

UPDATED: 2/18/2014

FEBRUARY 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 2/18/2014

2/18/2014

FEBRUARY, 2014

February 10, 2014

2:00 P.M. MOTION PANEL, JUDGE STUMBO, PRES., JUDGE DIXON AND JUDGE TAYLOR, ASSOC.

February 11, 2014

9:00 – 9:30A.M., ORAL ARGUMENT, #2013-CA-001941, PURDUE PHARMA, ET AL V. HON. STEVEN D. COMBS, JUDGE THOMPSON, PRES., JUDGE CAPERTON AND JUDGE JONES, ASSOC.

10:00 – 10:30 A.M., ORAL ARGUMENT, #2013-CA-001701, DANIEL JOSEPH KLOIBER V. HON. LUCINDA MASTERTON, JUDGE THOMPSON, PRES., JUDGE CAPERTON AND JUDGE JONES, ASSOC.

11:00 A.M. – COURT MEETING

12:00 – 12:30 P.M., ORAL ARGUMENT, #2012-CA-1961, STEPHEN O'DANIEL V. MIKE SAPP – JUDGE CAPERTON, PRES., JUDGE COMBS AND JUDGE THOMPSON, ASSOC.

12:45 – 1:15 P.M., ORAL ARGUMENT, #2012-CA-2093, LEE ROY HELTON V. COMMONWEALTH OF KENTUCKY – JUDGE THOMPSON, PRES., JUDGE CAPERTON AND JUDGE COMBS, ASSOC.

1:30 – 2:00 P.M., ORAL ARGUMENT, #2012-CA-1107, BONITA COBB V. JOSEPH KAMER – JUDGE TAYLOR, PRES., JUDGE STUMBO AND JUDGE THOMPSON, ASSOC.

2:15 – 2:45 P.M., ORAL ARGUMENT, #2013-CA-0648, TRISHA ANN WILLIAMS V. RANDY CLINE – JUDGE TAYLOR, PRES., JUDGE STUMBO AND JUDGE THOMPSON, ASSOC.

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

FRANKFORT – Contact Patricia Brauer - (502) 573-7920

LOUISVILLE – Contact Danae Bransford – (502-595-3440/3441

OWENSBORO – Contact Margaret Bennett - (270) 687-7228

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

DATE: Tuesday, February 11, 2014

09:00 AM PJ: THOMPSON, HON. KELLY

CAPERTON, HON. MICHAEL O.

JONES, HON. ALLISON E.

2013CA001941

PURDUE PHARMA v Hon STEVEN D. COMBS

Appellant Atty:

DANFORD, DANIEL
FAMULARO, JOHN
KELLER, JAMES
MAY, PAMELA
WELLS, TREVOR

Appellant Name:

PHARMA, PURDUE

.....
Appellee Atty:

COMBS, STEVEN

APPLEGATE, LEEANNE
BENDER, ROBYN
BROOKS, MICHAEL
CONWAY, JACK
DENHAM, MITCHEL
JOHNSTONE, C.
MAYO, STEVEN
MCBRAYER, JOHN
RILEY, SEAN
SMITH, DONALD JR

Appellee Name:

COMBS, STEVEN

COMMONWEALTH OF KENTUCKY, EX REL

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**** NOTE:**

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

DATE: Tuesday, February 11, 2014

10:00 AM PJ: THOMPSON, HON. KELLY

CAPERTON, HON. MICHAEL O.

JONES, HON. ALLISON E.

2013CA001701

DANIEL JOSEPH KLOIBER v Hon LUCINDA MASTERTON

FAYETTE COUNTY

Appellant Atty:

KAREM, SCOTT
WATERMAN, LOUIS

Appellant Name:

KLOIBER, DANIEL

Appellee Atty:

BAGBY, GLEN
LYONS, J. JR.

Appellee Name:

KLOIBER, BETH

MASTERTON, LUCINDA

MASTERTON, LUCINDA

**** NOTE:**

12:00 PM PJ: CAPERTON, HON. MICHAEL O.

COMBS, HON. SARA W.

THOMPSON, HON. KELLY

2012CA001961

STEPHEN O'DANIEL v MIKE SAPP

Appeal from Order of Franklin Circuit Court in which court granted summary judgment against Appellant on claim of malicious prosecution. Issues are witness immunity.

CIVIL

FRANKLIN COUNTY

HON SHEILA R. ISAAC

Appellant Atty:

CLAY, THOMAS

Appellant Name:

O'DANIEL, STEPHEN

Appellee Atty:

JOHNSON, WILLIAM
NEWCOMB, SAMUEL

Appellee Name:

MARTIN, GARY

JOHNSON, CHARLES

MOTLEY, BOBBY

MILLER, LYNDOL

SAPP, MIKE

**** NOTE:**

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

DATE: Tuesday, February 11, 2014

12:45 PM PJ: THOMPSON, HON. KELLY

CAPERTON, HON. MICHAEL O.

COMBS, HON. SARA W.

2012CA002093

LEE ROY HELTON v COMMONWEALTH OF KENTUCKY

Appeal after conviction of assault in the third degree alleging insufficient evidence to establish a physical injury and, further, the trial court independently examined appellant and indicated to the jury its opinion as to the appellant's credibility.

