

UPDATED: 12/18/2017

**JANUARY 2018**

**ORAL ARGUMENT**

**CALENDAR**

**UPDATED: 12/18/2017**

**JANUARY, 2018**

**January 16, 2018**

**1:00 P.M., (FRANKFORT TIME) MOTION PANEL,  
JUDGE JOHNSON, PRESIDING JUDGE,  
JUDGE DIXON AND JUDGE JONES, ASSOCIATES.**

**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, Ext. 52020**

**SOMERSET – Contact Bobbie Turner – (606) 677-4098**

**LEXINGTON-Frederick Douglass High School– Contact Kelly Kilgore - (310) 994-9883**

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200  
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

**DATE: Wednesday, January 3, 2018**

**10:00 AM PJ: JONES, HON. ALLISON E. LAMBERT, HON. DEBRA HEMBREE TAYLOR, HON. JEFF S.**  
**2016CA001910 KHRISTINA LARISON v HOME OF THE INNOCENTS**

Labor & employment; whether trial court erred by granting summary judgment in favor of the employer.

**CIVIL JEFFERSON COUNTY HON A. C. MCKAY CHAUVIN**

Appellant Atty:

**SCHARFENBERGER, KURT**

Appellant Name:

**LARISON, KHRISTINA**

Appellee Atty:

**PERRY, DONNA  
ROGERS, VANESSA**

Appellee Name:

**HOME OF THE INNOCENTS**

**\*\* NOTE:**

**10:45 AM PJ: JONES, HON. ALLISON E. LAMBERT, HON. DEBRA HEMBREE TAYLOR, HON. JEFF S.**  
**2016CA001629 COMMONWEALTH OF KENTUCKY v DENNIS VOWELS**

Criminal; whether circuit court erred by granting Vowel's application to vacate and expunge conviction.

**CRIMINAL DAVIESS COUNTY HON JOSEPH W CASTLEN**

Appellant Atty:

**LUCAS, EMILY**

Appellant Name:

**COMMONWEALTH OF KENTUCKY**

Appellee Atty:

**SCHMIDT, KATHLEEN  
YANG, ROBERT**

Appellee Name:

**VOWELS, DENNIS**

**\*\* NOTE:**

**LOCATION: NELSON COUNTY JUSTICE CENTER, DISTRICT COURTROOM B, 200  
NELSON COUNTY PLAZA, BARDSTOWN, KENTUCKY**

**DATE: Thursday, January 4, 2018**

10:00 AM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

LAMBERT, HON. DEBRA HEMBREE

2017CA000204 **DARRYL ISAACS v SENTINEL INSURANCE COMPANY, LIMITED**

Whether court erred by granting summary judgment in favor of Sentinal Insurance after circuit court determined that Isaacs was not entitled to UIM benefits under the policy of insurance.

CIVIL

JEFFERSON COUNTY

HON AUDRA J. ECKERLE

Appellant Atty:

Appellant Name:

ELY, CAROLYN  
SITLINGER, LEE

ISAACS, DARRYL

Appellee Atty:

Appellee Name:

BROWN, DONALD  
HOOTS, DOUGLAS  
POPPE, JERI  
STOPHER, ROBERT

SENTINEL INSURANCE COMPANY, LIMITED

\*\* NOTE:

10:45 AM PJ: TAYLOR, HON. JEFF S.

JONES, HON. ALLISON E.

LAMBERT, HON. DEBRA HEMBREE

2016CA000340 **DAVID NEWMAN v ESTATE OF JOSEPH K. HOBBIC**

Whether circuit court properly granted summary judgment and ordered sale of real property when the notice of judgment lien did not strictly comply with KRS 426.720.

CIVIL

JEFFERSON COUNTY

HON ANGELA MCCORMICK BISIG

Appellant Atty:

Appellant Name:

O'DONNELL, HARRY

NEWMAN, DAVID

Appellee Atty:

Appellee Name:

HIGGINS, JERRY  
RADMACHER, B III  
SCHWAGER, STEPHEN

ESTATE OF JOSEPH K. HOBBIC

\*\* NOTE:

**LOCATION: FREDERICK DOUGLASS HIGH SCHOOL, 2000 WINCHESTER ROAD,  
LEXINGTON, KENTUCKY**

**DATE: Monday, January 8, 2018**

**10:30 AM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.**  
**2016CA000175 ROY DAVID PROCTOR v ESTATE OF ROY FLOYD PROCTOR**

Whether the action was one in equity and whether the directed verdict was properly addressed.

<b>CIVIL</b>	<b>HARDIN COUNTY</b>	<b>HON KEN M. HOWARD</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>MOULTON, C.</b>		<b>PROCTOR, ROY</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>COX, JARED</b>		<b>ESTATE OF ROY FLOYD PROCTOR</b>
.....		
<b>DURHAM, C</b>		<b>MALITO, SHARON</b>
.....		

**\*\* NOTE:**

**11:15 AM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.**  
**2016CA000576 BETTY DAWSON v VIRGINIA L. BOONE**

Are all the indispensable parties included and whether the 1913 Indentured Act was properly interpreted.

<b>CIVIL</b>	<b>FRANKLIN COUNTY</b>	<b>HON THOMAS D. WINGATE</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>RAMBICURE, WILLIAM</b>		<b>DAWSON, BETTY</b>
<b>SMITH, ANDREW</b>		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>CECIL, PRESTON</b>		<b>BOONE, VIRGINIA</b>
.....		
<b>LIEBMAN, JAMES</b>		<b>STANFIELD, HANNAH</b>
.....		
<b>HIX, BRYAN</b>		<b>STANFIELD, JUSTIN</b>
.....		

**\*\* NOTE:**

**LOCATION: FREDERICK DOUGLASS HIGH SCHOOL, 2000 WINCHESTER ROAD,  
LEXINGTON, KENTUCKY**

**DATE: Monday, January 8, 2018**

**12:00 PM PJ: JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E. KRAMER, HON. JOY A.**  
**2016CA001534 MILES DEVON SKEENS v UNIVERSITY OF LOUISVILLE**

Whether the appellant is eligible for a tuition waiver according to KRS 164.2841.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON ANGELA MCCORMICK BISIG</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>MCCARTHY, TIMOTHY</b>		<b>SKEENS, MILES</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>PATTERSON, DEBORAH</b>		<b>UNIVERSITY OF LOUISVILLE</b>
.....		

**\*\* NOTE:**

**01:45 PM PJ: KRAMER, HON. JOY A. JOHNSON, HON. ROBERT G. JONES, HON. ALLISON E.**  
**2015CA001953 JAMES BRADLEY ANDERSON v NORTH MARSHALL WATER DISTRICT**

**2015CA001954**  
**2016CA000334**

Civil Case: Appeal from a jury verdict wherein punitive damages were vacated and costs were reduced; issues also include issues regarding evidentiary and jury instructions; cross-appeal on defamation.

<b>CIVIL</b>	<b>MARSHALL COUNTY</b>	<b>HON DENNIS R. FOUST</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>LEE, JOSEPH</b>		<b>ANDERSON, JAMES</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>FUTRELL, FRANKLIN</b>		<b>FUTRELL, FRANKLIN</b>
.....		
<b>WARD, MICHAEL</b>		<b>LANGSTON, RAY</b>
.....		
<b>SMITH, STEPHEN JR</b>		<b>NORTH MARSHALL WATER DISTRICT</b>
.....		

**\*\* NOTE:\*40 MINUTE ORAL; PREVIOUSLY ON JAN. 9, 2018 @ 1:15 PM AT THE COURT OF APPEALS, FRANKFORT, KENTUCKY**

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

**DATE: Tuesday, January 9, 2018**

**10:00 AM PJ: JONES, HON. ALLISON E. JOHNSON, HON. ROBERT G. KRAMER, HON. JOY A.**  
**2017CA000186 HON SEAN R. DELAHANTY v COMMONWEALTH OF KENTUCKY**

Civil; appeal to vacate circuit court ruling which found KRS 186.574(6) to be unconstitutional.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON A. C. MCKAY CHAUVIN</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>MAZZOLI, MICHAEL</b>		<b>DELAHANTY, SEAN</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>BESHEAR, ANDREW SEXTON, DAVID</b>		<b>COMMONWEALTH OF KENTUCKY</b>
.....		

**\*\* NOTE:**

**10:45 AM PJ: JONES, HON. ALLISON E. JOHNSON, HON. ROBERT G. KRAMER, HON. JOY A.**  
**2017CA000030 EDGEMONT MANOR NURSING HOME, INC. v COMMONWEALTH OF KENTUCKY**

Civil; appeal arising from circuit court's denial of motion to direct commonwealth to pay pre- and post-judgement interest on Medicaid reimbursements.

<b>CIVIL</b>	<b>FRANKLIN COUNTY</b>	<b>HON PHILLIP J. SHEPHERD</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>BURD, JAMES O'BRIEN, EDWARD</b>		<b>EDGEMONT MANOR NURSING HOME, INC.</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>YORK, CATHERINE</b>		<b>COMMONWEALTH OF KENTUCKY</b>
.....		

**\*\* NOTE:**

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

**DATE: Tuesday, January 9, 2018**

11:30 AM PJ: JONES, HON. ALLISON E.

JOHNSON, HON. ROBERT G.

KRAMER, HON. JOY A.

2016CA001721 **TEEN CHALLENGE OF KENTUCKY, INC. v THE KENTUCKY COMMISSION ON HUMAN RIGHTS**

Civil; appealing an order that dismissed Teen Challenge's petition for writ of mandamus.

CIVIL

JEFFERSON COUNTY

HON SUSAN SCHULTZ GIBSON

Appellant Atty:

Appellant Name:

HARP, JOSHUA

TEEN CHALLENGE OF KENTUCKY, INC.

Appellee Atty:

Appellee Name:

DUERR, KEITH

THE KENTUCKY COMMISSION ON HUMAN RIGHTS

NOT REPRESENTED BY COUNSEL,

THE LEXINGTON FAIR HOUSING COUNCIL, INC.

\*\* NOTE:

03:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE

JONES, HON. ALLISON E.

TAYLOR, HON. JEFF S.

