

UPDATED 09/23/2008

SEPTEMBER 2008

ORAL ARGUMENT

CALENDAR

Updated 09/23/2008

SEPTEMBER, 2008

September 9, 2008

10:00 A.M. COURT MEETING

**1:00 P.M. MOTION PANEL, JUDGE CLAYTON, PJ,
JUDGE VANMETER AND JUDGE WINE**

**1:00 – 1:15 P.M. SHOW CAUSE HEARING,
MIALBACK V. UNIVERSITY MEDICAL CENTER, INC.
2007-CA-1096, JUDGE NICKELL, PRESIDING JUDGE,
JUDGE LAMBERT, AND SENIOR JUDGE KNOFF, ASSOC.**

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

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

LONDON – Contact Doris Callebs – (606) 330-2095

BOWLING GREEN– Contact Connie DeVries – (270) 746-7411

SHELBYVILLE – Contact Patti Mowery (502) 647-5234

HIGHLAND HEIGHTS – Contact Karen Ogburn – (859) 572-5987

LOCATION: LAUREL COUNTY JUDICIAL ANNEX NO. 2, SECOND FLOOR, CIRCUIT COURTROOM, 103 SOUTH BROAD STREET, LONDON, KENTUCKY

DATE: Wednesday, September 03, 2008

11:45 AM
2007CA001826

PJ: KELLER CAPERTON NICKELL
HOME QUALITY MANAGEMENT, INC. ET AL. VS BRENDA STAMPER ET AL.

Appeal from denial of nursing home's motion to dismiss and enforce arbitration in wrongful death case. Issues include validity and enforceability of arbitration clause in admission forms.

CIVIL PIKE COUNTY EDDY COLEMAN

Appellant Atty:

Appellant Name:

.....
MARTIN , PHILIP

.....
HEALTHCARE ACQUISITIONS, INC.
HOME QUALITY MANAGEMENT, INC.
HQM OF PIKEVILLE, LLC
LINDA DAMERON

MAY-DOWNEY , KIMBERLY SUE

HEALTHCARE ACQUISITIONS, INC.
HOME QUALITY MANAGEMENT, INC.
HQM OF PIKEVILLE, LLC
LINDA DAMERON

Appellee Atty:

Appellee Name:

.....
CIRCEO , RICHARD E.

.....
BRENDA STAMPER
MELINDA TAYLOR

CIRCEO , LISA ERICKSON

BRENDA STAMPER
MELINDA TAYLOR

LUCAS , H. MICHAEL

BRENDA STAMPER
MELINDA TAYLOR

RIORDAN , DEBORAH KAY

BRENDA STAMPER
MELINDA TAYLOR

LOCATION: SHELBY COUNTY COURTHOUSE, 501 MAIN STREET, SHELBYVILLE, KENTUCKY

DATE: Monday, September 08, 2008

11:00 AM PJ: MOORE THOMPSON HENRY
2007CA001060 ARTURO PROTALES, D.O. VS KENTUCKY BOARD OF MEDICAL LICENSURE

Kentucky Board of Medical Licensure case wherein appellant's license to practice medicine was revoked for prescribing medication over the internet. Appellant argues the revocation is barred by res judicata.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
COOK , ANNE ELIZABETH
HINKLE , LISA ENGLISH
PORTALES , ALEJANDRO

.....
ARTURO PROTALES, D.O.
ARTURO PROTALES, D.O.
ARTURO PROTALES, D.O.

Appellee Atty:

Appellee Name:

.....
VEST II, C LLOYD

.....
KENTUCKY BOARD OF MEDICAL LICENSURE

1:15 PM PJ: MOORE THOMPSON HENRY
2007CA001475 CHARLES WILLIAMS VS COMMONWEALTH OF KENTUCKY

Criminal appeal arguing that a waiver of federal constitutional rights does not waive state constitutional rights.

