

UPDATED: 8/22/2017

OCTOBER 2017
ORAL ARGUMENT
CALENDAR

Updated: 8/22/2017

OCTOBER, 2017

OCTOBER 12, 2017

1:00 PM (EASTERN TIME) – MOTION PANEL:
JUDGE STUMBO, PRESIDING JUDGE, CHIEF JUDGE
KRAMER AND JUDGE CLAYTON

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

FRANKFORT – Contact Patricia Brauer or Sam Givens - (502) 573-7920

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

DATE: Wednesday, October 4, 2017

11:00 AM PJ: COMBS, HON. SARA W.

LAMBERT, HON. DEBRA HEMBREE

NICKELL, HON. C. SHEA

2016CA001081 THE MOSTERT GROUP, LLC v PAUL MOSTERT

Purchase of software assets; Appellant seeks the source code in order to access and utilize the assets that it purchased.

CIVIL FAYETTE COUNTY

HON THOMAS L CLARK

Appellant Atty:

Appellant Name:

**BROWN, DANIELLE
GETTY, RICHARD**

THE MOSTERT GROUP, LLC

Appellee Atty:

Appellee Name:

BECKER, FRANK

MOSTERT, PAUL

**** NOTE:**PREVIOUSLY ON AUGUST 22, 2017 AT 2:00 PM, JEFFERSON COUNTY, KENTUCKY.**

02:00 PM PJ: JOHNSON, HON. ROBERT G.

COMBS, HON. SARA W.

LAMBERT, HON. JAMES H.

2016CA000788 ALGER FERGUSON v COMMONWEALTH OF KENTUCKY

Alleged ineffective counsel criminal trial.

LAWRENCE COUNTY

HON JOHN DAVID PRESTON

Appellant Atty:

Appellant Name:

**GARRISON, ROBERT
IVIE, MARGARET**

FERGUSON, ALGER

Appellee Atty:

Appellee Name:

FUCHS, GREGORY

COMMONWEALTH OF KENTUCKY

**** NOTE:**

**LOCATION: ELKHORN CROSSING SCHOOL, LAW & JUSTICE VILLAGE, 2001
FRANKFORT PIKE, GEORGETOWN, KENTUCKY**

DATE: Wednesday, October 18, 2017

09:30 AM PJ: COMBS, HON. SARA W. LAMBERT, HON. DEBRA HEMBREE JOHNSON, HON. ROBERT G.

2016CA000093 JENEAN MCBREARTY v JOSEPH LUKINS

2016CA001892

Medical negligence case; appellant challenges entry of summary judgment against her. She alleged injury due to medication administered without her consent.

CIVIL BOYLE COUNTY HON DARREN W. PECKLER

Appellant Atty:

MCBREARTY, JENEAN

Appellant Name:

MCBREARTY, JENEAN

Appellee Atty:

BOWERS, BARBARA

**JOHNSON, ANDOLYN
TONER, GERALD**

Appellee Name:

**EPHRAIM MCDOWELL REGIONAL MEDICAL
CENTER, DOES 1-99**

LUKINS, JOSEPH

**** NOTE:**

10:15 AM PJ: JOHNSON, HON. ROBERT G. COMBS, HON. SARA W. LAMBERT, HON. DEBRA HEMBREE

2016CA001571 KAREN DIXON v CHARLES DIXON

Whether doctrine of laches bars child support obligation in this case.

JESSAMINE COUNTY

Appellant Atty:

CHANEY, M

HON JEFF MOSS

Appellant Name:

DIXON, KAREN

Appellee Atty:

REYNOLDS, JOHN

Appellee Name:

DIXON, CHARLES

**** NOTE:**

**LOCATION: ELKHORN CROSSING SCHOOL, LAW & JUSTICE VILLAGE, 2001
FRANKFORT PIKE, GEORGETOWN, KENTUCKY**

DATE: Wednesday, October 18, 2017

11:00 AM PJ: LAMBERT, HON. DEBRA HEMBREE COMBS, HON. SARA W. JOHNSON, HON. ROBERT G.

**2016CA001512 CHEROKEE TRIANGLE ASSOCIATION, INC. v LOUISVILLE METRO PLANNING &
ZONING COMMISSION**

Whether the trial courts properly dismissed two consolidated land use cases on summary judgment and whether it properly granted the Appellees' motion for a protective order.

