

UPDATED: 4/10/2015

APRIL 2015

ORAL ARGUMENT

CALENDAR

Report Updated On: 4/10/2015

Updated 04/10/2015

APRIL, 2015

APRIL 2, 2015

10:30 A.M. - MOTION PANEL, JUDGE STUMBO, PRES., JUDGE COMBS AND JUDGE KRAMER, ASSOC.

APRIL 14, 2015

9:30 A.M. - 10:30 A.M., ORAL ARGUMENT, #2013-CA-842, to be heard with #2013-CA-912, #2013-CA-983, 2014-CA-600, and 2014-CA-707, JOSEPH PAUL SPALDING V. SPRING VIEW HOSPITAL, LLC, JUDGE MAZE, PRES., CHIEF JUDGE ACREE, AND JUDGE THOMPSON, ASSOC.

11:00 A.M. - COURT MEETING

12:00 P.M. – 12:30 P.M., ORAL ARGUMENT, #2015-CA-305, to be heard with #2015-CA-328, and 2015-CA-332, CHARLES HARDIN, M.D. V. JOHN MONTGOMERY, ET AL., JUDGE KELLY THOMPSON, PRES., JUDGE DEBRA LAMBERT, AND JUDGE MAZE, ASSOC.

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

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

FRANKFORT – Contact Patricia Brauer or Samuel Givens, Jr. – (502) 573-7920

HARDIN – Contact Belinda Peace– (270) 766-5039

LYON – Contact Kathy Wallace – (270) 388-0869

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

DATE: Tuesday, April 14, 2015

09:30 AM PJ: MAZE, HON. IRV ACREE, HON. GLENN E. THOMPSON, HON. KELLY

2013CA000842 JOSEPH PAUL SPALDING v SPRING VIEW HOSPITAL, LLC

2013CA000912
2013CA000983
2014CA000600
2014CA000707

Whether Kentucky would recognize a claim of negligent credentialing; elements of such a claim.
Cross-appeal – whether settlement with physician without an admission of liability would bar such a claim; application of circular indemnification doctrine.

CIVIL MARION COUNTY HON DAN KELLY

Appellant Atty:

MATTINGLY, JOSEPH III

Appellant Name:

SPALDING, JOSEPH

Appellee Atty:

DAVIS, ELEANOR
PROPST, CHAD
REISZ, KATHERINE
THOMPSON, B.

Appellee Name:

SPRING VIEW HOSPITAL, LLC

**** NOTE:**60 MINUTE ORAL **PREVIOUSLY ON JULY 22, 2014 @ 12:45 PM, SHEPHERDSVILLE, KENTUCKY**

12:00 PM PJ: THOMPSON, HON. KELLY LAMBERT, HON. DEBRA HEMBREE MAZE, HON. IRV

2015CA000305 CHARLES HARDIN MD v JOHN MONTGOMERY

2015CA000328
2015CA000332

MAGOFFIN COUNTY

HON JOHN DAVID PRESTON

Appellant Atty:

ADAMS, ELDRED JR
DECKARD, JAMES

Appellant Name:

HARDIN, CHARLES

Appellee Atty:

NEMES, JASON
FLORES, MARK
PARKER, LARA CLAY

Appellee Name:

MAGOFFIN COUNTY BOARD OF ELECTIONS
MONTGOMERY, JOHN

**** NOTE:**

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

DATE: Monday, April 20, 2015

02:00 PM PJ: COMBS, HON. SARA W.

ACREE, HON. GLENN E.

MAZE, HON. IRV

2014CA000028

ADAIR COUNTY BOARD OF EDUCATION v PATRICK BACK

Appellants challenge denial of their motion for summary judgment in which principal issue was entitlement to immunity.

CIVIL

ADAIR COUNTY

HON JUDY D. VANCE

Appellant Atty:

Appellant Name:

**GOLDEN, J.
IACCARINO, CARMINE
MEADOWS, DREW**

ADAIR COUNTY BOARD OF EDUCATION

.....
Appellee Atty:

Appellee Name:

**BERTRAM, ROBERT
HELM, DERRICK**

BACK, PATRICK

.....
**** NOTE:**PREVIOUSLY ON 4/20/2015 AT 1:00 PM**

**LOCATION: LYON COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 500 -A
WEST DALE AVENUE, EDDYVILLE, KENTUCKY**

DATE: Monday, April 20, 2015

01:30 PM PJ: KRAMER, HON. JOY A. CLAYTON, HON. DENISE G. NICKELL, HON. C. SHEA
2013CA001854 AMY WILLIAMS v CITY OF KUTTAWA, KENTUCKY

Quiet title action: Whether the trial court erred in its analysis regarding whether the land is owned in fee simple.

