

UPDATED 03/30/06

APRIL 2006

ORAL ARGUMENT

CALENDAR

**APRIL, 2006**

**April 4, 2006**

**10:00 AM, FULL COURT MEETING**

**1:00 PM, MOTION PANEL, JUDGE HENRY, PRES., JUDGES  
EMBERTON AND MCANULTY, ASSOC.**

**1:00 - 1:30 PM, ORAL ARGUMENT, (FROM MARCH)  
#2004-CA-1566, JOHNSON CONTROLS, INC. V.  
ROBBIE RUDOLPH, ET AL., JUDGE MINTON, PRES.,  
JUDGES BARBER AND TACKETT, ASSOC.**

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

**FRANKFORT - Contact Mary Zagale, (502) 573-7920**

**BRANDENBURG - Contact Debbie Medley, Circuit Court Clerk, (270) 422-4961**

**BOWLING GREEN - Contact Jim Gildersleeve, Court Administrator, (270) 746-7411**

**LOUISVILLE - Contact Debbie McCulloch, Judge McAnulty's Secretary, 502-595-3430**

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

DATE: Tuesday, April 04, 2006

1:00 PM

PJ: MINTON

BARBER

TACKETT

2004CA001566

JOHNSON CONTROLS, INC. ET AL. VS ROBBIE RUDOLPH ET AL.

WHETHER HB 541 UNCONSTITUTIONALLY ELIMINATED INCOME TAX REFUNDS FOR CERTAIN CORPORATE TAXPAYERS.

CIVIL

FRANKLIN COUNTY

WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....  
CLARK, BRUCE F.

.....  
BUNZL USA, INC. AND SUBSIDIARIES  
COSMOS BROADCASTING CORPORATION AND AFFILIATES  
JOHNSON CONTROLS, INC.  
MAK-PAK, INC.  
SARGENT & GREENLEAF, INC.  
SECURITY GROUP, INC. AND SUBSIDIARIES  
TREDEGAR CORPORATION AND SUBSIDIARIES  
WILLIS NORTH AMERICA, INC. AND AFFILIATES  
JOHNSON CONTROLS, INC.

FRANKEL, PAUL H.

GRANT, MARGARET RUTH

BUNZL USA, INC. AND SUBSIDIARIES  
COSMOS BROADCASTING CORPORATION AND AFFILIATES  
JOHNSON CONTROLS, INC.  
MAK-PAK, INC.  
SARGENT & GREENLEAF, INC.  
SECURITY GROUP, INC. AND SUBSIDIARIES  
TREDEGAR CORPORATION AND SUBSIDIARIES  
WILLIS NORTH AMERICA, INC. AND AFFILIATES

HORN, ERICA L.

BUNZL USA, INC. AND SUBSIDIARIES  
COSMOS BROADCASTING CORPORATION AND AFFILIATES  
JOHNSON CONTROLS, INC.  
MAK-PAK, INC.  
SARGENT & GREENLEAF, INC.  
SECURITY GROUP, INC. AND SUBSIDIARIES  
TREDEGAR CORPORATION AND SUBSIDIARIES  
WILLIS NORTH AMERICA, INC. AND AFFILIATES

LUBER, THOMAS J

COMPUTER EMPORIUM  
COURIER BROADWAY CORP.  
COURIER CELLULAR CORPORATION  
COURIER JOURNAL AND LOUISVILLE TIMES CO.  
GANNETT DIRECT MARKETING SERVICES, INC.  
GANNETT RIVER STATES PUBLISHING CORP.  
GANNETT SATELLITE INFORMATION NETWORK, INC.

STARR, JENNIFER BETH

COMPUTER EMPORIUM

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

DATE: Tuesday, April 04, 2006

WYRICK, MITZI D

COURIER BROADWAY CORP.  
COURIER CELLULAR CORPORATION  
COURIER JOURNAL AND LOUISVILLE TIMES CO.  
GANNETT DIRECT MARKETING SERVICES, INC.  
GANNETT RIVER STATES PUBLISHING CORP.  
GANNETT SATELLITE INFORMATION NETWORK, INC.  
COMPUTER EMPORIUM  
COURIER BROADWAY CORP.  
COURIER CELLULAR CORPORATION  
COURIER JOURNAL AND LOUISVILLE TIMES CO.  
GANNETT DIRECT MARKETING SERVICES, INC.  
GANNETT RIVER STATES PUBLISHING CORP.  
GANNETT SATELLITE INFORMATION NETWORK, INC.

Appellee Atty:

Appellee Name:

.....  
KALINYAK, MICHAEL D.

