UPDATED 11/29/2005

NOVEMBER 2005 ORAL ARGUMENT CALENDAR

NOVEMBER 2005

<u>November 7, 2005</u> 1:30 PM, MOTION PANEL, JUDGE MINTON, PRES., JUDGE GUIDUGLI; AND JUDGE MCANULTY, ASSOC

<u>November 8, 2005</u> 9:15 - 9:45 AM, ORAL ARGUMENT, #2003-CA-1232 AND #2004-CA-0633, KUHLMAN ELECTRIC CORPORATION V. STEPHEN R. CHAPPELL, ET AL., JUDGE DYCHE, PRES., JUDGES BUCKINGHAM AND SCHRODER, ASSOC.

10:00 AM, COURT MEETING

1:00 - 1:30 PM, ORAL ARGUMENT, #2004-CA-1958, MCVAY LACH, ET AL. V. MAN O'WAR, LLC, ET AL. JUDGE DYCHE, PRES., JUDGES KNOPF AND TACKETT, ASSOC.

1:45 - 2:15 PM, ORAL ARGUMENT, #2004-CA-1752, UNIVERSITY OF LOUIS VILLE V. RAM ENGINEERING & CONSTRUCTION, INC., ET AL., JUDGE SCHRODER, PRES., JUDGES MINTON AND TAYLOR, ASSOC.

2:30 - 3:00 PM, ORAL ARGUMENT, #2003-CA-1240 & #2003-CA-1730, EDWIN S CHAEFFER V. R. JENNINGS, ET AL. JUDGE GUIDUGLI, PRES., JUDGES MINTON AND TAYLOR, ASSOC.

3:15 - 3:45 PM, ORAL ARGUMENT, #2003-CA-2269 AND #2004-CA-0286, DARRELL LAWSON V. COMMONWEALTH OF KENTUCKY, JUDGE GUIDUGLI, PRES., JUDGES MINTON AND TAYLOR, ASSOC.

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

FRANKFORT - Contact Mary Zagale (502) 573-7920 LOGAN COUNTY COURTHOUSE - Contact Edna Ramsey (270) 726-2242 OLDHAM COUNTY COURTHOUSE - Contact Jodi Johnson (502) 222-1692 RICHMOND - Contact Lynnette Noblitt (859) 622-4384

DATE: Tuesday, November 08, 2005

9:15 AM	PJ: DYCHE	BUCKINGHAM	SCHRODER
2003CA001232	KUHLMAN ELECT	RIC CORPORATION VS STEP	HEN CHAPPELL ET AL.
2004CA000633	COMPLIANCE WITH CR 76.	MARY JUDGMENT; WHO IS ATTORNEY'S CLIEI 12, PRESERVATION OF ERROR ETE IN CONSOLIDATED CASE NO 2004-CA-000	THIS APPEAL HELD IN ABEYANCE
CIVIL	FAYETTE CO	DUNTY	JOHN R ADAMS
Ар	pellant Atty:	Appellant Na	me:
BACH, SAMUEL J		KUHLMAN ELECTRIC CORPORATION	
MORTON, JOHN C		KUHLMAN ELECTRIC CORPORATION	
RUST, ALLISON BO	WERS	KUHLMAN ELECTRIC CORPORATION	
	pellee Atty:	Appellee Nar	
BOBROW, ROBERT	Л	AMERISURE MUTUAL INSURANCE COMPA	NY
COLSON, GUY R.	0.	CECIL DUNN	
0020014, 00114.		DANIEL MURNER	
		DAVID WHALIN	
		DAVID A FRANKLIN	
		DOUGLAS HOOTS	
		GEORGE PARKER	
		JIM SMIRZ	
		JOHN BURRIS	
		JOHN MARTIN Jr	
		JOHN MCNEILL	
		KENT WESTBURY	
		LARRY DEENER	
		LESLIE VOSE	
		LOINEL A HAWSE	
		MARK HINKEL	
		MARK MOSELEY	
		PIERCE HAMBLIN	
		SANDRA DAWAHARE	
		SHEILA HIESTAND	
		STEPHEN M O'BRIEN	
		STEPHEN R CHAPPELL	
		THOMAS M COOPER	
		WILLIAM SHOUSE	
FEAMSTER, ELIZAB	ETH S.	CECIL DUNN	
		DANIEL MURNER	
		DAVID WHALIN	
		DAVID A FRANKLIN	

