

UPDATED: 10/6/2014

OCTOBER 2014

ORAL ARGUMENT

CALENDAR

Report Updated On: 10/6/2014

Updated: 10/6/2014

OCTOBER, 2014

OCTOBER 14, 2014 **11:00 AM (EASTERN TIME) - COURT MEETING**

OCTOBER 14, 2014 **1:00 PM (EASTERN TIME)- MOTION PANEL:**
JUDGE NICKELL, PRESIDING JUDGE, JUDGE COMBS
AND JUDGE MAZE.

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

BARDSTOWN – Contact Diane Thompson (502) 348-3648
FRANKFORT – Contact Patricia Brauer - (502) 573-7920
LOUISVILLE – Contact Danae Bransford - (502) 595-3440
PINEVILLE – Contact Colby Slusher – (606) 337-9900

**LOCATION: FARMER HELTON JUDICIAL CENTER, 101 WEST PARK AVENUE,
PINEVILLE, KENTUCKY**

DATE: Monday, October 6, 2014

01:00 PM PJ: CAPERTON, HON. MICHAEL O. LAMBERT, HON. JAMES H. TAYLOR, HON. JEFF S.
2013CA001260 DENNIS SAYLOR v COMMONWEALTH OF KENTUCKY

Appeal from conditional guilty plea for manufacturing methamphetamines; motion to suppress evidence.

CRIMINAL	MADISON COUNTY	HON WILLIAM G. CLOUSE
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HOOVER, JEFFREY		SAYLOR, DENNIS
SCHMIDT, KATHLEEN		

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

**** NOTE:**

01:45 PM PJ: CAPERTON, HON. MICHAEL O. LAMBERT, HON. JAMES H. TAYLOR, HON. JEFF S.
2013CA001481 DANIELLE N. MARION v COMMONWEALTH OF KENTUCKY

Appeal from conviction of assault, burglary, and robbery. Issues of failure of the court to strike juror for cause, failure to grant mistrial, impeachment of witness, and jury verdict.

CRIMINAL	CUMBERLAND COUNTY	HON DAVID WILLIAMS
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
STANZIANO, MARK		MARION, DANIELLE

<u>Appellee Atty:</u>		<u>Appellee Name:</u>
KOLB, NATHAN		COMMONWEALTH OF KENTUCKY

**** NOTE:**

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

DATE: Thursday, October 9, 2014

01:00 PM PJ: CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

STUMBO, HON. JANET L.

2013CA001657 FELICIA HUTCHINSON v WENDY'S OF LOUISVILLE

Appeal of grant of summary judgment to the defendants on the issue of sexual harassment and retaliation.

CIVIL JEFFERSON COUNTY

HON JAMES M SHAKE

Appellant Atty:

LESTER, EDWIN

Appellant Name:

HUTCHINSON, FELICIA

Appellee Atty:

COLLINS, DANA
FENZEL, MARK

Appellee Name:

WENDY'S OF LOUISVILLE

** NOTE:

01:45 PM PJ: STUMBO, HON. JANET L.

CLAYTON, HON. DENISE G.

COMBS, HON. SARA W.

2013CA002048 BRUCE MERRICK v BROWN-FORMAN CORPORATION

Appeal from action dismissed pursuant to RC 12.02(f). Did trial court err in holding that the Federal Clean Air Act preempted a civil action for damages caused by Appellees' air pollution?

CIVIL JEFFERSON COUNTY

HON JUDITH E MCDONALD-BURKMAN

Appellant Atty:

MCMURRY, WILLIAM
MORRIS, DOUGLAS II
PLAYER, LEA
STANTON, ROBYN

Appellant Name:

MERRICK, BRUCE

Appellee Atty:

CRONAN, CHARLES
FARRIS, MARJORIE

Appellee Name:

BROWN-FORMAN CORPORATION

DEJACO, LISA
KELLY, DONALD

HEAVEN HILL DISTILLERIES, INC.

TREACY, DAVID

KENTUCKY CHAMBER OF COMMERCE

** NOTE:

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

DATE: Monday, October 13, 2014

10:30 AM PJ: JONES, HON. ALLISON E. ACREE, HON. GLENN E. NICKELL, HON. C. SHEA
2013CA001589 **GGNSC FRANKFORT, LLC v RICH PHILLIPS**

Civil: Whether the trial court erred in determining that former patient lacked capacity to execute an arbitration agreement.

CIVIL	FRANKLIN COUNTY	HON PHILLIP J. SHEPHERD
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	PEARSON, MARCIA	GGNSC FRANKFORT, LLC
.....		
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	CIRCEO, RICHARD SALYER, ROBERT	PHILLIPS, RICH
.....		