CRIMINAL BRECKINRIDGE COUNTY BRUCE T. BUTLER, JUDGE

Appellant Atty:

Appellant Name:

.....
RENN , PATRICK J
RIVES , MARY KELLY

.....
CHARLES S. WILLIAMS Jr
CHARLES S. WILLIAMS Jr

Appellee Atty:

Appellee Name:

.....
MORROW , BRYAN D.

.....
COMMONWEALTH OF KENTUCKY

2:00 PM PJ: THOMPSON MOORE HENRY
2007CA001495 RALPH FEHR VS MAREN FEHR

2007CA001507

Appellant argues that Kentucky did not have proper jurisdiction over this divorce action because of the location of the property. Husband appeals the trial court's decision that a villa in the Netherlands Antilles purchased during the marriage with a substantial amount of non-marital funds was a gift to the wife during the marriage, and further from other decisions as to property division in the trial court's findings.

FAMILY COURT OLDHAM COUNTY TIMOTHY E. FEELEY

Appellant Atty:

Appellant Name:

.....
BEGLEY , JENNIFER S
CELEBREZZE , ROCCO J.

.....
RALPH EDWARD FEHR
RALPH EDWARD FEHR

Appellee Atty:

Appellee Name:

.....
EIDEN , VINCENT J.

.....
MAREN MITCHELL FEHR

LOCATION: SHELBY COUNTY COURTHOUSE, 501 MAIN STREET, SHELBYVILLE,
KENTUCKY

DATE: Monday, September 08, 2008

2:45 PM PJ: HENRY MOORE THOMPSON

2007CA001454 VILLAGE CAMPGROUND, INC. VS LIBERTY BANK

2007CA001487

Civil; Issues: (1) whether bank was entitled to summary judgment upon appellant Village Campground's claim for statutory damages under KRS 382.325 for failing to release mortgage after written request; and (2) whether trial court properly denied Campground's late-filed notice for punitive damages per CR 8.02; (primary arguments have multiple subarguments); cross-appeal; whether bank was entitled to summary judgment on fraud claim.

CIVIL

SPENCER COUNTY

CHARLES R. HICKMAN

Appellant Atty:

Appellant Name:

.....
ALFORD , HENRY S
JENNINGS , REBECCA GRADY
MURRELL , DENNIS D

.....
VILLAGE CAMPGROUND, INC.
VILLAGE CAMPGROUND, INC.
VILLAGE CAMPGROUND, INC.

Appellee Atty:

Appellee Name:

.....
GORMAN , CHRISTOPHER TYSON
LEET , BYRON EDWARD
STARR , JENNIFER BETH

.....
LIBERTY BANK
LIBERTY BANK
LIBERTY BANK

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

DATE: Tuesday, September 09, 2008

1:00 PM PJ: NICKELL LAMBERT, (JAMES) KNOFF
2007CA001096 EDWARD MIALBACK VS UNIVERSITY MEDICAL CENTER INC.

CIVIL JEFFERSON COUNTY JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....
CLARK-REYNOLDS , HEATHER
DENISON , TIMOTHY

.....
EDWARD MIALBACK
EDWARD MIALBACK

Appellee Atty:

Appellee Name:

.....
HADEN , CHRISTOPHER W

.....
UNIVERSITY MEDICAL CENTER INC.

**NOTE:SHOW CAUSE HEARING

LOCATION: CHASE LAW SCHOOL, MOOT COURTROOM, NUNN HALL 420, NUNN DRIVE, HIGHLAND HEIGHTS, KENTUCKY

DATE: Thursday, September 11, 2008

9:30 AM

PJ: VANMETER

LAMBERT, (JOSEPH) WINE

2007CA001460

CITIZENS FOR THE PRESERVATION OF JESSAMINE COUNTY, LLC VS COOPER DEVELOPMENT, LLC ET AL.

Land use planning: whether trial court erred in reversing decision of planning commission which had denied application for a cluster development in an agricultural zone.

CIVIL

JESSAMINE COUNTY

C. HUNTER DAUGHERTY

Appellant Atty:

Appellant Name:

.....
MARSHALL , DAVID RUSSELL

.....
CITIZENS FOR THE PRESERVATION OF JESSAMINE COUNTY, LLC

Appellee Atty:

Appellee Name:

.....
GULLETTE JR., ROBERT L.