TROWER, C. CHRISTOPHER

.....  
ROBBIE RUDOLPH

COMMONWEALTH OF KENTUCKY, FIN. AND ADMIN. CAB., REV. DEPT.

ROBBIE RUDOLPH

\*\*NOTE: ORIGINALLY ON MARCH 7, 2006 AT 2:30 PM IN FRANKFORT, KY

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

DATE: Tuesday, April 11, 2006

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9:45 AM PJ: BUCKINGHAM HENRY VANMETER  
2003CA002051 ROY WHISMAN VS COMMONWEALTH OF KENTUCKY

CRIMINAL/CONSTITUTIONALITY OF KRS 218A.202.

CRIMINAL LEWIS COUNTY LEWIS D NICHOLLS

Appellant Atty:

Appellant Name:

.....  
LEMKINS, ASTRIDA LIANA  
PRESTON, DAMON

.....  
ROY WHISMAN  
ROY WHISMAN

Appellee Atty:

Appellee Name:

.....  
LONG JR, WILLIAM ROBERT

.....  
COMMONWEALTH OF KENTUCKY

**\*\*NOTE: ORIGINALLY AT 9:00 AM. SAME LOCATION AND DATE**

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10:30 AM PJ: BUCKINGHAM HENRY VANMETER  
2004CA001199 QUINTON HAWKINS VS COMMONWEALTH OF KENTUCKY

CRIMINAL/DRUG TRAFFICKING.

CRIMINAL KENTON COUNTY PATRICIA M SUMME

Appellant Atty:

Appellant Name:

.....  
ARNOLD, TIMOTHY G.  
PRESTON, DAMON

.....  
QUINTON HAWKINS  
QUINTON HAWKINS

Appellee Atty:

Appellee Name:

.....  
PRATHER, ROBERT E.

.....  
COMMONWEALTH OF KENTUCKY

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11:15 AM PJ: HENRY COMBS DYCHE  
2005CA000259 TAJA DAVIDSON VS CASTNER-KNOTT DRY GOODS CO., INC.

APPEAL FROM SUMMARY JUDGEMENT; MALICIOUS PROSECUTION.

CIVIL WARREN COUNTY JOHN R. GRISE

Appellant Atty:

Appellant Name:

.....  
STEWART, JOHN WILLIAM

.....  
TAJA DAVIDSON

Appellee Atty:

Appellee Name:

.....  
BOBROW, ROBERT D.  
STOPHER, ROBERT E.

.....  
CASTNER-KNOTT DRY GOODS CO., INC.  
CASTNER-KNOTT DRY GOODS CO., INC.

**\*\*NOTE: ORAL ORIGINALLY ON MARCH 8, 2006 IN LOUISVILLE.**

LOCATION: MEADE COUNTY COURTHOUSE, 516 FAIRWAY DRIVE,  
BRANDENBURG, KENTUCKY

DATE: Tuesday, April 11, 2006

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11:00 AM PJ: TAYLOR EMBERTON TACKETT  
2005CA000508 JACKIE WOLFORD ET AL. VS LOUISVILLE AND JEFFERSON CO.  
METROPOLITAN SEWER DISTRICT  
WHETHER CIRCUIT COURT ERRONEOUSLY EXCLUDED TRIAL TESTIMONY OF APPELLANT'S EXPERT WITNESS.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty: ..... Appellant Name: .....  
DODSON, JOHN C JACKIE WOLFORD  
RICHARD WOLFORD  
Appellee Atty: ..... Appellee Name: .....  
DWYER JR, JOHN H. LOUISVILLE AND JEFFERSON CO. METROPOLITAN SEWER DISTRICT

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1:30 PM PJ: TACKETT EMBERTON TAYLOR  
2005CA000640 LEQUA HICKMAN VS COMMONWEALTH OF KENTUCKY  
JUVENILE/CRIMINAL; WHETHER KRS 439.430 PRECLUDES PROBATION FOR A YOUTHFUL OFFENDER CONVICTED  
OF A VIOLENT OFFENSE AT THE TIME OF HIS RE-SENTENCING AFTER HIS EIGHTEENTH BIRTHDAY.

CRIMINAL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty: ..... Appellant Name: .....  
MCMAHON, ELIZABETH B. LEQUA MARTEZ HICKMAN  
Appellee Atty: ..... Appellee Name: .....  
RIGGS, KEN W. COMMONWEALTH OF KENTUCKY

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2:15 PM PJ: EMBERTON TACKETT TAYLOR  
2005CA000371 GREEN TREE SERVICING, LLC VS CURTIS SANDERS ET AL.  
FORECLOSURE ACTION;MORTGAGOR SERVICER AS REAL PARTY IN INTEREST.

