNTY ROBERT DAN MATTINGLY

Appellant Atty:

Appellant Name:

.....
DERENARD, LISA A
GOHEEN, BRAD

.....
MICHAEL PURSLEY
MICHAEL PURSLEY

Appellee Atty:

Appellee Name:

.....
DERENARD, LISA A

.....
VICKY CAROL PURSLEY