.....
COOPER DEVELOPMENT, LLC

SMITH , BRUCE E

ANNETTE SPARKS

CHARLES FULLER

CHARLES KESTEL

DON COLLIVER

DWIGHT WINTER

ISAIAH SUIRBROOK

JAMES MCKINNEY

JANE BALL

JESSAMINE COUNTY/CITY OF WILMORE

JOSEPH L. POAGE

PETER BEATY

STILZ , DANIEL BARRY

ANNETTE SPARKS

CHARLES FULLER

CHARLES KESTEL

DON COLLIVER

DWIGHT WINTER

ISAIAH SUIRBROOK

JAMES MCKINNEY

JANE BALL

JESSAMINE COUNTY/CITY OF WILMORE

JOSEPH L. POAGE

PETER BEATY

LOCATION: CHASE LAW SCHOOL, MOOT COURTROOM, NUNN HALL 420, NUNN DRIVE, HIGHLAND HEIGHTS, KENTUCKY

DATE: Thursday, September 11, 2008

10:15 AM PJ: WINE LAMBERT, (JOSEPH) VANMETER
2007CA000773 JUDY JUDE (NOW RUNYAN) VS COMMONWEALTH OF KENTUCKY

Runyon appeals from a conviction for TICS second degree. Allowing cross-examination of defendant as to her opinion about other witnesses' credibility; improper questioning about witness's prior conviction; denial of motion for mistrial; cumulative error.

CRIMINAL MARTIN COUNTY JOHN DAVID PRESTON

Appellant Atty:

Appellant Name:

.....
DRAKE , JAMESA JOELLE
SCHMIDT , KATHLEEN K.

.....
JUDY K. JUDE (NOW RUNYAN)
JUDY K. JUDE (NOW RUNYAN)

Appellee Atty:

Appellee Name:

.....
RYAN , PERRY T

.....
COMMONWEALTH OF KENTUCKY

11:00 AM PJ: WINE CLAYTON LAMBERT, (JOSEPH)
2007CA001192 LARRY THOMAS VS ST. JOSEPH HEALTHCARE, INC.

2007CA001244 Appeal and cross-appeal from medical malpractice judgment. Pending motion to dismiss due to lack of final and appealable order. Thomas appeals trial court's order setting aside punitive damages award and ordering a new trial; St. Joseph argues that: it was entitled to judgment on Thomas's EMTALA claim and a directed verdict on the malpractice claims; punitive damages were excessive; etc.

CIVIL FAYETTE COUNTY ROBERT OVERSTREET

Appellant Atty:

Appellant Name:

.....
GRUNDY JR, CHARLES A
SEIF , ELIZABETH R.

.....
LARRY O'NEIL THOMAS
LARRY O'NEIL THOMAS

Appellee Atty:

Appellee Name:

.....
DUNCAN , ROBERT F.
INGLE , JAY E.

.....
ST. JOSEPH HEALTHCARE, INC.
ST. JOSEPH HEALTHCARE, INC.

**NOTE:40 MINUTE ORAL

LOCATION: WARREN COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM C, 4TH FLOOR, 1001 CENTER STREET, BOWLING GREEN, KENTUCKY

DATE: Tuesday, September 30, 2008

10:00 AM

PJ: GUIDUGLI

ACREE

CLAYTON

2007CA001391

SHAFER PLAZA VI LTD VS TIMOTHY LANG ET AL.

Jury verdict of \$140,000 for Appellees based upon commercial lease. Issues: forum-selection clause, directed verdict and proof of damage.

CIVIL

WARREN COUNTY

STEVE ALAN WILSON

Appellant Atty:

Appellant Name:

STIVERS , GREGORY N

SHAFER PLAZA VI LTD

Appellee Atty:

Appellee Name:

HUDDLESTON , LEE

REM LANG
TIMOTHY LANG