CIVIL SHELBY COUNTY WILLIAM F STEWART

Appellant Atty: ..... Appellant Name: .....  
HILL, CHRISTOPHER M. GREEN TREE SERVICING, LLC  
HOWARD, DOUGLAS C. GREEN TREE SERVICING, LLC  
Appellee Atty: ..... Appellee Name: .....  
FRIEDMAN, ELLEN G CURTIS E. SANDERS  
CYNTHIA SANDERS

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

9:30 AM

PJ: GUIDUGLI

HUDDLESTON

JOHNSON

2004CA002645

CITY OF OWENSBORO, KENTUCKY VS LARRY SABO

EMPLOYMENT-AT-WILL CASE. JURY VERDICT OF \$129K FOR SABO. JURY FOUND CITY BREACHED IMPLIED DUTY OF GOOD FAITH AND FAIR DEALING WITH SABO.

CIVIL

DAVIESS COUNTY

HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....  
GADANSKY, CHRISTOPHER

.....  
CITY OF OWENSBORO, KENTUCKY

PACE, PATRICK D

CITY OF OWENSBORO, KENTUCKY

WATSON, ROBERT THOMAS

CITY OF OWENSBORO, KENTUCKY

Appellee Atty:

Appellee Name:

.....  
MURRELL, DENNIS D

.....  
LARRY SABO

SHOEMAKER, AMY ELIZABETH

LARRY SABO

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

10:15 AM PJ: JOHNSON GUIDUGLI HUDDLESTON  
2004CA001908 WILLIAM FLORMAN ET AL. VS MEBCO LIMITED PARTNERSHIP ET AL.

2004CA002072; APPELLANTS IN CASE 2004-CA-1908 CONTEND TRIAL COURT ERRED THAT CLAY OF SHELBY AND WATKINS  
2004CA002074 TRACT IS PART OF SURFACE ESTATE, NOT MINERAL ESTATE. APPELLANTS IN CASE 2004-CA-2076 CONTEND THE  
CIRCUIT COURT ERRED WHEN IT ADOPTED FINDINGS AND RECOMMENDATIONS OF SPECIAL COMMISSIONER  
THAT IMPRESSED TRUST ON INTEREST INCOME FROM SALEM FLUORSPAR, INC. ON THEM. CROSS-APPELLANT  
REQUESTS REMAND TO TRIAL COURT TO ENTER JUDGMENT THAT WATKINS AND SHELBY DEEDS DO NOT  
GRANT MINERAL OWNER RIGHT TO DESTROY SURFACE IN RECOVERY.

CIVIL LIVINGSTON COUNTY BILL CUNNINGHAM

Appellant Atty:

Appellant Name:

PEEK JR, RICHARD H

BERRIAN MINERALS, INC.

FRANK BOYCE MOODIE III

KATHLEEN MOODIE

RICHARDSON, BOBBY H.

LARRY GLASS

TALBOTT JR, BEN J.

WILLIAM FLORMAN

Appellee Atty:

Appellee Name:

COOK, VANCE WAYNE

MEBCO LIMITED PARTNERSHIP

PAXTON, WILLARD B.

DAVID PEDLEY

JOHN C. PEDLEY

LAWRENCE L. PEDLEY

SMITH, KERRY D

CUMBERLAND RIVER RESOURCES, LLC

JIM SMITH CONTRACTING, LLC

STIGGER III, GEORGE E

MEBCO LIMITED PARTNERSHIP

STOUT, ALAN C

H. GREGORY MADDUX

HAZEL MADDUX

MARTHA LEE WRIGHT

PHILLIP MADDUX

T.L. MADDUX JR

\*\*NOTE: 45 MINUTE ORAL ARGUMENT

LOCATION: WARREN COUNTY JUSTICE CENTER, CIRCUIT COURTROOM 'C', 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Thursday, April 13, 2006

11:15 AM

PJ: VANMETER

MCANULTY

SCHRODER

2004CA002356

VERNA LEE VS KATRINA OSBORNE ET AL.

WHETHER TRIAL COURT ERRED IN FAILING TO GRANT NEW TRIAL AFTER JURY AWARDED \$0 FOR PAIN AND SUFFERING.

CIVIL

LAUREL COUNTY

RODERICK MESSER

Appellant Atty:

Appellant Name:

.....  
CHILDERS, TODD K.

.....  
VERNA LEE

FREEMAN, BRIEN G.

VERNA LEE

Appellee Atty:

Appellee Name:

.....  
GOFORTH, MICHAEL A.

.....  
GRANGE MUTUAL CASUALTY COMPANY

KELLER, J. WARREN

KATRINA OSBORNE

OSWALD, CLAYTON OTIS

KATRINA OSBORNE