CRIMINAL

HARLAN COUNTY

HON JAMES L BOWLING

Appellant Atty:

DUPREE, SHANNON
SCHMIDT, KATHLEEN

Appellant Name:

HELTON, LEE

Appellee Atty:

HAVEY, JAMES

Appellee Name:

COMMONWEALTH OF KENTUCKY

** NOTE:

01:30 PM PJ: TAYLOR, HON. JEFF S.

STUMBO, HON. JANET L.

THOMPSON, HON. KELLY

2012CA001107

BONITA COBB v JOSEPH KAMER

Whether circuit court erred by granting summary judgment in favor or appellees upon a determination that the hazard was open and obvious.

CIVIL

FAYETTE COUNTY

HON KIMBERLY N BUNNELL

Appellant Atty:

CHILDERS, JOE JR
GETTY, RICHARD
PARKER, JENNIFER

Appellant Name:

COBB, BONITA

Appellee Atty:

ROBERTSON, WILLIAM III
SAMFORD, COURTNEY

Appellee Name:

KAMER, JOSEPH

** NOTE: PREVIOUSLY ON 01/22/2014 AT 11:00 AM

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

DATE: Tuesday, February 11, 2014

02:15 PM PJ: TAYLOR, HON. JEFF S.

STUMBO, HON. JANET L.

THOMPSON, HON. KELLY

2013CA000648

TRISHA ANN WILLIAMS v RANDY CLINE

Whether circuit court erred by granting appellees' motions to dismiss based upon sovereign immunity.

CIVIL

ROWAN COUNTY

HON WILLIAM EVANS LANE

Appellant Atty:

Appellant Name:

GOLDEN, J.
HICKS, JOSHUA
RYAN, LANGDON

WILLIAMS, TRISHA

Appellee Atty:

Appellee Name:

MOORE, JAMES III

CLINE, RANDY

FENZEL, MARK
HOBACK, WILLIAM

MCCORMICK, KEITH

** NOTE: PREVIOUSLY ON 01/22/2014 AT 11:45 AM

**LOCATION: MORTON J. HOLBROOK, JR. JUDICIAL CENTER, CIRCUIT
COURTROOM, 100 EAST 2ND STREET, OWENSBORO, KENTUCKY**

DATE: Thursday, February 20, 2014

10:00 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. JONES, HON. ALLISON E.
2012CA001899 CITY OF BOWLING GREEN, KENTUCKY v LOWE'S FEED AND GRAIN, INC.

Whether a judgment based upon a jury verdict finding that appellants committed the torts of fraudulent misrepresentation and negligent misrepresentation was proper.

CIVIL	WARREN COUNTY	HON JOHN R. GRISE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
ALCOTT, SHAWN		CITY OF BOWLING GREEN, KENTUCKY
STIVERS, GREGORY		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
GREENWELL, CHARLES		LOWE'S FEED AND GRAIN, INC.

**** NOTE:**

10:45 AM PJ: TAYLOR, HON. JEFF S. CLAYTON, HON. DENISE G. JONES, HON. ALLISON E.
2012CA002196 ABDIAS MEJIA-PAXTOR v COMMONWEALTH OF KENTUCKY

Whether circuit court properly denied appellant's CR 60.02 and RCr 11.42 motion to vacate his sentence of imprisonment.

	WARREN COUNTY	HON STEVE ALAN WILSON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BAILEY, CARLOS		MEJIA-PAXTOR, ABDIAS
SCHWANK, JUDY		

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
LONG, WILLIAM JR		COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Tuesday, February 25, 2014

01:00 PM PJ: ACREE, HON. GLENN E.

MAZE, HON. IRV

STUMBO, HON. JANET L.

2012CA001824

DEBORAH HUIETT v COMMONWEALTH OF KENTUCKY

Criminal; Post-conviction Relief and RCr 11.42: Whether defendant was denied due process by Commonwealth failure to disclose evidence. Whether Appellant was denied effective assistance of counsel.

BOONE COUNTY

HON ROBERT W. MCGINNIS

Appellant Atty:

Appellant Name:

BLANDFORD, EUVA

HUIETT, DEBORAH

COHEN, RACHEL

STAPLES, AMY

Appellee Atty:

Appellee Name:

SHACKELFORD, JAMES

COMMONWEALTH OF KENTUCKY

**** NOTE:**

01:45 PM PJ: MAZE, HON. IRV

ACREE, HON. GLENN E.

STUMBO, HON. JANET L.

2013CA000507

OHIO VALLEY ALUMINUM COMPANY, LLC v DEPARTMENT OF REVENUE, FINANCE & ADMINISTRATION CABINET

Appeal from circuit court order affirming Board of Tax Appeals. Application of tax exemption for cost of energy/fuels used in the course of manufacturing. Whether wholly-owned subsidiary qualified as a "toller" for purposes of allowing Ohio Valley to qualify for exemption; whether Board properly found that subsidiary was not a truly separate operation for purposes of claiming exemption.

CIVIL

SHELBY COUNTY

HON CHARLES R. HICKMAN

Appellant Atty:

Appellant Name:

BAUGHMAN, BRENT

OHIO VALLEY ALUMINUM COMPANY, LLC

GRIM, MICHAEL

LOYD, MARK JR

Appellee Atty:

Appellee Name:

RICE, BETHANY

DEPARTMENT OF REVENUE, FINANCE & ADMINISTRATION CABINET

**** NOTE: 40 MINUTE ORAL**