

UPDATED 09/23/2008

OCTOBER 2008

ORAL ARGUMENT

CALENDAR

Updated 09/23/2008

OCTOBER, 2008

October 1, 2008

**1:00 P.M. MOTION PANEL, JUDGE STUMBO, PJ,
JUDGE DIXON AND JUDGE MOORE**

October 7, 2008

**9:00 – 9:30 A.M. ORAL ARGUMENT,
TRAVELERS INSURANCE COMPANY V.
BLACKSTONE MINING COMPANY, INC.,
2007-CA-001610, JUDGE TAYLOR, PRESIDING JUDGE,
JUDGE KELLER AND SR. JUDGE GUIDUGLI, ASSOC.**

10:00 A.M. COURT MEETING

**1:15 – 1:45 P.M. ORAL ARGUMENT,
BRANDI CHIPMAN V. COMMONWEALTH OF
KENTUCKY, 2007-CA-000690, JUDGE KELLER,
PRESIDING JUDGE, JUDGE WINE AND
SR. JUDGE LAMBERT, ASSOC.**

**2:00 – 2:30 P.M. ORAL ARGUMENT, LAMONT MOORE V.
COMMONWEALTH OF KENTUCKY, 2007-CA-001787,
JUDGE KELLER, PRESIDING JUDGE, JUDGE WINE AND
SR. JUDGE LAMBERT, ASSOC.**

**2:45 – 3:25 P.M. ORAL ARGUMENT, COMMONWEALTH
OF KENTUCKY, ET AL. V. HOME FEDERAL SAVINGS
AND LOAN ASSOCIATION, ET AL., 2007-CA-002353 &
2007-CA-002384, JUDGE WINE, PRESIDING JUDGE,
JUDGE KELLER AND SR. JUDGE LAMBERT, ASSOC.**

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

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

LEXINGTON – Contact Dana Carter – (859) 246-2132

MURRAY – Contact Linda Avery – (270) 753-2714

HIGHLAND HEIGHTS – Contact Kathleen Johnson – (859) 572-613

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

DATE: Tuesday, October 07, 2008

9:00 AM PJ: TAYLOR KELLER GUIDUGLI
2007CA001610 THE TRAVELERS INSURANCE CO. VS BLACKSTONE MINING COMPANY,
INC.

Whether circuit court properly concluded that Blackstone was entitled to judgment for overpayment of insurance premiums.

CIVIL PIKE COUNTY EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....
BURNHAM , WILLIAM K
SHEFFER , RONALD G.

.....
THE TRAVELERS INSURANCE CO.
THE TRAVELERS INSURANCE CO.

Appellee Atty:

Appellee Name:

.....
IRTZ II, FREDRICK G

.....
BLACKSTONE MINING COMPANY, INC.

**NOTE:ORIGINALLY 8/15/08 AT 1:15 PM IN FLEMINGSBURG, KY AND ON 9/16/08 AT 1:00 PM IN
FRANKFORT, KY

1:15 PM PJ: KELLER WINE LAMBERT, (JOSEPH)
2007CA000690 BRANDI CHIPMAN VS COMMONWEALTH OF KENTUCKY

Direct appeal of guilty plea and sentence of juvenile for robbery in the 1st degree. The Appellant was transferred to circuit court for trial as an adult because a firearm was involved. Appellant argues that, because of the terms of her plea, she should have been sentenced as a juvenile, not an adult. Apparent case of first impression regarding application of KRS 640.040(4).

CRIMINAL KENTON COUNTY GREGORY M BARTLETT

Appellant Atty:

Appellant Name:

.....
ARNOLD , TIMOTHY G.
SCHMIDT , KATHLEEN K.

.....
BRANDI R. CHIPMAN
BRANDI R. CHIPMAN

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
FUCHS , GREGORY C.

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

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

DATE: Tuesday, October 07, 2008

2:00 PM PJ: KELLER WINE LAMBERT, (JOSEPH)
2007CA001787 LAMONT MOORE VS COMMONWEALTH OF KENTUCKY

Direct appeal of a conditional guilty plea to possession of ecstasy and marijuana. Appellant argues that his detention, search, and arrest at a "safety checkpoint" roadblock were unlawful. He also argues that the detaining officer, who was employed by the TVA, lacked jurisdiction.

