

PANEL: WEST/SOUTHCENTRAL

LOCATION: DAVIESS COUNTY JUDICIAL CENTER, JUVENILE COURTROOM, 100 EAST SECOND STREET, OWENSBORO, KENTUCKY

DATE: February 12, 2004

09:30 AM PJ: SCHRODER TAYLOR BARBER  
 2003CA000591 MUHLENBERG COUNTY, KENTUCKY VS MASUREN FARMS, LLC  
 DECLARATORY JUDGMENT ACTION APPEALING A RULING AS TO THE LEGAL STATUS OF A ROAD.

CIVIL MUHLENBERG COUNTY DAVID H JERNIGAN

Appellant Atty:

Appellant Name:

.....  
 CREAGER, PATRICIA A.  
 RUSSELL, DARRIS L

.....  
 MUHLENBERG COUNTY, KENTUCKY  
 MUHLENBERG COUNTY, KENTUCKY

Appellee Atty:

Appellee Name:

.....  
 SULLIVAN, R MICHAEL

.....  
 MASUREN FARMS, LLC

10:15 AM PJ: TAYLOR BARBER SCHRODER  
 2002CA002027 RONALD HARGROVE ET AL. VS AMOS HALL

WHETHER CIRCUIT COURT CORRECTLY DETERMINED THE BOUNDARY LINE BETWEEN APPELLANTS' AND APPELLEE'S PROPERTIES.

CIVIL HARDIN COUNTY JANET P. COLEMAN

Appellant Atty:

Appellant Name:

.....  
 PRESTON, DWIGHT

.....  
 ANNA V. HARGROVE  
 RONALD L. HARGROVE  
 TONY E. HARGROVE

Appellee Atty:

Appellee Name:

.....  
 KELLEY, JAMES T.

.....  
 AMOS HALL

11:00 AM PJ: SCHRODER BARBER TACKETT  
 2002CA001164 BIG RIVERS ELECTRIC CORPORATION VS LYMAN BARNES ET AL.  
 ELECTRIC LINE EASEMENT DISPUTE, CONDEMNATION, AND TRESPASS, DAMAGES.

CIVIL OHIO COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....  
 STAINBACK, FRANK

.....  
 BIG RIVERS ELECTRIC CORPORATION

Appellee Atty:

Appellee Name:

.....  
 MARTIN JR, E F

.....  
 JOYCE M. BARNES  
 LYMAN P. BARNES

PANEL: LOUISVILLE METRO

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

DATE: February 11, 2004

10:15 AM PJ: JOHNSON KNOFF MCANULTY  
2002CA002283 WILLIE FARTHING VS COMMONWEALTH OF KENTUCKY

APPELLANT ALLEGES FOUR ERRORS ON HIS CONVICTIONS AND SENTENCES FOR DRUG-RELATED CHARGES: (1) WHETHER THERE WAS SUFFICIENT EVIDENCE TO SUPPORT A CONVICTION FOR MANUFACTURING METH OR POSSESSING METH; (2) WHETHER THE JURY INSTRUCTION ON MANUFACTURE OF METH WAS ERRONEOUS; (3) WHETHER TRIAL COURT IMPROPERLY JOINED TWO INDICTMENTS; AND (4) WHETHER TRIAL COURT ABUSED ITS DISCRETION BY RUNNING PART OF THE SENTENCES CONSECUTIVELY.

CRIMINAL UNION COUNTY TOMMY W. CHANDLER

Appellant Atty:

Appellant Name:

.....  
ARNOLD, TIMOTHY G.  
STUTSMAN, DENNIS

.....  
WILLIE LEON FARTHING  
WILLIE LEON FARTHING

Appellee Atty:

Appellee Name:

.....  
SEELIG, GEORGE G.

.....  
COMMONWEALTH OF KENTUCKY

01:30 PM PJ: JOHNSON MILLER MCANULTY  
2003CA000346 MOTORISTS MUTUAL INSURANCE COMPANY VS GRANGE MUTUAL CASUALTY COMPANY

WHETHER THE TRIAL COURT ERRED BY ORDERING THAT TWO INSURANCE COMPANIES SHOULD "EACH BEAR A PRO RATA SHARE" OF PROPERTY DAMAGE CAUSED BY A SINGLE CAR ACCIDENT.