CIVIL	LYON COUNTY	HON CLARENCE A. WOODALL
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BLISS, MATTHEW		WILLIAMS, AMY
MOORE, BRADLEY		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
MATHENY, JACKIE JR		CITY OF KUTTAWA, KENTUCKY

NOT REPRESENTED BY COUNSEL,		SKINNER, BELLE

** NOTE:

02:15 PM PJ: KRAMER, HON. JOY A. CLAYTON, HON. DENISE G. NICKELL, HON. C. SHEA
2014CA000821 ANTHONY D. DURRANT v COMMONWEALTH OF KENTUCKY

Criminal Case: Whether the trial court erred in the evidential standard it used in admitting cellular text messages and evidence of prior bad acts.

CRIMINAL	HARDIN COUNTY	HON KELLY MARK EASTON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
EGGERT, ROB		DURRANT, ANTHONY
GOODWIN, MICHAEL		
RIGNEY, ROGER		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
CONWAY, JACK		COMMONWEALTH OF KENTUCKY
MARTIN, LEILANI		

** NOTE:

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

DATE: Tuesday, April 28, 2015

01:30 PM PJ: STUMBO, HON. JANET L.

LAMBERT, HON. JAMES H.

TAYLOR, HON. JEFF S.

2014CA000483

COMMONWEALTH OF KENTUCKY v TREMEL SMITH

Interlocutory appeal from orders of trial court excluding death penalty as a possible penalty in this capitol, denying the Commonwealth an independent medical exam to challenge the report filed by the defense, and to exclude tire print evidence.

CRIMINAL

CHRISTIAN COUNTY

HON JOHN L. ATKINS

Appellant Atty:

CONWAY, JACK
PRYOR, PATRICIA

Appellant Name:

COMMONWEALTH OF KENTUCKY

Appellee Atty:

HORSMAN, LINDA
SCHMIDT, KATHLEEN

Appellee Name:

SMITH, TREMEL

**** NOTE:**

02:15 PM PJ: STUMBO, HON. JANET L.

LAMBERT, HON. JAMES H.

TAYLOR, HON. JEFF S.

2014CA000517

**BLUEGRASS PIPELINE COMPANY, LLC v KENTUCKIANS UNITED TO RESTRAIN
EMINENT DOMAIN, INC.**

Appeal from grant of summary judgment from decision holding that Appellee had associational standing to bring declaration of rights action. Did trial court err in holding that organization had standing to bring action to determine whether Appellant had the right to use eminent domain for gas pipeline?

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

MCTIGHE, CHADWICK
PARSONS, GREGORY

Appellant Name:

BLUEGRASS PIPELINE COMPANY, LLC

Appellee Atty:

SHARP, WILLIAM
STROBO, RANDAL

Appellee Name:

AMERICAN CIVIL LIBERTIES UNION OF
KENTUCKY

FITZGERALD, THOMAS

KENTUCKIANS UNITED TO RESTRAIN
EMINENT DOMAIN, INC.

LYCAN, DAVID
WEST, JOHN

KENTUCKY OIL & GAS ASSOCIATION

**** NOTE:**

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

DATE: Tuesday, April 28, 2015

03:00 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2014CA000771

VIRGINIA GAIL SAYLOR v COMMONWEALTH OF KENTUCKY

Whether circuit court erred by denying appellant's motion to withdraw her guilty plea.

CRIMINAL

BELL COUNTY

HON ROBERT COSTANZO

Appellant Atty:

**POTTER, SAMUEL
SCHMIDT, KATHLEEN**

Appellant Name:

SAYLOR, VIRGINIA

.....
Appellee Atty:

**CONWAY, JACK
HIGHTOWER, COURTNEY**

Appellee Name:

COMMONWEALTH OF KENTUCKY

.....
**** NOTE:**

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

DATE: Wednesday, April 29, 2015

10:00 AM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

STUMBO, HON. JANET L.