CRIMINAL

MCCRACKEN COUNTY

R JEFFREY HINES

Appellant Atty:

Appellant Name:

.....
SCHMIDT , KATHLEEN K.
YANG , ERIN HOFFMAN

.....
LAMONT MOORE
LAMONT MOORE

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
LENZ , SUSAN RONCARTI

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

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

DATE: Tuesday, October 07, 2008

2:45 PM PJ: WINE KELLER LAMBERT, (JOSEPH)

2007CA002353 COMMONWEALTH OF KENTUCKY ET AL. VS HOME FEDERAL SAVINGS
AND LOAN ASSOCIATION ET AL.

2007CA002384 Kentucky Credit Unions appeal trial court's order enjoining them from accepting new members to their credit unions based on the court's interpretation of KRS 286.6-107 defining membership requirements for state chartered credit unions. Office of Financial Institutions' appeals summary judgment for Home Federal Savings and Loan Assoc. Issue: whether KRS 286.6-107 allows for a geographic field of membership (community based charters).

CIVIL FRANKLIN COUNTY PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

.....
ALEXANDER III, STUART E.

.....
COMMONWEALTH OF KENTUCKY

CORDELL G. LAWRENCE

KEITH , FREDRICK RYAN

COMMONWEALTH OF KENTUCKY

MOONEY , AUBREY

COMMONWEALTH OF KENTUCKY

REICHERT , DAVID L

COMMONWEALTH OF KENTUCKY

SCHOEN , KATHLEEN M. W.

COMMONWEALTH OF KENTUCKY

CORDELL G. LAWRENCE

WALSH IV, WILL J.

COMMONWEALTH OF KENTUCKY

CORDELL G. LAWRENCE

Appellee Atty:

Appellee Name:

.....
CANARY JR., THOMAS L.

.....
KENTUCKY CREDIT UNION LEAGUE

CHRISTOPHER , M RONALD

HOME FEDERAL SAVINGS AND LOAN ASSOCIATION

KEYS , ALICE GAILEY

CREDIT UNION NATIONAL (CUNA)

MCCOY , ROY BURL

HOME FEDERAL SAVINGS AND LOAN ASSOCIATION

STAMPER , DEBRA K

HOME FEDERAL SAVINGS AND LOAN ASSOCIATION

TULLY , LIZBETH ANN

HOME FEDERAL SAVINGS AND LOAN ASSOCIATION

WILSON II, DAVID T

BEACON CREDIT UNION

C&O CREDIT UNION

GREATER KENTUCKY CREDIT UNION, INC.

KENTUCKY EMPLOYEES CREDIT UNION

MEMBERS CHOICE CREDIT UNION

SERVICE ONE CREDIT UNION

**NOTE:40 MINUTE ORAL

LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR, 120
NORTH LIMESTONE, LEXINGTON, KENTUCKY

DATE: Wednesday, October 08, 2008

10:00 AM PJ: ACREE VANMETER HENRY
2007CA002598 KATHY JONES VS BOARD OF EDUCATION OF LAUREL COUNTY,
KENTUCKY ET AL.

Civil; Employment Law: Whether the trial court erred in granting summary judgment in favor of the school board, based on an interpretation of KRS 161.740.

CIVIL LAUREL COUNTY RODERICK MESSER

Appellant Atty:

Appellant Name:

.....
FIELDS II, J. FOLLAGE
MULLINS , CARRIE C.

.....
KATHY JONES
KATHY JONES

Appellee Atty:

Appellee Name:

.....
BRYSON , LARRY GLENN

.....
BOARD OF EDUCATION OF LAUREL COUNTY, KENTUCKY
DAVID YOUNG

10:45 AM PJ: ACREE VANMETER HENRY
2007CA001947 ROBERT MCCOWN VS GRAY KENTUCKY TELEVISION, INC. ET AL.

Civil; Employment Law: Whether trial court erred in dismissing Appellant's wrongful termination action.

CIVIL PERRY COUNTY WILLIAM ENGLE III

Appellant Atty:

Appellant Name:

.....
DOTSON , DANIEL F.

.....
ROBERT MCCOWN

Appellee Atty:

Appellee Name:

.....
BUCKLER , ROBERT H.

