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SEPTEMBER 2011

ORAL ARGUMENT

CALENDAR

Report Updated On: 08/31/2011

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

DATE: Tuesday, September 6, 2011

09:00 AM PJ: CAPERTON, HON. MICHAEL O. MOORE, HON. JOY A. VANMETER, HON. LAURANCE B.

2011CA000821 BOBBY (BOB) YOUNG HUNT v ERNEST "DWAYNE" HATCHER

2011CA000832
Election Appeal.

BARREN COUNTY

HON PHIL PATTON

Appellant Atty:

Appellant Name:

**BRODERICK, DAVID
ROBY, JON**

HUNT, BOBBY (BOB)

Appellee Atty:

Appellee Name:

DAVIDSON, JOSEPH

DAVIDSON, JOSEPH

**LONG, LYN
MOULTON, C.**

HATCHER, ERNEST

**** NOTE:**

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

DATE: Wednesday, September 14, 2011

02:30 PM PJ: KELLER, HON. MICHELLE M. CAPERTON, HON. MICHAEL O. LAMBERT, HON. JAMES H.

**2009CA001275 FLEMING COUNTY HOSPITAL DISTRICT v FLEMING REGIONAL MEDICAL IMAGING,
2009CA001318 PLLC**

This case involves the application by Fleming Regional Imaging for an exemption from the certificate of need requirements. The Appellants contend that the Cabinet's finding that the Appellees were required to obtain a certificate of need was supported by substantial evidence and the circuit court incorrectly reversed the Cabinet. In a companion appeal, the Cabinet argues that the circuit incorrectly interpreted and applied the regulations related to the application for a certificate of need exemption.

CIVIL FRANKLIN COUNTY HON PHILLIP J. SHEPHERD

Appellant Atty:

CHRISTIAN, CAROLE

HAYDEN, MARIAN

Appellee Atty:

HUNSAKER, ANN

LOGAN, EDWIN

Appellant Name:

FLEMING COUNTY HOSPITAL DISTRICT

THE KENTUCKY HOSPITAL ASSOCIATION

Appellee Name:

COMMONWEALTH OF KENTUCKY

FLEMING REGIONAL MEDICAL IMAGING, PLLC

**** NOTE:**

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

DATE: Wednesday, September 14, 2011

01:45 PM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.
2010CA001518 INDIAN RIDGE PROPERTIES, INC. v SCHWARTZ, LLC NO. 1

Whether circuit court erred by dismissing action per CR 41.02.

CIVIL	JEFFERSON COUNTY	HON JUDITH E MCDONALD-BURKMAN
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
NIEMI, BRUCE		INDIAN RIDGE PROPERTIES, INC.
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
KENEALY, WILLIAM MADDOX, VICTOR STINNETT, JENNIFER		SCHWARTZ, LLC NO. 1
.....		
COX, DONALD		TACHAU ADDOX HOVIOUS DICKENS, PLLC

**** NOTE:**

02:30 PM PJ: TAYLOR, HON. JEFF S. ACREE, HON. GLENN E. VANMETER, HON. LAURANCE B.
2010CA001926 STEPHEN FENLEY v KAMP KAIN TUCK, INC.

Whether circuit court erred by dismissing appellants' action against appellee upon the basis that appellants were not members of nonprofit corporation.

CIVIL	JEFFERSON COUNTY	HON MITCHELL PERRY
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
DYCHE, JOHN HOVIOUS, R.		FENLEY, STEPHEN
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COCHRAN, GEORGE SMITH, EDWARD		ASBURY, DON
.....		
NAPIER, TIMOTHY WILLET-JONES, NICOLE		KAMP KAIN TUCK, INC.

**** NOTE:**

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

DATE: Wednesday, September 14, 2011

03:15 PM PJ: TAYLOR, HON. JEFF S.

ACREE, HON. GLENN E.

VANMETER, HON. LAURANCE B.

2010CA001972

JOHN BAKER v C SQUARED, INC.

Whether appellant was properly denied unemployment benefits.

CIVIL

JEFFERSON COUNTY

HON OLU A. STEVENS

Appellant Atty:

HOSKINS, WILLIAM

Appellant Name:

BAKER, JOHN

Appellee Atty:

HARDIN, JASON

Appellee Name:

C SQUARED, INC.

MAXSON, JAMES

KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION

** NOTE:

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

DATE: Thursday, September 15, 2011

10:00 AM PJ: ACREE, HON. GLENN E. TAYLOR, HON. JEFF S. VANMETER, HON. LAURANCE B.
 2010CA001509 SUSAN KAY LUKJAN v COMMONWEALTH OF KENTUCKY

Criminal; Evidentiary Issues, Fourth Amendment: Whether the trial court abused its discretion in disallowing the appellant's expert witness to testify at trial; whether the trial court erred in refusing to hold a Daubert hearing; whether the trial court abused its discretion in overruling appellant's motion to compel evidence; whether the trial court improperly denied appellant's motion to suppress; whether the trial court improperly excluded evidence and limited the scope of appellant's cross-examination.

CRIMINAL	JEFFERSON COUNTY	HON AUDRA J. ECKERLE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
CLAY, THOMAS		LUKJAN, SUSAN
HALL, MARK		
LOCK, TRAVIS		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BARR, DAVID		COMMONWEALTH OF KENTUCKY
.....		

**** NOTE:**

10:45 AM PJ: ACREE, HON. GLENN E. TAYLOR, HON. JEFF S. VANMETER, HON. LAURANCE B.
 2010CA001701 FIRST HOME, LLC v CROWN COMMUNICATIONS, INC.

Civil; Property, Easements: Whether the circuit court properly entered summary judgment granting the appellee a perpetual easement; whether the circuit court properly denied the appellant's CR 59.05 motion; whether the circuit court erred in dismissing the appellant's first amended complaint.

CIVIL	JEFFERSON COUNTY	HON MARY M SHAW
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
MILLER, J.		FIRST HOME, LLC
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
BREETZ, MATTHEW		CROWN COMMUNICATIONS, INC.
WARD, ASHLEY		
.....		

**** NOTE:**

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

DATE: Thursday, September 22, 2011

01:00 PM PJ: THOMPSON, HON. KELLY

DIXON, HON. DONNA L.

MOORE, HON. JOY A.

2010CA000893

WILL MCGINNIS v COMMONWEALTH OF KENTUCKY

Pro se appellant appeals a violation of the Lexington Fayette County Urban County Government noise ordinance arguing that it is vague, has no relationship to a nuisance to any residences, that it has no definitions as to time or level of noise which can cause a violation.

FAYETTE COUNTY

HON ERNESTO M. SCORSONE

Appellant Atty:

Appellant Name:

MCGINNIS, WILL

MCGINNIS, WILL

Appellee Atty:

Appellee Name:

CONWAY, JACK
HAYNE, JOHN II

COMMONWEALTH OF KENTUCKY

**** NOTE:**