CIVIL JEFFERSON COUNTY THOMAS J KNOFF

Appellant Atty:

Appellant Name:

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

.....  
MOTORISTS MUTUAL INSURANCE COMPANY  
MOTORISTS MUTUAL INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....  
OSBOURN, MARK A  
PETITT, CAROL SCHURECK

.....  
GRANGE MUTUAL CASUALTY COMPANY  
GRANGE MUTUAL CASUALTY COMPANY

02:15 PM PJ: JOHNSON MILLER MCANULTY  
2002CA001287 DANIEL COYLE VS STEVEN SCHWARTZ

2002CA001574 IN THIS APPEAL AND CROSS-APPEAL, TWO SHAREHOLDERS OF A CLOSELY-HELD KENTUCKY CORPORATION APPEAL THE TRIAL COURT'S DETERMINATIONS CONCERNING THE VALIDITY AND ENFORCEABILITY OF A STOCK TRANSFER AGREEMENT AND STOCK CROSS-PURCHASE AGREEMENT AND THE CONSIDERATION TO BE PAID.

CIVIL JEFFERSON COUNTY THOMAS J KNOFF

Appellant Atty:

Appellant Name:

.....  
LINKER, ALAN N  
TROUTMAN, JAMES GREGORY

.....  
DANIEL K COYLE  
DANIEL K COYLE

Appellee Atty:

Appellee Name:

.....  
CROSS, JEFFREY A  
MOUR, DAVID BRADLEY

.....  
STEVEN C SCHWARTZ  
STEVEN C SCHWARTZ

PANEL: LOUISVILLE METRO

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

DATE: February 11, 2004

03:00 PM

PJ: KNOFF

JOHNSON

MILLER

2003CA000255

ARIF OMAR VS JEWISH HOSPITAL HEALTHCARE SERVICES, INC. ET AL.

DR. ARIF OMAR APPEALS FROM A SUMMARY JUDGMENT DISMISSING HIS ACTION AGAINST JEWISH HOSPITAL HEALTHCARE SERVICES. WHETHER THE FEDERAL HEALTH CARE QUALITY IMPROVEMENT ACT REQUIRES JEWISH TO REPORT THE RESIGNATION OF A PRACTITIONER WHO IS UNDER INVESTIGATION; WHETHER DR. OMAR WAS "UNDER INVESTIGATION" WITHIN THE MEANING OF THE ACT.

CIVIL

JEFFERSON COUNTY

TOM MCDONALD

Appellant Atty:

Appellant Name:

.....  
BROWN M.D., FACC, KENT MASTERSON  
SHAUGHNESSY M.D., FACC, CHRISTOPHER J

.....  
ARIF M. OMAR M.D., FACC  
ARIF M. OMAR M.D., FACC

Appellee Atty:

Appellee Name:

.....  
HAGER, SHARON K  
  
SCHOENBAECHLER, EDWARD L

.....  
DAVID R. WATKINS M.D.  
JEWISH HOSPITAL HEALTHCARE SERVICES, INC.  
DAVID R. WATKINS M.D.  
JEWISH HOSPITAL HEALTHCARE SERVICES, INC.

04:00 PM

PJ: KNOFF

JOHNSON

MCANULTY

2003CA000157

BRADFORD WRIGHT VS COMMONWEALTH OF KENTUCKY

BRADFORD WRIGHT APPEALS FROM A CONVICTION FOR 2D° MANSLAUGHTER. HE ARGUES THAT THE TRIAL COURT ERRED (1) BY REFUSING TO ALLOW ADDITIONAL CROSS-EXAMINATION OF AN EXPERT WITNESS AFTER SHE HAD ANSWERED QUESTIONED WHICH HAD BEEN SUBMITTED IN WRITING BY MEMBERS OF THE JURY; AND (2) BY DENYING HIS MOTION FOR A DIRECTED VERDICT.