2014CA000637

TOM ARNZEN v STEPHANIE SMITH

Whether circuit court erred by finding appellant was not entitled to qualified official immunity and thus, denying his motion for summary judgment.

CIVIL

KENTON COUNTY

HON MARTIN J SHEEHAN

Appellant Atty:

Appellant Name:

ARNZEN, MARK
CASSIDY, MARY

ARNZEN, TOM

Appellee Atty:

Appellee Name:

JAEGER, STEVEN

SMITH, STEPHANIE

** NOTE:

10:45 AM PJ: TAYLOR, HON. JEFF S.

COMBS, HON. SARA W.

STUMBO, HON. JANET L.

2013CA001877

MELBOURNE MILLS Jr v DAVID HELMERS

Whether circuit court erred by granting summary judgment in favor of appellees upon appellant's equitable claims under theories of quantum meruit and unjust enrichment.

CIVIL

FAYETTE COUNTY

HON THOMAS L CLARK

Appellant Atty:

Appellant Name:

CROSS, DAVID

MILLS, MELBOURNE

Appellee Atty:

Appellee Name:

HURLEY, MICHELLE
REDFORD, CARROLL III

HELMERS, DAVID

** NOTE:

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

DATE: Wednesday, April 29, 2015

12:30 PM PJ: DIXON, HON. DONNA L. JONES, HON. ALLISON E. THOMPSON, HON. KELLY

2014CA000185 BUTCHERTOWN NEIGHBORHOOD ASSOCIATION, INC. v LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

Appeal of trial court's dismissal of an administrative appeal seeking declaratory relief.

CIVIL JEFFERSON COUNTY HON SUSAN SCHULTZ GIBSON

Appellant Atty:

SALOMON, JONATHAN

Appellant Name:

BUTCHERTOWN NEIGHBORHOOD ASSOCIATION, INC.

Appellee Atty:

BAILEY, CLAYTON
GREENWALD, BART
PRICE, GLENN JR

Appellee Name:

JBS USA, LLC

BAKER, JONATHAN

LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

WHITTY, PAUL

**** NOTE:**

01:15 PM PJ: JONES, HON. ALLISON E. DIXON, HON. DONNA L. THOMPSON, HON. KELLY

2014CA000732 JERRY WALKER v METROPOLITAN UROLOGY, P.S.C.

Civil: Whether the trial court committed individual and cumulative reversible error during seven day wrongful death medical negligence trial.

CIVIL JEFFERSON COUNTY HON OLU A. STEVENS

Appellant Atty:

BOLUS, JAMES JR.
HILLERICH, RONALD

Appellant Name:

WALKER, JERRY

Appellee Atty:

ASHER, BRITTANY
BROWN, DONALD JR
DAILEY, MICHAEL

Appellee Name:

GOODWINE, JEFFREY

BROWN, DANIEL
DARBY, DONALD
SHILTS, ROBERT

METROPOLITAN UROLOGY, P.S.C.

**** NOTE:**

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

DATE: Wednesday, April 29, 2015

02:00 PM PJ:

2013CA001434 PETER BARTH v COMMONWEALTH OF KENTUCKY

CRIMINAL

BULLITT COUNTY

HON RODNEY BURRESS

Appellant Atty:

JEWELL, BRANDON
SCHMIDT, KATHLEEN

Appellant Name:

BARTH, PETER

Appellee Atty:

FERGUSON, TODD

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:

02:00 PM

PJ: THOMPSON, HON. KELLY

DIXON, HON. DONNA L.

JONES, HON. ALLISON E.

2013CA001434 PETER BARTH v COMMONWEALTH OF KENTUCKY

Appellant was stopped in possession of a 1989 white Chevrolet pick up truck which had been stolen from a car lot. The owner of the car lot testified that the truck's retail value was \$12,800. Based upon that proof, the jury convicted appellant of knowingly receiving stolen property valued over \$10,000 and recommended 17 year sentence. Appellant contends that he should have been entitled to an instruction of more than \$500 but less than \$10,000 in value and further argues truth in sentencing that the jury should have been instructed that sentences would run consecutive rather than concurrent.

CRIMINAL

BULLITT COUNTY

HON RODNEY BURRESS

Appellant Atty:

JEWELL, BRANDON
SCHMIDT, KATHLEEN

Appellant Name:

BARTH, PETER

Appellee Atty:

FERGUSON, TODD

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE: