

UPDATED: 11/03/2011

# **NOVEMBER 2011 ORAL ARGUMENT CALENDAR**

Report Updated On: 11/03/2011

Dated 11/03/2011

NOVEMBER, 2011

THERE WILL BE NO COURT MEETING.

November 14, 2011

10:30 A.M. (FRANKFORT TIME) MOTION PANEL,  
JUDGE KELLER, PJ, JUDGE COMBS AND  
JUDGE VANMETER.

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

FRANKFORT – Contact Mary Zagale – (502) 573-7920

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

HAWESVILLE – Contact Noel Quinn – (270) 927-8144

HIGHLAND HEIGHTS – Contact Jeanine Abukhater – (859) 572-7577

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

**DATE: Monday, November 7, 2011**

**10:45 AM PJ: KELLER, HON. MICHELLE M. STUMBO, HON. JANET L. VANMETER, HON. LAURANCE B.**  
**2009CA001070 PHYLLIS M. SPALDING v GARY R. MYERS**

Spalding argues the court, following a bench trial, erroneously ordered specific performance of an option to purchase real property; erroneously granted appellees a credit on a stock purchase agreement; and erroneously ordered payment of attorney fees.

<b>CIVIL</b>	<b>BULLITT COUNTY</b>	<b>HON RODNEY BURRESS</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>WOOLDRIDGE, JOHN</b>		<b>SPALDING, PHYLLIS</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>BUSCH, EDWARD SULLIVAN, RICHARD</b>		<b>MYERS, GARY</b>
.....		

**\*\* NOTE:PREVIOUSLY AT 10:00 AM**

**11:30 AM PJ: VANMETER, HON. LAURANCE B. KELLER, HON. MICHELLE M. STUMBO, HON. JANET L.**  
**2010CA002324 COMMONWEALTH OF KENTUCKY v CHARLOTTE M. JONES**

Criminal: whether voided felony conviction, KRS 218A.275, may be expunged, KRS 431.076.

<b>CRIMINAL</b>	<b>JEFFERSON COUNTY</b>	<b>HON MARY M SHAW</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>CONWAY, JACK FLOYD, SAMUEL JR</b>		<b>COMMONWEALTH OF KENTUCKY</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>SKORA, JEFFREY</b>		<b>JONES, CHARLOTTE</b>
.....		

**\*\* NOTE:PREVIOUSLY AT 12:15 PM**

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

**DATE: Monday, November 14, 2011**

09:45 AM PJ: STUMBO, HON. JANET L.

KELLER, HON. MICHELLE M.

VANMETER, HON. LAURANCE B.

2011CA000205

**BARBARA GORDON v KENTUCKY PAROLE BOARD**

MOR appeal from order denying petition for declaration of rights and injunctive relief which sought to challenge the constitutionality of deferment of parole eligibility for 20 years. Issues include whether trial court and parole board correctly interpreted 501 KAR 1:030 Sec 3(f) in deferring parole; whether deferment is in violation of ex post facto prohibitions of Kentucky and US Constitutions, and whether trial court applied proper standard in analyzing Appellant's arguments.

CIVIL

SHELBY COUNTY

HON CHARLES R. HICKMAN

Appellant Atty:

SCHMIDT, KATHLEEN  
SMITH, MEGGAN

Appellant Name:

GORDON, BARBARA

Appellee Atty:

DUKE, WESLEY

Appellee Name:

KENTUCKY PAROLE BOARD

\*\* NOTE:PREVIOUSLY ON 11/7/11 AT 10:45 AM IN LEXINGTON, KY



**LOCATION: NKU CHASE COLLEGE OF LAW, MOOT COURTROOM, NUNN HALL  
420, HIGHLAND HEIGHTS, KENTUCKY**

**DATE: Thursday, November 17, 2011**

10:45 AM PJ: COMBS, HON. SARA W.

MOORE, HON. JOY A.

NICKELL, HON. C. SHEA

2010CA002205

**S.G. v THE CARE ACADEMY, INC.**

Summary judgment case. Negligent supervision and gross negligence are alleged as to private school entrusted with the care of a minor by the Ky Department of Juvenile Justice. Personal injury involved. There are also claims of false imprisonment and intentional infliction of emotional distress.

CIVIL

WASHINGTON COUNTY

HON ALLAN RAY BERTRAM

Appellant Atty:

Appellant Name:

SIMMS, GREGORY

S.G.

Appellee Atty:

Appellee Name:

CARROLL, WAYNE  
HARROD, DEBORAH

THE CARE ACADEMY, INC.

\*\* NOTE:

11:30 AM PJ: COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

LAMBERT, HON. JOSEPH E.

2010CA002050

**RACHEL L. BERGHAUS v US BANK**

Appellant claims that trial court (by its own admission) did not understand the Truth in Lending Act, misapplied the law, and erred in granting the appellee bank a summary judgment. Appellant also cites as error the failure of the court to allow her to amend her counterclaim to include fraud in the inducement.

CIVIL

CAMPBELL COUNTY

HON FRED A STINE

Appellant Atty:

Appellant Name:

BEZOLD, CLEMENT JR

BERGHAUS, RACHEL

Appellee Atty:

Appellee Name:

CLARK, WENDELL III  
HEYMAN, JACQUELINE  
HILL, CHRISTOPHER

US BANK

\*\* NOTE:

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

**DATE: Friday, November 18, 2011**

10:00 AM PJ: LAMBERT, HON. JOSEPH E.

TAYLOR, HON. JEFF S.

CLAYTON, HON. DENISE G.

2010CA001860

**LAUREL MOUNTAIN RESOURCES, LLC v ENERGY AND ENVIRONMENT CABINET**

Appeal from an order denying a Lands Unsuitable for Mining Petition but nonetheless imposing certain restrictive conditions on all future surface mining in the petition area. At issue is whether the Cabinet exceeded its authority by acting in this manner and whether its decision was supported by substantial evidence.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

EARLY, W. BLAINE III  
OVERSTREET, MARK

Appellant Name:

MILLER BROS. COAL, LLC

Appellee Atty:

SMOCK, S

NOE, SPENCER

CROMER, MARY  
SANDERS, STEPHEN

Appellee Name:

ENERGY AND ENVIRONMENT CABINET

KENTUCKY COAL ASSOCIATION (KCA)

MAY, BEVERLY

\*\* NOTE:PREVIOUSLY ON 10/25/11 AT 12:30 PM IN LOUISVILLE, KY