CRIMINAL

JEFFERSON COUNTY

DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....  
ADAMS, JAMES BART

.....  
BRADFORD WRIGHT

Appellee Atty:

Appellee Name:

.....  
BUTLER, BRIAN PATRICK  
FLOYD JR, SAMUEL J  
STUMBO, GREGORY D.

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

\*\*NOTE:PREVIOUSLY SCHEDULED FOR FEB. 12

PANEL: LOUISVILLE METRO

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

DATE: February 12, 2004

10:15 AM

PJ: KNOPF

JOHNSON

MCANULTY

2002CA001946

SUFIX, U.S.A., INC. VS TOMMY COOK

MANUFACTURER APPEALS FROM AWARD OF PUNITIVE DAMAGES IN PRODUCT-LIABILITY ACTION. SUFFICIENCY OF EVIDENCE OF GROSS NEGLIGENCE; SUFFICIENCY OF PUNITIVE DAMAGES INSTRUCTION; EXCESSIVENESS OF PUNITIVE DAMAGES AWARD.

CIVIL

JEFFERSON COUNTY

STEPHEN P RYAN

Appellant Atty:

Appellant Name:

.....  
BRYANT, CHARLES STEVEN

.....  
SUFIX, U.S.A., INC.

MORRIS, LESLIE W

SUFIX, U.S.A., INC.

SHANKS, C A DUDLEY

SUFIX, U.S.A., INC.

TULLY, LIZBETH ANN

SUFIX, U.S.A., INC.

Appellee Atty:

Appellee Name:

.....  
FREEMAN, JEFFREY L

.....  
TOMMY P. COOK

SCHEYNOST, SCOTT F.

TOMMY P. COOK

THOMPSON, TYLER S

TOMMY P. COOK

PANEL: EAST/SOUTHEAST

LOCATION: LAUREL COUNTY JUDICIAL ANNEX NO. 2, 103 SOUTH BROAD STREET,  
LONDON, KENTUCKY

DATE: February 19, 2004

10:30 AM

PJ: MINTON

GUIDUGLI

VANMETER

2002CA001305

DIXIE TRUSS, INC VS JEFF COREY ET AL.

2003CA000092

APT FURNISHED MATERIALS FOR CONSTRUCTION OF APPELLEES' HOUSE. APPELLEES HAD SUED FOR DEFECTS IN MATERIALS. DEFENSE VERDICT FOLLOWED JURY TR. APT CLAIMS CIR CT ABUSED DISCRETION IN DENYING OF PRETRIAL MOTIONS TO COUNTERCLAIM FOR UNPAID ACCOUNT AND/OR ADD THIRD PARTIES. APT APPEALS SUMMARY JUDGMENT IN FAVOR OF APE/BLDG SUPPLY BUSINESS FOR UNPAID ACCOUNTS. APT'S ISSUES (1) WHETHER CLAIMS BARRED BY COLLATERAL ESTOPPEL/RES JUDICATA B/C OF RULINGS IN 02-1305, (2) WHETHER TR CT ERRED AS A MATTER OF LAW.

CIVIL

LAUREL COUNTY

LEWIS B HOPPER

Appellant Atty:

Appellant Name:

.....  
BENGE, DOUGLAS G

.....  
DIXIE TRUSS, INC

Appellee Atty:

Appellee Name:

.....  
NAPIER, GARY WAYNE

.....  
DONNA COREY  
JEFF COREY

PANEL: NORTH/CENTRAL

LOCATION: WOODFORD COUNTY CIRCUIT COURTROOM, COURTHOUSE, 103 MAIN STREET, VERSAILLES, KENTUCKY

DATE: February 18, 2004

10:30 AM

PJ: DYCHE

EMBERTON

TACKETT

2003CA000025

HARSCO CORPORATION VS NATURAL RESOURCES AND ENVIROMENTAL PROTECTION CABINET, ET AL.