DATE: Tuesday, November 08, 2005

DOUGLAS HOOTS GEORGE PARKER JIM SMIRZ JOHN BURRIS JOHN MARTIN Jr JOHN MCNEILL KENT WESTBURY LARRY DEENER LESLIE VOSE LOINEL A HAWSE MARK HINKEL MARK MOSELEY PIERCE HAMBLIN SANDRA DAWAHARE SHEILA HIESTAND STEPHEN M O'BRIEN STEPHEN R CHAPPELL THOMAS M COOPER WILLIAM SHOUSE AMERISURE MUTUAL INSURANCE COMPANY

STOPHER, ROBERT E.

DATE: Tuesday, November 08, 2005

1:00 PM	PJ: DYCHE	KNOPF	TACKETT
2004CA001958	MCVAY LACH ET A	L. VS MAN O' WAR, LLC E	ET AL.
	REORGANIZATION OF BUSII COMMUNICATIONS WITH CO		; FIDUCIARY OBLIGATIONS OF PARTNERS;
CIVIL	FAYETTE CO	UNTY	GARY D PAYNE
Арре	Ilant Atty:	Appell	ant Name:
BAGBY, GLEN S.		MCVAY SHIRLEY LACH MCVAY SHIRLEY LACH	
LYONS, J. ROBERT		MCVAY SHIRLEY LACH	
ETONO, J. ROBERT		MCVAY SHIRLEY LACH	
٨٩٩٩	llee Atty:		ee Name:
	nee Auy.		
MARTIN, THEODORE F	R	FORTUNE TRADE CENTER, LLC	
		HARRY B. MILLER Jr	
		HARVEY MORGAN	
		JEFFREY I. MULLENS	
		JENNIFER B. MILLER	
		JONATHAN S. MILLER	
		MAN O' WAR LIMITED PARTNERSHIP	
		MAN O' WAR, LLC	
NOT REPRESENTED E	BY COUNSEL,	SOPHIE WISEMAN	
REDFORD III, CARROL	_L M.	PENNY M. MILLER	
		PENNY M. MILLER	
		ROBERT S. MILLER	
RYAN, ROBERT S		LYNWOOD WISEMAN	
		LYNWOOD WISEMAN	
SCOTT, PHILLIP D.		FORTUNE TRADE CENTER, LLC	
		HARRY B. MILLER Jr	
		HARVEY MORGAN	
		JEFFREY I. MULLENS	
		JENNIFER B. MILLER	
		JONATHAN S. MILLER	
		MAN O' WAR LIMITED PARTNERSHIP	
		MAN O' WAR, LLC	

DATE: Tuesday, November 08, 2005

1:45 PM	PJ: SCHRODER	ΜΙΝΤ	ON	TAYLOR
2004CA001752	UNIVERSITY OF LO	OUISVILLE VS	RAM ENGINEE	RING & CONSTRUCTION,
	THE UNIVERSITY APPEALS A	N AWARD OF PREJUDO	GMENT INTEREST.	
CIVIL	FRANKLIN CO	UNTY		WILLIAM L GRAHAM
	ellant Atty:		Appellant Name	:
HARTUNG, BARBARA		UNIVERSITY OF LOUIS	SVILLE	
KOSHEWA, ANGELA	D	UNIVERSITY OF LOUIS	SVILLE	
MCTYEIRE, HOLLANI	D N.	UNIVERSITY OF LOUIS	SVILLE	
	ellee Atty:		Appellee Name	
		FINANCE AND ADMINISTRATION CABINET, COMONWEALTH OF KENTUCKY		
DEJACO, LISA CATHE	RINE	RAM ENGINEERING & CONSTRUCTION, INC.		
EWALD, ROBERT C.		RAM ENGINEERING &	CONSTRUCTION, INC.	
PATTERSON, DEBOR	АНН	RAM ENGINEERING &	CONSTRUCTION, INC.	
3:15 PM	PJ: GUIDUGLI	MINT	ſON	TAYLOR
2003CA002269	DARRELL LAWSON	VS COMMON	WEALTH OF KE	NTUCKY
2004CA000286	EACH DEFENDANT WAS CON MONTH-OLD CHILD IN A CAR		GHTER SECOND, FOLLO	WING THE DEATH OF A NINETEEN-
CRIMINAL	WHITLEY COU	JNTY		PAUL E. BRADEN
Appellant Atty:		Appellant Name:		
LEMKINS, ASTRIDA LIANA		DARRELL TYRONE LA	WSON	
Арре	ellee Atty:		Appellee Name	:
FUCHS. GREGORY C.		COMMONWEALTH OF	KENTUCKY	