**** NOTE:**

11:15 AM PJ: JONES, HON. ALLISON E. ACREE, HON. GLENN E. NICKELL, HON. C. SHEA
2013CA001766 **INTERSTATE GAS SUPPLY, INC., FOR USE AND BENEFIT OF v KENTUCKY BOARD OF
TAX APPEALS**

Civil: Whether the circuit court erred in determining that Appellant does not qualify as an "institution of public charity" in order to be entitled to a tax refund.

CIVIL	FRANKLIN COUNTY	HON THOMAS D. WINGATE
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	EIFLER, TIMOTHY SHERMAN, STEPHEN	INTERSTATE GAS SUPPLY, INC.
.....		
	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	HENDRIX, STEWART RICE, BETHANY	COMMONWEALTH OF KENTUCKY
.....		
	BEAM - CO-REP, BILL JR	KENTUCKY BOARD OF TAX APPEALS
.....		

**** NOTE:**

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

DATE: Monday, October 13, 2014

01:00 PM PJ: JONES, HON. ALLISON E. ACREE, HON. GLENN E. NICKELL, HON. C. SHEA
2013CA001856 BENNY COLEMAN v COMMONWEALTH OF KENTUCKY

Civil: Whether the circuit court erred in affirming the Secretary of Energy's final order affirming the issuance of a permit revision and Phase I Bond release when Appellee never obtained statutory right of entry and caused damage to Appellant's property.

CIVIL	FRANKLIN COUNTY	HON THOMAS D. WINGATE
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	DOAN, OTIS JR	COLEMAN, BENNY

	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	LAWSON, SUSAN	BRC COAL COMPANY, INC.

	SMOCK, JENNIFER	COMMONWEALTH OF KENTUCKY

**** NOTE:**

01:45 PM PJ: ACREE, HON. GLENN E. JONES, HON. ALLISON E. NICKELL, HON. C. SHEA
2013CA001501 ESTILL COUNTY FISCAL COURT v COMMONWEALTH OF KENTUCKY

Civil; Direct Appeal: Whether a complaint to your employer constitutes a protected activity under KRS 338.121(3)(a) and whether second hand smoke is an occupational safety or health hazard under Kentucky Law.

CIVIL	FRANKLIN COUNTY	HON THOMAS D. WINGATE
	<u>Appellant Atty:</u>	<u>Appellant Name:</u>
	DAVIS, RODNEY MENDIONDO, ADRIAN STILZ, DANIEL	ESTILL COUNTY FISCAL COURT

	<u>Appellee Atty:</u>	<u>Appellee Name:</u>
	GILLIAM, STIMAN	COMMONWEALTH OF KENTUCKY

	HUGGINS, FREDERICK	KENTUCKY OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

**** NOTE:**

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

DATE: Tuesday, October 14, 2014

10:15 AM PJ: THOMPSON, HON. KELLY

COMBS, HON. SARA W.

STUMBO, HON. JANET L.

2013CA000338

THE INDIANA INSURANCE COMPANY v JAMES DEMETRE

Appeal from jury verdict after eight day trial awarding verdict against appellant for violations of unfair settlement act, consumer protection act and breach of contract.

CIVIL CAMPBELL COUNTY HON FRED A STINE

Appellant Atty:

LOMOND, KRISTIN
MILLER, DONALD II
RISLEY, MICHAEL

Appellant Name:

THE INDIANA INSURANCE COMPANY

Appellee Atty:

BURKE, KEVIN
SANDERS, JEFFREY
SANDERS, ROBERT

Appellee Name:

DEMETRE, JAMES

** NOTE:

LOCATION: NELSON COUNTY JUSTICE CENTER, COURTROOM A, 200 NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY

DATE: Friday, October 17, 2014

11:00 AM PJ: CAPERTON, HON. MICHAEL O. JONES, HON. ALLISON E. LAMBERT, HON. JAMES H.
2013CA001367 DEBRA MONTGOMERY v WHITAKER BANK, INC.

CIVIL	WOLFE COUNTY	HON FRANK ALLEN FLETCHER
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
BAKER, MATTHEW		MONTGOMERY, DEBRA
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
SMITH, GEORGE		WHITAKER BANK, INC.
.....		

**** NOTE:**

11:45 AM PJ: TAYLOR, HON. JEFF S. CAPERTON, HON. MICHAEL O. LAMBERT, HON. JAMES H.
2013CA002035 TAMATHA LEE HALL v LUTHER DANIEL HALL

Whether circuit court erred by reducing child support payments.

	GREENUP COUNTY	HON JEFFREY L. PRESTON
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
HOLMES, ELAINA		HALL, TAMATHA
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
COPLEY, RHONDA		HALL, LUTHER
.....		

**** NOTE:**PREVIOUSLY ON OCTOBER 7, 2014 @ 11:15 AM**