

UPDATED: 6/8/2017

**JUNE 2017**

**ORAL ARGUMENT**

**CALENDAR**

6/8/2017

JUNE, 2017

June 16, 2017

10:00 AM (ET) – JUNE MOTION PANEL – JUDGE SARA COMBS , PRESIDING JUDGE, JUDGE DENISE CLAYTON AND JUDGE C. SHEA NICKELL, ASSOCIATES.

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

**COURT OF APPEALS, FRANKFORT – Contact Patricia Brauer – (502) 573-7920**

**FRANKLIN COUNTY COURTHOUSE – Contact Charlene Harris (Judge Johnsons' Secretary)- (502) 564-5716; or Jeanette Goin, Court Administrator, (502) 564-8383**

**JEFFERSON COUNTY JUDICIAL CENTER – Contact Danae Johnson (Judge Claytons' Secretary) – (502) 595-3440**

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

**DATE: Tuesday, June 6, 2017**

**01:30 PM PJ: CLAYTON, HON. DENISE G.**

**DIXON, HON. DONNA L.**

**THOMPSON, HON. KELLY**

**2016CA000896 H. TRIGG MITCHELL v BAPTIST PHYSICIANS LEXINGTON, INC.**

MOTHER DIED FROM BLOOD CLOTS THAT WERE UNDIAGNOSED. ISSUES INCLUDE: 1. SHOULD TRIAL COURT HAVE GIVEN INSTRUCTION REGARDING BAPTIST PULMONARY'S LIABILITY? 2. SHOULD INSTRUCTIONS HAVE USED "COMPETENT" OR "PRUDENT" PHYSICIAN? 3. SHOULD DAMAGES BE ALLOWED FOR A MINOR OR DEATH OF A PATIENT AFTER 18+ YEARS OF AGE?

**CIVIL FAYETTE COUNTY**

**HON JAMES D ISHMAEL**

Appellant Atty:

Appellant Name:

**ERDMANN, CORY  
SAVAGE, JOE**

**MITCHELL, H.**

Appellee Atty:

Appellee Name:

**HOUSTON, ELLEN  
KRAMER, DAVID**

**BAPTIST PHYSICIANS LEXINGTON, INC.**

**WOOD, RYAN**

**KENTUCKY DEFENSE COUNSEL INC.**

**\*\* NOTE:**

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

**DATE: Tuesday, June 6, 2017**

02:15 PM PJ: CLAYTON, HON. DENISE G.

DIXON, HON. DONNA L.

KRAMER, HON. JOY A.

2016CA000782 ASHA PATEL v Dr ROBERT C. GAME

PARENTS APPEAL THE TRIAL COURT'S GRANT OF SUMMARY JUDGMENT TO THE DOCTOR AND THE HOSPITAL IN A NEGLIGENCE AND BREACH OF CONTRACT CASE. THE TRIAL COURT, BASED ON GRUBBS CASE, WHICH REJECTED WRONGFUL BIRTH/WRONGFUL LIFE CLAIMS. REGARDING THE BREACH OF CONTRACT CASE THE TRIAL COURT HELD THAT THE PATE'S WERE NOT THIRD PARTY BENEFICIARIES OF A CONTRACT BETWEEN THE MEDICAL CENTER AND THE DOCTOR AND THAT NO CONTRACT EXISTED BETWEEN THEM AND THE DOCTOR/HOSPITAL.

CIVIL WARREN COUNTY

HON JOHN R. GRISE

Appellant Atty:

Appellant Name:

CRADDOCK, NICHOLAS  
HANCE, MICHAEL  
SRINIVASAN, CHANDRIKA

PATEL, ASHA

Appellee Atty:

Appellee Name:

RAINES, MURRY  
ROBY, JON  
SMITH, AARON

BOWLING GREEN-WARREN COUNTY  
COMMUNITY HOSPITAL

EDWARDS, NICHOLAS  
ROBINSON, CLAYTON  
SYMONS, JULIETTE

GAME, ROBERT

\*\* NOTE:

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

**DATE: Thursday, June 15, 2017**

01:00 PM PJ: JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

MAZE, HON. IRV

2016CA000988 TAMARA L. SANDERSON v COMMONWEALTH OF KENTUCKY

CIVIL; APPELLANT CHALLENGES THE CONSTITUTIONALITY OF THE KENTUCKY BOUNDARY LINE FENCE ACT AS APPLIED TO LANDOWNERS WHO DO NOT RAISE LIVESTOCK FOLLOWING THE FRANKLIN CIRCUIT COURT'S SUA SPONTE DISMISSAL OF HER CLAIM FOR LACK OF STANDING.

CIVIL FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

CRITTENDEN, ROGER

SANDERSON, TAMARA

GROSS, PHILLIP

TIPTON, LAURA

Appellee Atty:

Appellee Name:

MAYO, STEVEN

COMMONWEALTH OF KENTUCKY

\*\* NOTE:

01:45 PM PJ: MAZE, HON. IRV

JONES, HON. ALLISON E.

LAMBERT, HON. JAMES H.

2014CA000690 JERRY STAMPER v BEREA AREA DEVELOPMENT, LLC

APPEAL FROM DEFENSE VERDICT IN NURSING-HOME NEGLIGENCE CASE. DENIAL OF INSTRUCTION UNDER RESIDENT'S RIGHT ACT; LIMITATION OF TESTIMONY OF NON-PHYSICIAN EXPERT WITNESS IN QUESTIONS OF MEDICAL CAUSATION; DENIAL OF MOTION TO STRIKE TWO JURORS OF CAUSE.

CIVIL MADISON COUNTY

HON JEAN CHENAULT LOGUE

Appellant Atty:

Appellant Name:

COOMER, DAVID

STAMPER, JERRY

ERDMANN, CORY

O'BRIEN, STEPHEN III

Appellee Atty:

Appellee Name:

BROWN, JONAH

BEREA AREA DEVELOPMENT, LLC

ECKERT, KATHRYN

FORGY, LAWRENCE JR

FULKERSON, CALVIN

MAY, ROBERT

TREVEY, DAVID

\*\* NOTE:\*\*PREVIOUSLY ON JUNE 15, 2017 AT 2:30 PM

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

**DATE: Monday, June 26, 2017**

**10:00 AM PJ: ACREE, HON. GLENN E.**

**COMBS, HON. SARA W.**

**LAMBERT, HON. DEBRA HEMBREE**

**2015CA001613**

**ROGER DERMODY v PRESBYTERIAN CHURCH (U.S.A.), A CORPORATION**

CIVIL; DEFAMATION: WHETHER THE TRIAL COURT ERRED IN FINDING THE ECCLESIASTICAL  
ABSTENTION DOCTRINE AND MINISTERIAL EXCEPTION BAR APPELLANT'S DEFAMATION  
CLAIM.

**CIVIL JEFFERSON COUNTY**

**HON JUDITH E MCDONALD-BURKMAN**

Appellant Atty:

**PENCE, STEPHEN**

Appellant Name:

**DERMODY, ROGER**

Appellee Atty:

**CLARK, STEVEN**

**SHELLER, JOHN**

**BAXTER, ERIC  
BEAUMAN, BRYAN**

Appellee Name:

**PRESBYTERIAN CHURCH (U.S.A.), A  
CORPORATION**

**THE BECKET FUND FOR RELIGIOUS LIBERTY**

**\*\* NOTE:**

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

**DATE: Monday, June 26, 2017**

**10:45 AM PJ: ACREE, HON. GLENN E. COMBS, HON. SARA W. LAMBERT, HON. DEBRA HEMBREE**  
**2016CA000710 PURDUE PHARMA L.P. v BOSTON GLOBE LIFE SCIENCES MEDIA, LLC**

CIVIL; COMMON LAW RIGHT OF ACCESS: WHETHER TRIAL COURT ERRED BY GRANTING APPELLEE'S MOTION TO UNSEAL DISCOVERY PREVIOUSLY ORDERED SEALED.

**CIVIL PIKE COUNTY HON STEVEN D. COMBS**

Appellant Atty:

BREETZ, BETHANY  
DANFORD, DANIEL  
MAY, PAMELA  
WELLS, TREVOR

Appellant Name:

PURDUE PHARMA L.P.

Appellee Atty:

COLLIER, BAYARD  
POPE, SUSAN

Appellee Name:

ABBOTT LABORATORIES

FLEISCHAKER, JON

BOSTON GLOBE LIFE SCIENCES MEDIA, LLC

APPLEGATE, LEEANNE  
BENDER, ROBYN  
BROOKS, MICHAEL  
JOHNSTONE, C.  
MAYO, STEVEN  
SMITH, DONALD JR  
THOMPSON, TYLER

COMMONWEALTH OF KENTUCKY

**\*\* NOTE:**

**11:30 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. COMBS, HON. SARA W.**  
**2016CA001022 COMMONWEALTH OF KENTUCKY v MACK TACKETT**

THE COMMONWEALTH APPEALS AN ORDER FROM THE TRIAL COURT GRANTING RCR 11.42 RELIEF TO THE APPELLEE.

**PIKE COUNTY**

**HON THOMAS M. SMITH**

Appellant Atty:

FUCHS, GREGORY

Appellant Name:

COMMONWEALTH OF KENTUCKY

Appellee Atty:

LANE, JOSEPH

Appellee Name:

TACKETT, MACK

**\*\* NOTE:**

**LOCATION: FRANKLIN COUNTY COURTHOUSE, 222 CLAIR STREET, THIRD FLOOR, COURTROOM F, FRANKFORT, KENTUCKY**

**DATE: Tuesday, June 27, 2017**

**02:00 PM PJ: JOHNSON, HON. ROBERT G.**

**ACREE, HON. GLENN E.**

**KRAMER, HON. JOY A.**

**2016CA000283**

**DURAND MURRELL v KENTUCKY PAROLE BOARD**

**CIVIL FRANKLIN COUNTY**

**HON PHILLIP J. SHEPHERD**

Appellant Atty:

Appellant Name:

**ARNOLD, TIMOTHY**

**MURRELL, DURAND**

Appellee Atty:

Appellee Name:

**COMBS, BRENN**

**KENTUCKY DEPARTMENT OF CORRECTIONS**

**MCFARLAN, ORAN III**

**KENTUCKY PAROLE BOARD**

**\*\* NOTE:**