10:15 AM	PJ: COMBS	MCANULTY	PAISLEY	
2004CA002103	UNITED STRUCTU	RAL SYSTEMS, LTD. VS	ERI FALLS, INC. ET AL.	
		RY. AT ISSUE IS WHETHER THE COM	A STAIRCASE IN VIOLATION OF THE BUILDING ITRACT CALLED FOR INDEMNITY BY	
CIVIL	FAYETTE COU	JNTY	THOMAS L CLARK	
	ellant Atty:	Appel	lant Name:	
COLSON, GUY R.		UNITED STRUCTURAL SYSTEMS, L		
STANSBURY, CASEY		UNITED STRUCTURAL SYSTEMS, L		
	ellee Atty:	Арре	llee Name:	
BEAUMAN, BRYAN H.		ERI FALLS, INC.		
		HEITMAN CAPITAL MANAGEMENT,	LLC	
		KENNEDY WILSON PROPERTIES, L	ſD.	
		KENNEDY-WILSON KENTUCKY MAN	IAGEMENT, INC.	
MOLONEY II, DONALE) P.	ERI FALLS, INC.		
		HEITMAN CAPITAL MANAGEMENT,	LLC	
		KENNEDY WILSON PROPERTIES, L	ΓD.	
		KENNEDY-WILSON KENTUCKY MAN	IAGEMENT, INC.	
11:00 AM	PJ: PAISLEY	COMBS	MCANULTY	
2004CA001219	STEWART OI IVER	VS COMMONWEALTH C		
20040/001210				
	OLIVER WAS CONVICTED OF THEFT BY DECEPTION AND CRIMINAL I ARGUES THAT JURY SHOULD HAVE BEEN INSTRUCTED ON LESSER FACILITATION, EVEN THOUGH ONE YEAR LIMITATIONS PERIOD HAD		ER-INCLUDED MISDEMEANOR OFFENSE OF	
CRIMINAL	MCCRACKEN	COUNTY	CRAIG Z CLYMER	
Арре	ellant Atty:	Appel	lant Name:	
POTTER, SAMUEL N		STEWART OLIVER		
	ellee Atty:	Арре	lee Name:	
LONG JR, WILLIAM ROBERT		COMMONWEALTH OF KENTUCKY		

1:00 PM	PJ: PAISLEY	COMBS	MCANULTY
2004CA001692	REVENUE CABINE	T VS BABCOCK & WILC	OX COMPANY ET AL.
2004CA001772		PRODUCT LIABILITY ACCOUNT PROPE TION LICENSE TAX PURPOSES; WAS I	ERLY INCLUDED AS SURPLUS IN COMPUTATION SSUE PRESERVED FOR REVIEW
CIVIL	FRANKLIN CC	UNTY	WILLIAM L GRAHAM
	ellant Atty:	Appell	ant Name:
FERGUSON, LAURA I	M	REVENUE CABINET	
Арре	ellee Atty:	Appel	lee Name:
CLARK, BRUCE F.		BABCOCK & WILCOX COMPANY	
FORGY, JOHN		KENTUCKY BOARD OF TAX APPEAL	s
HORN, ERICA L.		BABCOCK & WILCOX COMPANY	
- , -			
1:45 PM	PJ: MCANULTY	COMBS	PAISLEY
2004CA001539	JEROME KALLOP E	T AL. VS MARY BLOOMFI	ELD ET AL.
	FAILURE OF TRIAL COURT TO	O FIND ADVERSE POSSESSION IN BC	UNDARY LINE DISPUTE
CIVIL	CLARK COUN	TY	WILLIAM T JENNINGS
Арре	ellant Atty:	Appell	ant Name:
PETERS, FRED E.		JEROME KALLOP	
		MARTHANNA KALLOP	
Арре	ellee Atty:	Appel	lee Name:
RATLIFF, JAMES B.			
ROWADY, M. ALEX		ANGELA Y. SWETNAM	
		C.V. BLOOMFIELD DOROTHY S. BOTTO	
		MARY S. BLOOMFIELD	
		WART S. BLOOMFIELD	