.....
ERNESTINE CORNETT
GRAY COMMUNICATIONS SYSTEMS, INC.
GRAY KENTUCKY TELEVISION, INC.
ERNESTINE CORNETT
GRAY COMMUNICATIONS SYSTEMS, INC.
GRAY KENTUCKY TELEVISION, INC.
ERNESTINE CORNETT
GRAY COMMUNICATIONS SYSTEMS, INC.
GRAY KENTUCKY TELEVISION, INC.

MAY , RANDALL SCOTT

WILLIAMS , REBECCA LYN

LOCATION: FAYETTE COUNTY CIRCUIT COURT, COURTROOM I, 4TH FLOOR, 120
NORTH LIMESTONE, LEXINGTON, KENTUCKY

DATE: Wednesday, October 08, 2008

11:30 AM

PJ: HENRY

ACREE

VANMETER

2007CA001509

LARRY SKAGGS VS DEBORAH SKAGGS

2007CA001510

Family Law; Issues: property division, marital and nonmarital property.

FAMILY COURT

ELLIOTT COUNTY

KRISTI HOGG GOSSETT

Appellant Atty:

Appellant Name:

.....
SCOTT , W. JEFFREY

.....
LARRY DAYTON SKAGGS

Appellee Atty:

Appellee Name:

.....
HAYNES , MALENDAS

.....
DEBORAH ANN SKAGGS

LOCATION: CALLOWAY COUNTY JUDICIAL BUILDING, FAMILY COURTROOM, 312
NORTH 4TH STREET, MURRAY, KENTUCKY

DATE: Tuesday, October 14, 2008

11:00 AM PJ: TAYLOR COMBS DIXON
2007CA000774 WESLEY MILLS ET AL. VS BRADLEY MILLS ET AL.

Whether circuit court erred by entering summary judgment in favor of appellee determining that partnership was not subject to partition under to KRS 381.135.

CIVIL GRAVES COUNTY TIMOTHY C STARK

Appellant Atty:

Appellant Name:

.....
ELMORE , J. TODD

.....
MARY ANN MILLS
WESLEY H. MILLS

Appellee Atty:

Appellee Name:

.....
HARGROVE , DAVID L.

.....
ALYCE R. MILLS
BRADLEY S. MILLS
DIXIE LAND & CATTLE CO., LLC
JERRY J. MILLS
MATTHEW S. MILLS
MILLS FARM PARTNERS, LTD

1:30 PM PJ: TAYLOR COMBS LAMBERT, (JAMES)
2007CA002502 KY. LICENSING BOARD FOR SPECIALISTS IN HEARING INSTRUMENTS VS
ARTHUR AZAR

Whether circuit court erred by reversing the Board's order reprimanding appellant.

CIVIL MCCRACKEN COUNTY R JEFFREY HINES

Appellant Atty:

Appellant Name:

.....
BRENGELMAN , MARK

.....
KY. LICENSING BOARD FOR SPECIALISTS IN HEARING INSTRUMENTS

Appellee Atty:

Appellee Name:

.....
DENTON , GLENN D.

.....
ARTHUR L. AZAR

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

DATE: Wednesday, October 22, 2008

10:15 AM PJ: STUMBO LAMBERT, (JAMES) THOMPSON
2007CA001268 EVERETT JENKINS VS COMMONWEALTH OF KENTUCKY

MOR criminal appeal; sufficiency of the evidence to support conviction for violation of KRS 531.310(1); violation of KRE 404(b); Instructions; victim testimony, KRS 421.520.

CRIMINAL JEFFERSON COUNTY A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

.....
GOYETTE , DANIEL T.
HACKETT , BRUCE P
HEFT JR, FRANK WM

.....
EVERETT JENKINS
EVERETT JENKINS
EVERETT JENKINS

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
LENZ , SUSAN RONCARTI

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

11:00 AM PJ: STUMBO LAMBERT, (JAMES) THOMPSON
2007CA002242 ANTHONY WILSON VS KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION ET AL.