ENVIRONMENTAL REGULATIONS; VARIOUS ISSUES RE: POLLUTION CONTROL AND ADMINISTRATIVE REGULATION INTERPRETATION

CIVIL

FRANKLIN COUNTY

WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....  
BILOTT, ROBERT A.

.....  
HARSCO CORPORATION

CRAIG, ROBERT B

HARSCO CORPORATION

Appellee Atty:

Appellee Name:

.....  
BATES, JACK B

.....  
NATURAL RESOURCES AND ENVIROMENTAL PROTECTION CABINET,

GREEN, SUSAN ROSE

NATURAL RESOURCES AND ENVIROMENTAL PROTECTION CABINET,

SANDERS, JEFFREY

RICHARD ELLIS

THOMAS ELLIS

VERNON ELLIS

11:15 AM

PJ: DYCHE

EMBERTON

TACKETT

2003CA000576

TERESA RUSSELL VS JEWISH HOSPITAL

ALLEGED WRONGFUL DISCHARGE FOR EMPLOYEE'S REFUSAL TO VIOLATE STATUTES OR REGULATIONS

CIVIL

FAYETTE COUNTY

JOHN R ADAMS

Appellant Atty:

Appellant Name:

.....  
MARSHALL, DAVID R.

.....  
TERESA RUSSELL

Appellee Atty:

Appellee Name:

.....  
BARFIELD, MINDY G.

.....  
JEWISH HOSPITAL

WRIGHT, CATHERINE S

JEWISH HOSPITAL

PANEL: NORTH/CENTRAL

LOCATION: WOODFORD COUNTY CIRCUIT COURTROOM, COURTHOUSE, 103 MAIN STREET, VERSAILLES, KENTUCKY

DATE: February 18, 2004

01:30 PM

PJ: EMBERTON

DYCHE

TACKETT

2002CA001960

JOSHUA HOWARD ET AL. VS COMMONWEALTH OF KENTUCKY

BRIBERY OF PUBLIC OFFICIAL; TRIAL COURT IMPOSITION OF TIME LIMITATION DURATION OF TRIAL; PRESERVATION OF ERROR; CREDIBILITY OF WITNESS; JURY INSTRUCTIONS; REDACTION OF RACIAL REMARKS ON TAPED CONVERSATION; PRESERVATION OF DENIAL OF DIRECTED VERDICT

CRIMINAL

FAYETTE COUNTY

REBECCA M OVERSTREET

Appellant Atty:

Appellant Name:

.....  
MCCOY, ROY BURL

.....  
JOHN DOUGLAS HOWARD

JOSHUA HOWARD

PAUL DAVID HOWARD

RAGER, TONYA S.

JOHN DOUGLAS HOWARD

JOSHUA HOWARD

PAUL DAVID HOWARD

Appellee Atty:

Appellee Name:

.....  
FLOYD JR, SAMUEL J

.....  
COMMONWEALTH OF KENTUCKY

02:15 PM

PJ: EMBERTON

DYCHE

TACKETT

2002CA002454

HUSSAM ZUMOT VS DATA MANAGEMENT CO.

WRONGFUL TERMINATION OF EMPLOYMENT; REPORT OF IRREGULAR ACCOUNTING PRACTICES OF BUSINESS TO BUSINESS PARTNERS; DISCHARGE IN VIOLATION OF PUBLIC POLICY

CIVIL

KENTON COUNTY

STEVEN R JAEGER

Appellant Atty:

Appellant Name:

.....  
SCOTT, KENNETH W

.....  
HUSSAM H ZUMOT

Appellee Atty:

Appellee Name:

.....  
MANDO, JEFFREY C.

.....  
DATA MANAGEMENT CO.

03:00 PM

PJ: EMBERTON

DYCHE

TACKETT

2003CA000704

DEBORAH FLOYD VS KENTUCKY NATIONAL INSURANCE COMPANY

CONSTRUCTION OF HOMEOWNERS INSURANCE POLICY; VALUE OF JEWELRY LOST OR STOLEN; REPLACEMENT VALUE WHOLESALE OR RETAIL; BAD FAITH; CONSUMER PROTECTION ACT

CIVIL

FAYETTE COUNTY

JAMES L. PURCELL

Appellant Atty:

Appellant Name:

.....  
KINKEAD, SHELBY C.