LOCATION: LOGAN COUNTY COURTHOUSE, CIRCUIT COURTROOM, RUSSELVILLE, KENTUCKY

9:30 AM	PJ: BUCKINGHAM	BARBER	JOHNSON	
2004CA002624	DAVIESS COUNTY ET AL.	PUBLIC LIBRARY TA	XING DISTRICT VS GARY BOSWELL	
2005CA000004	LIBRARY TAX			
CIVIL	DAVIESS COL	INTY	THOMAS O CASTLEN	
	lant Atty:		Appellant Name:	
HOLBROOK, ALLEN W	/	DAVIESS COUNTY PUBLIC LIBF		
Appel	lee Atty:	Appellee Name:		
CRONE, STEVEN STO	4	CHARLOTTE BURDETTE		
,		DANIEL F. EBELHAR		
		GARY M. BOSWELL		
		WILLIAM KUEGEL		
10:15 AM	PJ: JOHNSON	BARBER	BUCKINGHAM	
2004CA000687	TAURUS HOLLINS	VS COMMONWEALTI	H OF KENTUCKY	
		IS MOTION FOR A DIRECTED VEI	IM (1) BY REFUSING TO SUPPRESS THE LAB RDICT OF ACQUITTAL; (3) BY ALLOWING IMPROPER	
CRIMINAL	LOGAN COUN	ITY	TYLER L GILL	
Appellant Atty:		Appellant Name:		
CLARE, LISA BRIDGES		TAURUS HOLLINS		
PRESTON, DAMON		TAURUS HOLLINS		
Appel	lee Atty:	,	Appellee Name:	
CROSS, JEFFREY A		COMMONWEALTH OF KENTUC	ЖҮ	
11:00 AM	PJ: JOHNSON	BARBER	BUCKINGHAM	
2004CA001804	DAVID SCHRECKER	VS SHERRI SCHRE	CKER	
2004CA001971	APPELLANT HUSBAND CLAIMS THE TRIAL COURT CLEARLY ERRED IN ITS DETERMINATION OF MARITAL EQ IN THE RESIDENCE BY IGNORING MARITAL MORTGAGE DEBT IN ITS CALCULATIONS. CROSS-APPELLANT W CLAIMS THE TRIAL COURT ERRED BY DENYING HER CLAIM OF AN INTEREST IN THE INCREASE IN THE VALU HUSBAND'S NON-MARITAL STOCK.		T IN ITS CALCULATIONS. CROSS-APPELLANT WIFE	
CIVIL	DAVIESS COU	INTY	THOMAS O CASTLEN	
	lant Atty:	A	Appellant Name:	
ABSHIER, PHILLIP G.		DAVID LYNN SCHRECKER		
Appellee Atty:		Appellee Name:		
FLAHERTY, JOSEPH R.		SHERRI PARKER SCHRECKER		

LOCATION: LOGAN COUNTY COURTHOUSE, CIRCUIT COURTROOM, RUSSELVILLE, KENTUCKY

DATE: Wednesday, November 09, 2005

1:30 PM	PJ: JOHNSON	BARBER	BUCKINGHAM	
2004CA000982	CATINA BROCKMA	N ET AL. VS COMMONV	VEALTH OF KENTUCKY ET AL.	
		IMS THE TRIAL JUDGE ABUSED HIS DISCRETION BY FINDING HIM IN CONTEMP 1 THE JURY COSTS FOR HIS FAILURE TO APPEAR AT A JURY TRIAL.		
CRIMINAL	TAYLOR COU	NTY DOUGHLAS M GEORGE		
Appel	lant Atty:	Арре	ellant Name:	
LAVIT, THEODORE H.		CATINA BROCKMAN		
TAYLOR, DANIEL T		THEODORE H. LAVIT		
	lee Atty:		ellee Name:	
		ייעיר		
DEBOLT JR, RAYMONE) F	COMMONWEALTH OF KENTUCKY		
GEORGE, DOUGHLAS	Μ.	DOUGHLAS M. GEORGE		
STUMBO, GREGORY D).	COMMONWEALTH OF KENTUCKY		
2:15 PM	PJ: EMBERTON	BUCKINGHAN	M JOHNSON	
2003CA001921	CHARLES CLARK E	T AL. VS JAMES WILLIAM	MS ET AL.	
2003CA002158	GUARANTY AGREEMENT; C AGREEMENT; STANDING; TII		UST; COLLATERAL ESTOPPEL; CHAMPERTOUS	
CIVIL	DAVIESS COU	JNTY	HENRY M GRIFFIN III	
Appel	lant Atty:	Appellant Name:		
WILKEY JR, RUSSELL	I YNN	CHARLES L. CLARK JR		
WILKEY SR, RUSSELL		CHARLES L. CLARK SR		
WILKEY, RUSSELL LY		GINA CLARK		
,		SANDRA CLARK		
Appel	lee Atty:	Арр	ellee Name:	
DUTY, W RUSSELL		JAMES D. WILLIAMS		
		LINDA WILLIAMS		
SPRENG, JENNIFER E		ROBERT ANDERSON TRUST		

**NOTE: PREVIOUSLY SET FOR 7/13/2005 AND 7/20/2005 AT MUHLENBURG JUDICIAL CENTER, GREENVILLE, KENTUCKY

LOCATION: OLDHAM COUNTY COURTHOUSE, 100 WEST MAIN STREET, LAGRANGE, KENTUCKY

9:30 AM	PJ: GUIDUG	_1	MINTON	ROSENBLUM	
2005CA000057	DREW SMITH	VS CAROL H	ODGES		
		RY OF SUMMARY JUD F JUDICIAL PROCEED		LAIM FOR DEFAMATION - STATEMENTS MADE	
CIVIL	JEFFE	RSON COUNTY		F KENNETH CONLIFFE	
Appel	lant Atty:		Арр	pellant Name:	
HEMMINGER, DAVID	WILLIAM	DREW W. S	SMITH		
Appel	lee Atty:		Арр	pellee Name:	
MOUR, DAVID BRADLE	Υ	CAROL AN	N HODGES		
10:15 AM	PJ: GUIDUG	_1	MINTON	ROSENBLUM	
2004CA001886	CHARLENE M	OYERS VS F	RS VS ROMAN CATHOLIC BISHOP OF LOUISVILLE		
	CLAIM AGAINST AR	CHDIOCESE DISMISS	ED ON STATUTE OF LIN	MITATIONS VIOLATION	
CIVIL	JEFFE	RSON COUNTY		JUDITH E MCDONALD-BUR	
Appel	lant Atty:		Appellant Name:		
MCMURRY, WILLIAM I	=	CHARLENE	MOYERS		
TURNER, ROSS THOMAS		CHARLENE	MOYERS		
Appellee Atty:			Apr	pellee Name:	
FORD, PAUL KEVIN		ROMAN CA	ROMAN CATHOLIC BISHOP OF LOUISVILLE		
KLAPHEKE, DAVID T		ROMAN CA	ROMAN CATHOLIC BISHOP OF LOUISVILLE		
SMITH, RAYMOND G		ROMAN CA	ROMAN CATHOLIC BISHOP OF LOUISVILLE		
STOPHER, EDWARD H.		ROMAN CA	THOLIC BISHOP OF LC	DUISVILLE	

LOCATION: PERKINS BUILDING/CONFERENCE CENTER, ROOM 212-220, EASTERN KENTUCKY UNIVERSITY, RICHMOND, KENTUCKY

DATE: Thursday, November 17, 2005

10:15 AM	PJ: TAYLOR	JOHNSON	VANMETER	
2003CA002494	ROY CRAWFORD E	T AL. VS DEL MARTIN ET A	ΑL.	
2003CA002531; 2003CA002570		ROM SUMMARY JUDGMENT CONCERN R LEASE PROVISION, AND PREJUDGEM	ING TERMINATION OF LEASE OF COAL TIPPLE, IENT INTEREST	
CIVIL	LETCHER CO	UNTY	STEVEN D. COMBS	
Appellant Atty:		Appellant Name:		
FITZPATRICK III, RIC	HARD E.	ROY CRAWFORD III		
		ROY CRAWFORD III		
FITZPATRICK, RICH	ARD E.	ODESSA CORPORATION		
		ODESSA CORPORATION		
HEABERLIN III, P FR.	ANKLIN	ROY CRAWFORD III		
		ROY CRAWFORD III		
HEABERLIN, P FRAN	IKLIN	ODESSA CORPORATION		
		ODESSA CORPORATION		
Арр	ellee Atty:	Appellee Name:		
	~			
KNUCKLES, LAUREL F		LAUREL KNUCKLES MARTIN (NOW SE	,	
		LAUREL KNUCKLES MARTIN (NOW SE DEL KERWYN MARTIN	EATON)	
MARTIN, DEL KERWY	IN	DEL KERWYN MARTIN		
		DEL KERWITN MARTIN		
11:00 AM	PJ: POTTER	TAYLOR	VANMETER	
2004CA002573	BEVE STEWART V	S COMMONWEALTH OF H	KENTUCKY	
	APPEAL FROM CONVICTION FOR ATTEMPTED MURDER FOCUSES UPON REFUSAL OF TRIAL JUDGE TO A DEFENSE TO QUESTION VICTIM'S MOTHER AS TO HER OPINION AS TO HER DAUGHER'S TRUTHFULNES LIGHT OF AMENDMENT TO KRE 608.			
CRIMINAL	KNOX COUN	ГҮ	WILLIAM T CAIN	
Appellant Atty:		Appella	nt Name:	
		BEVE STEWART		
PRESTON, DAMON		BEVE STEWART		
RANSDELL, THOMAS M			e Nome	
	ellee Atty:	Appellee Name:		
SONEGO, IAN G.		COMMONWEALTH OF KENTUCKY		

LOCATION: PERKINS BUILDING/CONFERENCE CENTER, ROOM 212-220, EASTERN KENTUCKY UNIVERSITY, RICHMOND, KENTUCKY

DATE: Thursday, November 17, 2005

1:30 PM	PJ: TAYLOR	POTTER	MCANULTY	
2002CA000862	H & R MECHANIC COMPANY ET AL.	CAL CONTRACTORS, INC. V	/S CODELL CONSTRUCTION	
	WHETHER CIRCUIT COURT DOCTRINE.	F PROPERLY DISMISSED APPELLANT'S A	CTION BASED UPON ECONOMIC LOSS	
CIVIL	KNOX COUN	ITY	RODERICK MESSER	
Ap	cellant Atty:	Appella	nt Name:	
BROWN, PETER E.		H & R MECHANICAL CONTRACTORS,	INC.	
Appellee Atty:		Appellee Name:		
GLOVER, THOMAS H.		TAYLOR & WHITNEY ARCHITECTS, INC.		
ROBERTSON III, WIL	LIAM CRAIG	CODELL CONSTRUCTION COMPANY		

DATE: Wednesday, November 30, 2005

10:00 AMPJ: KNOPFGUIDUGLIHENRY2005CA002357ERNIE FLETCHER, IN HIS OFFICIAL CAPACITYVS WILLIAM GRAHAM,
CIRCUIT JUDGE ET AL.

WRIT OF MANDAMUS	FRANKLIN COUNTY	WILLIAM L GRAHAM
Appellant Atty:		Appellant Name:
OBRIEN, THOMAS P	FRNIF	FLETCHER, IN HIS OFFICIAL CAPACITY
RENZELMANN, JASON PATRICK		FLETCHER, IN HIS OFFICIAL CAPACITY
SNYDER, SHERYL G.	ERNIE	FLETCHER, IN HIS OFFICIAL CAPACITY
Appellee Atty:		Appellee Name:
••••••	••••••	
GRAHAM, WILLIAM L.	WILLIA	M L. GRAHAM, CIRCUIT JUDGE
STUMBO, GREGORY D.	GREGO	DRY STUMBO, IN HIS OFFICIAL CAPACITY
WHITES, PIERCE BUTLER	GREGO	DRY STUMBO, IN HIS OFFICIAL CAPACITY
	WILLIA	M L. GRAHAM, CIRCUIT JUDGE