Appeal from denial of unemployment benefits; whether appellant made a reasonable effort to obtain work.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
CARRITHERS , DENNIS R

.....
ANTHONY WILSON

Appellee Atty:

Appellee Name:

.....
BIGGS , TAMELA

.....
IRVING MATERIALS, INC.
KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION

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

DATE: Wednesday, October 22, 2008

11:45 AM PJ: THOMPSON LAMBERT, (JAMES) STUMBO
2008CA000451 JASON RIVERS VS SHERRY HOWELL

A domestic violence order was entered against the appellant. Appellant argues that the court did not have jurisdiction to issue the domestic violence order pursuant to KRS 403.725. Appellant argues that there was not sufficient evidence for the court to determine that the parties were an "unmarried couple" as defined by KRS 403.725.

FAMILY COURT

JEFFERSON COUNTY

PAULA SHERLOCK

Appellant Atty:

Appellant Name:

.....
DECKER , RICHARD

.....
JASON L. RIVERS

Appellee Atty:

Appellee Name:

.....
FARRIS , MARJORIE A.
HESKINS , LUCY MAURA
PRAY , ANNA REBEKKA K

.....
SHERRY HOWELL
SHERRY HOWELL
SHERRY HOWELL

LOCATION: CHASE LAW SCHOOL, MOOT COURTROOM, NUNN HALL 420, NUNN DRIVE, HIGHLAND HEIGHTS, KENTUCKY

DATE: Thursday, October 30, 2008

10:00 AM PJ: MOORE CAPERTON GUIDUGLI
2007CA001762 DUSTIN STUMP VS COMMONWEALTH OF KENTUCKY

DUI case involving a question of whether the trial court erred in failing to allow defendant to present evidence of a preliminary breath test under a theory that it was exculpatory evidence.

DR CRIMINAL FAYETTE COUNTY KIMBERLY N BUNNELL

Appellant Atty:

Appellant Name:

.....
TACKETT , JOHN LINDSAY

.....
DUSTIN STUMP

Appellee Atty:

Appellee Name:

.....
CONWAY , JACK
GEVEDEN , CHARLES R
LARSON , RAYMOND
MCINTYRE , CARRIE INSCO
ROBERTS , LARRY S.

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

10:45 AM PJ: MOORE CAPERTON GUIDUGLI
2007CA001873 REBECCA DEATON VS CHESTER ELLIOTT

Family law case regarding whether trial court erred in failing to hold a hearing as to the effect of the parties' bankruptcy on debt and asset allocations.

FAMILY COURT KENTON COUNTY CHRISTOPHER J. MEHLING

Appellant Atty:

Appellant Name:

.....
BROWN , STUART PAUL

.....
REBECCA ELLIOTT DEATON

Appellee Atty:

Appellee Name:

.....
BOLLMAN , DONALD ANTHONY

.....
CHESTER M. ELLIOTT

11:30 AM PJ: MOORE CAPERTON GUIDUGLI
2007CA002188 LINDA HELTON VS EPHRAIM HELTON

Family law case presenting issues regarding the trial court's (1) valuation of goodwill of a law firm; (2) determination regarding the alleged dissipation of marital assets; (3) readjustment of assets after the parties' stipulation; (4) determinations regarding maintenance and attorney's fees.

CIVIL BOYLE COUNTY JEFFREY M. WALSON

Appellant Atty:

Appellant Name:

.....
BRITTON , ANITA M.
OSBORNE , CRYSTAL L.

.....
LINDA PEGRAM HELTON
LINDA PEGRAM HELTON

Appellee Atty:

Appellee Name:

.....
GILBERT , JERRY W.

.....
EPHRAIM WOODS HELTON

LOCATION: CHASE LAW SCHOOL, MOOT COURTROOM, NUNN HALL 420, NUNN DRIVE, HIGHLAND HEIGHTS, KENTUCKY

DATE: Thursday, October 30, 2008

1:30 PM

PJ: CAPERTON

MOORE

GUIDUGLI

2007CA002522

KENTUCKY RETIREMENT SYSTEMS VS WILMA MARTIN

Did circuit court commit error in overruling decision of Board of Trustees of KRS to deny Appellee's application for disability retirement benefits pursuant to KRS 61.600?

CIVIL

FRANKLIN COUNTY

PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

.....
RUPINEN , KATHERINE

.....
KENTUCKY RETIREMENT SYSTEMS

Appellee Atty:

Appellee Name:

.....
MATHISON , HARRY L.

.....
WILMA MARTIN