.....  
DEBORAH L. FLOYD

Appellee Atty:

Appellee Name:

.....  
COLSON, GUY R.

.....  
KENTUCKY NATIONAL INSURANCE COMPANY

HOWELL, CHRISTY LYNN

KENTUCKY NATIONAL INSURANCE COMPANY

MILLER, BARRY M

KENTUCKY NATIONAL INSURANCE COMPANY

PANEL: RESCHEDULED CASES AND MISC OR  
AL ADJUDICAMENT  
LOCATION: WOODFORD COUNTY COURTHOUSE, CIRCUIT COURTROOM, 103 MAIN  
STREET, VERSAILLES, KENTUCKY  
DATE: February 10, 2004

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01:30 PM PJ: EMBERTON BARBER MILLER  
2002CA001291 SCOTT KISCADEN VS KENNETH ROWE ET AL.

INDEMNITY ACTION; PRIOR APPEAL; PARTICIPATION IN SETTLEMENT AGREEMENT; FAILURE TO RAISE ISSUE IN  
PRIOR APPEAL; APPLICABILITY OF STATUTE OF FRAUDS TO SETTLEMENT AGREEMENT

CIVIL PIKE COUNTY EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....  
KAZEE, D B

.....  
SCOTT KISCADEN

Appellee Atty:

Appellee Name:

.....  
EARLY III, W. BLAINE  
GETTY, RICHARD A.  
KINNER, MITCHELL D  
PARSONS, GREGORY P  
PATTON, ROBERT J.  
SCOTT, WILL T.  
  
SHELTON, BILLY R  
WARD, ASHLEY W.

.....  
KENNETH ROWE  
S & L COAL SALES, INC.  
QUAKER COAL COMPANY, INC.  
KENNETH ROWE  
BRANHAM & BAKER COAL COMPANY, INC.  
KENNETH ROWE  
LEVISA COAL, INC.  
TENNESSEE CONSTRUCTION COMPANY, INC.  
KENNETH ROWE

\*\*NOTE: CONTINUED FROM DEC. 5



PANEL: RESCHEDULED CASES AND MISC OR  
AL ARDCLIMENT  
LOCATION: WOODFORD COUNTY COURTHOUSE, CIRCUIT COURTROOM, 103 MAIN  
STREET, VERSAILLES, KENTUCKY  
DATE: February 10, 2004

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02:15 PM PJ: VANMETER BARBER SCHRODER  
2003CA000108 CITY OF GEORGETOWN ETHICS BOARD ET AL. VS CHARLES PERKINS  
APPEAL FROM ORDER REVERSING CITY ETHICS COMMISSION. CONSTITUTIONALITY OF ORDINANCE

CIVIL SCOTT COUNTY PAUL F ISAACS

Appellant Atty:

Appellant Name:

.....  
CUTTER, MARY E.

.....  
CITY OF GEORGETOWN ETHICS BOARD

DAN COBB  
ETHYLE NOEL

KIM MENKE  
LENORA TRACHSEL

PATTY DAWSON  
SHIRLEY PERRETT

HARNICE, PAUL C.

CITY OF GEORGETOWN ETHICS BOARD

DAN COBB  
ETHYLE NOEL

KIM MENKE  
LENORA TRACHSEL

PATTY DAWSON  
SHIRLEY PERRETT

JOHNSON, WILLIAM E.

CITY OF GEORGETOWN ETHICS BOARD

DAN COBB  
ETHYLE NOEL

KIM MENKE  
LENORA TRACHSEL

PATTY DAWSON  
SHIRLEY PERRETT

Appellee Atty:

Appellee Name:

.....  
ENLOW, DAVID T.

.....  
CHARLES M. PERKINS

ENLOW, TRACEY S

CHARLES M. PERKINS

\*\*NOTE:CONTINUED FROM JANUARY