CIVIL JEFFERSON COUNTY HON OLU A. STEVENS

Appellant Atty:

**SEILLER, BILL
WOLFE, ED**

Appellant Name:

CHEROKEE TRIANGLE ASSOCIATION, INC.

Appellee Atty:

**BAKER, JONATHAN
CARROLL, JOHN**

Appellee Name:

**LOUISVILLE METRO PLANNING & ZONING
COMMISSION**

**MILLER, WINSTON
STURGEON, A III**

WILLOW GRANDE, LLC

**** NOTE:**

**LOCATION: ELKHORN CROSSING SCHOOL, LAW & JUSTICE VILLAGE, 2001
FRANKFORT PIKE, GEORGETOWN, KENTUCKY**

DATE: Wednesday, October 18, 2017

**01:20 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:

SNYDER, SHERYL

SPRINGER, THOMAS III

Appellee Atty:

**DEATHERAGE, WILLIAM JR
GILBERT, MARK**

HOLLAND, PATSY

EMMONS, LISA

RUSSELL, MICHAEL

RUSSELL, SHARON

PEYTON, RICHARD

FARMER, TODD

Appellant Name:

ABBOTT, INC.

**THE ESTATE OF JOHNNY BROWN RUSSELL, BY
AND THROUGH ITS**

Appellee Name:

GUIRGUIS, SAMUEL

HOLLAND, PATSY

PADUCAH & LOUISVILLE RAILWAY, INC.

RUSSELL, MICHAEL

RUSSELL, SHARON

SPEAKS, JAMES

TABOR, DARRIN

**** NOTE:**

**LOCATION: ELKHORN CROSSING SCHOOL, LAW & JUSTICE VILLAGE, 2001
FRANKFORT PIKE, GEORGETOWN, KENTUCKY**

DATE: Wednesday, October 18, 2017

02:05 PM PJ: JOHNSON, HON. ROBERT G. COMBS, HON. SARA W. LAMBERT, HON. DEBRA HEMBREE
2016CA001270 BELINDA PRIEST v KURT PRIEST

Whether the trial court properly divided a military pension in this divorce case.

CIVIL MEADE COUNTY HON BRUCE T. BUTLER, JUDGE

Appellant Atty:

ACKERSON, LORI
ARROWOOD, VICKIE
MEERS, CHARLES

Appellant Name:

PRIEST, BELINDA

Appellee Atty:

MILLER, DOUGLAS

Appellee Name:

PRIEST, KURT

**** NOTE:**

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

DATE: Thursday, October 26, 2017

10:00 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. KRAMER, HON. JOY A.
2016CA001695 ABIGAIL BALL v CYNTHIA DUFF

Whether family court erred by granting grandparent visitation after the children were adopted.

CIVIL JEFFERSON COUNTY HON ANGELA J. JOHNSON

Appellant Atty:

**BANKS, THOMAS II
BOWMAN, JASON**

Appellant Name:

BALL, JEREMY

Appellee Atty:

CHARNEY, MITCHELL

Appellee Name:

DUFF, CYNTHIA

**** NOTE:**

10:45 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. KRAMER, HON. JOY A.
2016CA000819 DONNA VANOVER MAXWELL v THE ESTATE OF DARRELL RAY VANOVER

Whether circuit court erred in its application of the doctrine of laches.

CIVIL MCCREARY COUNTY HON DANIEL BALLOU

Appellant Atty:

BRIDGEMAN, DAVID

Appellant Name:

MAXWELL, DONNA

Appellee Atty:

LAVENDER, TIMOTHY

Appellee Name:

THE ESTATE OF DARRELL RAY VANOVER

**** NOTE:**

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

DATE: Thursday, October 26, 2017

11:30 AM PJ: CLAYTON, HON. DENISE G.

KRAMER, HON. JOY A.

TAYLOR, HON. JEFF S.

2016CA001470 HAROLD MERRITT v CATHOLIC HEALTH INITIATIVES, INC.

Appeal of denial of Motion for Declaratory Judgment and the granting of a Motion for Summary Judgment. The issue is whether self-insurers are subject to Kentucky's Unfair Claims Practices Act.

CIVIL FAYETTE COUNTY HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

GOLDEN, J.
MELTON, MARY
PETERSON, JUSTIN

MERRITT, HAROLD

Appellee Atty:

Appellee Name:

PROPST, CHAD
THOMPSON, B.

CATHOLIC HEALTH INITIATIVES, INC.

** NOTE: