

PANEL: WEST/SOUTHCENTRAL

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

DATE: Monday, March 14, 2005

1:30 PM PJ: HUDDLESTON BARBER VANMETER  
 2001CA002335 ANNE LAMBERT ET AL. VS STEVEN LAMBERT  
 2003CA000556; FAILURE TO AWARD ATTORNEY'S FEES AND LITIGATION COSTS IN DISSOLUTION AND RELATED ACTIONS.  
 2003CA001226

CIVIL DAVIESS COUNTY THOMAS O CASTLEN

Appellant Atty:

Appellant Name:

.....  
 LLOYD, J. RUSSELL  
 YEWELL, DAVID L.

.....  
 ANNE HAYES LAMBERT  
 DAVID L. YEWELL

Appellee Atty:

Appellee Name:

.....  
 ENGLEBERT, CANDY Y.

.....  
 STEVEN WILSON LAMBERT

2:15 PM PJ: HUDDLESTON BARBER VANMETER  
 2004CA000280 COMMONWEALTH OF KENTUCKY VS ARNOLD LYNCH ET AL.  
 COMMONWEALTH SEEKS TO PREVENT DISTRICT JUDGE FROM SUPPRESSING EVIDENCE IN PROSECUTION FOR CRUELTY TO ANIMALS.

CIVIL CHRISTIAN COUNTY JOHN L. ATKINS

Appellant Atty:

Appellant Name:

.....  
 SOYARS, JOHN T.  
 STUMBO, GREGORY D.

.....  
 COMMONWEALTH OF KENTUCKY  
 COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....  
 LYNCH, ARNOLD  
 PETRIE, JASON KELLY

.....  
 ARNOLD B. LYNCH  
 JEANNETTE QUARLES

3:00 PM PJ: HUDDLESTON BARBER VANMETER  
 2004CA000544 JAMES PEYTON VS MARILYN PEYTON  
 WHETHER COURT ERRED IN SETTING ASIDE PROPERTY SETTLEMENT AGREEMENT.

CIVIL HOPKINS COUNTY CHARLES W BOTELER JR

Appellant Atty:

Appellant Name:

.....  
 WHITLEDGE, WILLIAM R

.....  
 JAMES DOUGLAS PEYTON

Appellee Atty:

Appellee Name:

.....  
 GRAY, STEPHEN D  
 HOPGOOD, CHRISTOPHER

.....  
 MARILYN E. PEYTON  
 MARILYN E. PEYTON

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, March 09, 2005

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9:30 AM PJ: BUCKINGHAM JOHNSON SCHRODER

2003CA001329 THERON HOLT VS COMMONWEALTH OF KENTUCKY

CRIMINAL/PROSECUTORIAL MISCONDUCT

CRIMINAL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....  
HACKETT, BRUCE P

.....  
THERON HOLT

Appellee Atty:

Appellee Name:

.....  
FLOYD JR, SAMUEL J

.....  
COMMONWEALTH OF KENTUCKY

**\*\*NOTE: NON ORAL NOTICE WITHDRAWN.**

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10:15 AM PJ: BUCKINGHAM JOHNSON SCHRODER

2004CA000610 GLENN DAVIS VS CABINET FOR FAMILIES AND CHILDREN ET AL.

TERMINATION OF PARENTAL RIGHTS ADVANCED APPEAL

FAMILY COURT FRANKLIN COUNTY REED RHORER

Appellant Atty:

Appellant Name:

.....  
GUARNIERI, RICHARD M

.....  
GLENN DAVIS

Appellee Atty:

Appellee Name:

.....  
BRANNON, MARIE K  
GREENAWALT, GEOFFREY B

.....  
MADGE YOLANDA SMITH  
I C. D. S.

MORRISON, TERRY L

CABINET FOR FAMILIES AND CHILDREN

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11:00 AM PJ: JOHNSON BUCKINGHAM SCHRODER

2003CA002541 KENTUCKY NATIONAL INSURANCE COMPANY VS TONYA FLETCHER

WHETHER THE TRIAL COURT ERRED IN ALLOWING THE STACKING OF COVERAGE IN AN UNINSURED MOTORIST  
CASE.

CIVIL JEFFERSON COUNTY THOMAS B. WINE

Appellant Atty:

Appellant Name:

.....  
TRAVIS, WILLIAM CLIFTON

.....  
KENTUCKY NATIONAL INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....  
SALES, KENNETH L.

.....  
TONYA FLETCHER

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, March 09, 2005

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2:15 PM PJ: JOHNSON BUCKINGHAM SCHRODER  
2004CA000101 ERIC LIGHT ET AL. VS CITY OF LOUISVILLE, KENTUCKY ET AL.  
2004CA000177 WHETHER THE TRIAL COURT ERRED BY RULING THAT KRS 132.285 PREVAILS OVER THE TAX RATE LIMITATION  
IN KRS 132.0025.

CIVIL JEFFERSON COUNTY LISABETH HUGHES ABRAM

Appellant Atty:

Appellant Name:

EIFLER, TIMOTHY J

CONNIE LIGHT

ERIC P. LIGHT

SALES, KENNETH L.

CONNIE LIGHT

ERIC P. LIGHT

SALES, WALTER L

CONNIE LIGHT

ERIC P. LIGHT

Appellee Atty:

Appellee Name:

LUBER, THOMAS J

CITY OF LOUISVILLE, KENTUCKY

DAVID L. ARMSTRONG, MAYOR

JERRY E. ABRAMSON

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

WYRICK, MITZI D

CITY OF LOUISVILLE, KENTUCKY

DAVID L. ARMSTRONG, MAYOR

JERRY E. ABRAMSON

LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

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3:00 PM PJ: JOHNSON BUCKINGHAM SCHRODER  
2004CA000462 TODD HOUSTON VS DEBORAH DUNCAN (NOW FRANK)

APPELLANT FATHER CLAIMS THE TRIAL COURT ERRED BY AWARDING CUSTODY TO THE CHILD'S MATERNAL  
GRANDMOTHER.

FAMILY COURT JEFFERSON COUNTY KEVIN L. GARVEY

Appellant Atty:

Appellant Name:

HOWELL, W BRONSON

TODD HOUSTON

Appellee Atty:

Appellee Name:

DEEB, SAM

DEBORAH DUNCAN (NOW FRANK)

PANEL: LOUISVILLE METRO

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

DATE: Wednesday, March 09, 2005

3:45 PM

PJ: SCHRODER

BUCKINGHAM

JOHNSON

2003CA002697

WILLIAM BRAY VS VICKI CALLAHAN (FORMERLY BRAY)

A PENSION WAS DIVIDED IN A DIVORCE. WHEN THE HUSBAND RETIRES, THE WIFE SEEKS SURVIVORSHIP  
ELECTION WHICH REDUCES MONTHLY PAYMENTS.

CIVIL

BULLITT COUNTY

THOMAS L. WALLER

Appellant Atty:

Appellant Name:

.....  
EDISON, MARK E.

.....  
WILLIAM BRAY

Appellee Atty:

Appellee Name:

.....  
LLOYD, J. RUSSELL

.....  
VICKI CALLAHAN (FORMERLY BRAY)

PANEL: LOUISVILLE METRO

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

DATE: Thursday, March 10, 2005

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9:30 AM PJ: JOHNSON BUCKINGHAM SCHRODER  
2004CA000771 EVERETT LETTERLOUGH VS COMMONWEALTH OF KENTUCKY

WHETHER THE TRIAL COURT ERRED BY DENYING MOTION TO SUPPRESS EVIDENCE BY APPELLANT, WHO  
ENTERED A CONDITIONAL GUILTY PLEA.

POST-CONVICTION JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....  
HEFT, FRANK WM

.....  
EVERETT L. LETTERLOUGH

Appellee Atty:

Appellee Name:

.....  
HIGHTOWER, COURTNEY J.

.....  
COMMONWEALTH OF KENTUCKY

SHEPHERD, DENNIS W.

COMMONWEALTH OF KENTUCKY

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10:15 AM PJ: SCHRODER BUCKINGHAM JOHNSON  
2003CA001218 RONALD BAXTER VS JIM PORTER'S GOOD TIME EMPORIUM, INC.

JUDGMENT NOV IN AN ASSAULT CASE WHERE THE JURY AWARDED DAMAGES.

CIVIL JEFFERSON COUNTY THOMAS B. WINE

Appellant Atty:

Appellant Name:

.....  
SMITH, BRENTLEY P

.....  
RONALD BAXTER

Appellee Atty:

Appellee Name:

.....  
NAPIER, GARY LEE

.....  
JIM PORTER'S GOOD TIME EMPORIUM, INC.

PANEL: LOUISVILLE METRO

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

DATE: Thursday, March 10, 2005

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11:00 AM PJ: SCHRODER BUCKINGHAM JOHNSON  
2004CA000580 VERNON CURTIS ET AL. VS KIMBERLEY BECKER ET AL.

SLIP AND FALL ON THE END OF A DRIVEWAY OF A HOUSE FOR SALE.

CIVIL JEFFERSON COUNTY STEPHEN P RYAN

Appellant Atty:

Appellant Name:

.....  
STEIN, MATTHEW W.

.....  
MICHELLE CURTIS  
VERNON D. CURTIS

Appellee Atty:

Appellee Name:

.....  
BARTENSTEIN, EDWARD H.

.....  
JAMES R. SHAW  
KIMBERLEY A. BECKER

EBERLE, KATHRYN V

JAMES R. SHAW

OSBOURN, MARK A

JAMES R. SHAW

KIMBERLEY A. BECKER

PETTIT, CAROL SCHURECK

JAMES R. SHAW

KIMBERLEY A. BECKER

**\*\*NOTE: 35 MINUTES FOR ORAL ARGUMENT, PREVIOUSLY SCHEDULED FOR MARCH 10, 2005  
AT 11:45 AM**

PANEL: EAST/SOUTHEAST

LOCATION: UNIVERSITY OF KENTUCKY COLLEGE OF LAW COURTROOM, LAW BUILDING,  
LIMESTONE STREET, LEXINGTON KENTUCKY

DATE: Wednesday, March 09, 2005

9:30 AM

PJ: MINTON

COMBS

MILLER

2003CA001969

PEGGY JONES ET AL. VS RANDALL CROUCH ET AL.

APPEAL FROM SUMMARY JUDGMENT RULING THAT ROAD IS NOT A COUNTY ROAD, PUBLIC ROAD, OR  
EASEMENT BY PRESCRIPTION.

CIVIL

BATH COUNTY

WILLIAM B MAINS

Appellant Atty:

Appellant Name:

.....  
WEST, CHARLES S

.....  
CAROLYN SUE ALEXANDER  
FILMORE JONES  
HAYSE DICKERSON  
JEWELL MCKENZIE  
PEGGY DICKERSON  
PEGGY LOU JONES  
RALPH DICKERSON  
ZANE (BUD) ALEXANDER

Appellee Atty:

Appellee Name:

.....  
ROGERS III, EARL

.....  
FRED MANLEY  
IRENE MANLEY  
RANDALL CROUCH  
VIRGIE CROUCH

10:15 AM

PJ: MINTON

COMBS

MILLER

2004CA000429

THOMAS NECKEL VS JAMES SHARPE

APPEAL FROM JUDGMENT ON PLEADINGS FINDING FRAUD AND CONSPIRACY AWARDED PUNITIVE DAMAGES  
WHEN APPELLANT CLAIMS ONLY TO HAVE CONSENTED TO ENTRY OF JUDGMENT ON PROMISSORY NOTE.

CIVIL

PULASKI COUNTY

WILLIAM T CAIN

Appellant Atty:

Appellant Name:

.....  
GILFEDDER SR, BRIAN P

.....  
THOMAS E. NECKEL SR

Appellee Atty:

Appellee Name:

.....  
HUFF, WINTER R.  
PRATHER JR, JOHN G.

.....  
JAMES E. SHARPE  
JAMES E. SHARPE

PANEL: EAST/SOUTHEAST

LOCATION: UNIVERSITY OF KENTUCKY COLLEGE OF LAW COURTROOM, LAW BUILDING,  
LIMESTONE STREET, LEXINGTON KENTUCKY

DATE: Wednesday, March 09, 2005

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11:00 AM

PJ: COMBS

MILLER

MINTON

2003CA002774

RAYMOND STARR VS MAGNUM DRILLING OF OHIO, INC. ET AL.

OBSTRUCTION OF A ROADWAY: WAS IT A PUBLIC PASSAGE DUE TO A PRESCRIPTIVE EASEMENT OR PRIVATE PROPERTY? ACCESS ROAD NEEDED BY APPELLEE IN ORDER TO DRILL.

CIVIL

LAWRENCE COUNTY

DANIEL SPARKS

Appellant Atty:

Appellant Name:

.....  
MOORE JR, JAMES H.

.....  
RAYMOND W. STARR JR

Appellee Atty:

Appellee Name:

.....  
SPARKS, NELSON T.

.....  
CARLA N. LARGE  
JAMES H. LARGE  
MAGNUM DRILLING OF OHIO, INC.  
MARY F. CRISP  
THOMAS A. CRISP

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2:15 PM

PJ: COMBS

MILLER

MINTON

2004CA000500

PHILIP STURGILL ET AL. VS BOYD FISCAL COURT

PROPER USE OF FUNDS DONATED TO SHERIFF TO ASSIST IN NECESSARY EXPENDITURES FOR OFFICE. ISSUES OF PROPER ACCOUNTING AND ABUSE OF PROCESS INVOLVED. SUMMARY JUDGMENT.

CIVIL

BOYD COUNTY

DANIEL SPARKS

Appellant Atty:

Appellant Name:

.....  
WIXSOM, MATTHEW J

.....  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
PHILIP STURGILL  
PHILIP STURGILL

Appellee Atty:

Appellee Name:

.....  
SPARKS, NELSON T.

.....  
BOYD FISCAL COURT



PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, March 08, 2005

3:15 PM

PJ: TAYLOR

EMBERTON

MCANULTY

2004CA000495

RAY WAITS VS NATHAN HENDERSON ET AL.

WHETHER CIRCUIT COURT ERRED BY CONCLUDING THAT NONSETTLING TORTFEASOR SHOULD BE GIVEN CREDIT FOR AMOUNTS PAID BY SETTLING TORTFEASORS.

CIVIL

FAYETTE COUNTY

PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....  
HOWELL, HEATHER PACK  
TODD, DONALD R.

.....  
RAY WAITS  
RAY WAITS

Appellee Atty:

Appellee Name:

.....  
GORE, CHARLES P  
  
HENDERSON, DANIEL  
HENDERSON, NATHAN  
ISAACS, STEPHEN JAY

.....  
COREY MOORE  
JANE MOORE  
DANIEL HENDERSON  
NATHAN HENDERSON  
IAN BAKER  
RICK BAKER

4:00 PM

PJ: TAYLOR

EMBERTON

MCANULTY

2004CA000385

SAFE AUTO INSURANCE COMPANY VS GARY POTTER ET AL.

WHETHER CIRCUIT COURT LACKED JURISDICTION TO SET ASIDE DEFAULT JUDGMENT; WHETHER CIRCUIT COURT ERRED BY DENYING RENEWED MOTION FOR DEFAULT JUDGMENT.

CIVIL

ROWAN COUNTY

BETH LEWIS MAZE

Appellant Atty:

Appellant Name:

.....  
STEINMETZ, ROBERT L.  
WAINSCOTT, KRISTI SMITH

.....  
SAFE AUTO INSURANCE COMPANY  
SAFE AUTO INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....  
MCCORMICK, KEITH  
MCSWAIN II, T LAWSON  
POTTER, GARY L.

.....  
MELISSA JO (JAMES) BAKER  
STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.  
GARY L. POTTER

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, March 08, 2005

1:00 PM

PJ: EMBERTON

KNOFF

TACKETT

2004CA000270

SAM MARS ET AL. VS THE CITY OF MIDDLESBOROUGH, KENTUCKY ET AL.

2004CA000395

ACTION AGAINST CITY SEEKING DAMAGES FOR DELAY IN CONSTRUCTING THEIR BUSINESS AS A RESULT OF THE CITY STOPPING EXCAVATION WORK; IMMUNITY; APPLICATION OF KRS 65.2001, CLAIMS AGAINST LOCAL GOVERNMENT ACT, SHIELDING CITY FROM LIABILITY FOR ANY CLAIM ARISING FROM ISSUANCE, DENIAL, SUSPENSION, ETC., OF A PERMIT; OFFICIAL IMMUNITY APPLICATION OF RES JUDICATA TO CLAIMS LITIGATED IN DECLARATORY JUDGMENT ACTION; FAILURE TO BRING CLAIMS AS COMPULSORY COUNTERCLAIM IN DECLARATORY JUDGMENT ACTION

CIVIL

BELL COUNTY

JAMES L BOWLING JR

Appellant Atty:

Appellant Name:

.....  
FOWLES III, GARRETT T.  
FOWLES JR, GARRETT T.  
FOWLES, GARRETT T.

.....  
SAM A. MARS III  
SAM A. MARS JR  
STEVEN A. MARS  
SUZANNE LAMBLIN

Appellee Atty:

Appellee Name:

.....  
GREENE JR, GLENN L  
  
VOSE, LESLIE PATTERSON  
ZERGA, CAROLYN C

.....  
BEN A. HICKMAN  
BEN A. HICKMAN  
THE CITY OF MIDDLESBOROUGH, KENTUCKY  
THE CITY OF MIDDLESBOROUGH, KENTUCKY  
THE CITY OF MIDDLESBOROUGH, KENTUCKY

\*\*NOTE:PREVIOUSLY SCHEDULED FOR 02/16/2005, FRANKFORT, AT 01:30 PM.

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, March 08, 2005

1:45 PM PJ: BARBER COMBS MILLER  
 2003CA002017 GARDINER PARK DEVELOPMENT, LLC ET AL. VS MATHERLY LAND SURVEYING, INC ET AL.  
 2003CA002048 APPEAL OF JUDGMENT IN AN ENGINEERING NEGLIGENCE, BREACH OF CONTRACT/PROFESSIONAL NEGLIGENCE ACTION.

CIVIL JEFFERSON COUNTY F KENNETH CONLIFFE

Appellant Atty:

Appellant Name:

FORE, F. LARKIN

GARDINER DESIGN & DEVELOPMENT, INC  
 GARDINER PARK DEVELOPMENT, LLC  
 GREGORY S GARDINER

FORE, SARAH MEGAN

GARDINER DESIGN & DEVELOPMENT, INC  
 GARDINER PARK DEVELOPMENT, LLC  
 GREGORY S GARDINER

MENDEL, ELIZABETH ULLMER

GARDINER DESIGN & DEVELOPMENT, INC  
 GARDINER PARK DEVELOPMENT, LLC  
 GREGORY S GARDINER

Appellee Atty:

Appellee Name:

BLANDFORD, DAVID B

CARL DOUGLAS COMER

BROOKS, ROBERT M

ALVA L MATHERLY

MILLER, CLARENCE TERRELL

MATHERLY LAND SURVEYING, INC

\*\*NOTE:PREVIOUSLY SCHEDULED, 2/9/2005, JEFFERSON AT 2:15 PM

2:30 PM PJ: COMBS BARBER MILLER  
 2003CA002684 CHARLENE SHAFFER VS SHERRI STEWART ET AL.  
 2003CA002753 CAR ACCIDENT. ERRORS ALLEGED: (1) ADMISSION OF MORE EXPERT TESTIMONY THAN WHAT HAD BEEN DIVULGED IN DISCOVERY; (2) EXCLUSION OF EVIDENCE OF SURVEILLANCE OF PLAINTIFF; (3) IMPROPER JURY INSTRUCTIONS AS TO DAMAGES.

CIVIL JEFFERSON COUNTY STEPHEN P RYAN

Appellant Atty:

Appellant Name:

BOHNERT, KENNETH A

CHARLENE T. SHAFFER

LASLEY, EDWARD L

CHARLENE T. SHAFFER

SULLIVAN, RICHARD M

CHARLENE T. SHAFFER

Appellee Atty:

Appellee Name:

BARCLAY, JERI D.

SHERRI L. STEWART

BREIT, MARC L

KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY

BROWN, DONALD KILLIAN

SHERRI L. STEWART

HEMMINGER, DAVID WILLIAM

RUMPKE OF KENTUCKY, INC.

KAUFMANN, CAROLINE L

RUMPKE OF KENTUCKY, INC.

\*\*NOTE:PREVIOUSLY SCHEDULED 2/9/2005, JEFFERSON COUNTY AT 10:15 AM