2016CA001557 **DENNIS THOMAS v UNIVERSITY MEDICAL CENTER, INC.**

Whether the trial court properly excluded evidence of a remedial measure and properly excluded the same evidence for impeachment purposes. The Appellant also seeks reversal of a directed verdict in favor of Neurosurgical Institute of Kentucky, P.S.C..

CIVIL

JEFFERSON COUNTY

HON A. C. MCKAY CHAUVIN

Appellant Atty:

Appellant Name:

FAULKNER, T.

THOMAS, DENNIS

Appellee Atty:

Appellee Name:

LE MEUR, PATRICIA

NEUROSURGICAL INSTITUTE OF KENTUCKY, P.S.C.

PHILLIPS, JOHN

WATTS, KATHERINE

DAVIS, SARA

UNIVERSITY MEDICAL CENTER, INC.

MCMASTERS, BETH

\*\* NOTE:\*\*PREVIOUSLY ON JAN. 3, 2018 @ 2:00 PM IN BARDSTOWN, KENTUCKY.



**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,  
SOMERSET, KENTUCKY**

**DATE: Wednesday, January 10, 2018**

**10:00 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2015CA001484 GLEASON F. HUMPHREY v CAROLYN ANN HUMPHREY**

Whether the trial court properly classified and assigned marital property in a dissolution case.

**CLARK COUNTY**

**HON JEFFREY M. WALSON**

Appellant Atty:

Appellant Name:

**THOMAS, BRIAN**

**HUMPHREY, GLEASON**

Appellee Atty:

Appellee Name:

**NORMENT, WILLIAM III  
WOMACK, JAMES**

**HUMPHREY, CAROLYN**

**\*\* NOTE:**

**10:45 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2016CA001101 KEM ANDERSON v FAYETTE COUNTY BOARD OF EDUCATION**

Whether the trial court properly entered summary judgment for the Appellees.

**CIVIL**

**FAYETTE COUNTY**

**HON THOMAS L CLARK**

Appellant Atty:

Appellant Name:

**ARNOLD, CHARLES  
HUFFMAN, WILLIAM  
MCCAULEY, STEVEN  
MIHALEK, CHARLES  
MILLER, CHRISTOPHER**

**ANDERSON, KEM**

Appellee Atty:

Appellee Name:

**DEENER, ELIZABETH  
DEENER, LARRY**

**FAYETTE COUNTY BOARD OF EDUCATION**

**NOT REPRESENTED BY COUNSEL,**

**UNKNOWN DEFENDANTS**

**\*\* NOTE:**

**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,  
SOMERSET, KENTUCKY**

**DATE: Wednesday, January 10, 2018**

**11:30 AM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2016CA001324 LARRY HARMS v CHASE HOME FINANCE, LLC**

Whether post foreclosure and post judicial sale, summary judgment can be granted on an amended complaint to reform the mortgage based on clerical error, mutual mistake and unjust enrichment when tract where home was located wasn't included in original mortgage.

**CIVIL CLAY COUNTY HON OSCAR G HOUSE**

Appellant Atty:

**HOSKINS, RALPH**

Appellant Name:

**HARMS, LARRY**

Appellee Atty:

**CUMMINS, PETER  
JOHNSON, DAVID  
SUMNER, GRIFFIN**

Appellee Name:

**CHASE HOME FINANCE, LLC**

**CHEEK, KAREN**

**CHEEK, KAREN**

**CHEEK, RICHARD**

**CHEEK, RICHARD**

**RAMEY, JUSTIN**

**JAMOS FUND I, LP**

**NOT REPRESENTED BY COUNSEL,**

**MID SOUTH CAPITAL PARTNERS, LP**

**BRICE, JOHN II**

**NATIONAL CITY BANK**

**HOUSE, STELLA**

**SMITH, ETHEL**

**\*\* NOTE:**

**LOCATION: PULASKI COUNTY CIRCUIT COURTROOM, 50 PUBLIC SQUARE,  
SOMERSET, KENTUCKY**

**DATE: Wednesday, January 10, 2018**

**01:15 PM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2016CA001842 QUEEN DEBORAH CA'MEL v LOUISVILLE/JEFFERSON COUNTY METROPOLITAN**

Whether Circuit Court erred in granting the Police Board's motion for summary judgment and upheld her termination as a police office.

<b>CIVIL</b>	<b>JEFFERSON COUNTY</b>	<b>HON BARRY WILLETT</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>KIMBALL, PHILIP</b>		<b>CA'MEL, QUEEN</b>
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>DOBBINS, MARK</b>	<b>LOUISVILLE METRO POLICE MERIT BOARD</b>	
<b>KEENE, SANDRA</b>		
.....		
<b>SHOLAR, WALTER</b>	<b>LOUISVILLE/JEFFERSON COUNTY METROPOLITAN</b>	
.....		

**\*\* NOTE:**

**02:00 PM PJ: LAMBERT, HON. DEBRA HEMBREE ACREE, HON. GLENN E. THOMPSON, HON. KELLY**  
**2017CA000041 LP PIKEVILLE, LLC v BETTY JO KEATHLEY**

Whether the trial court properly held that the parties had entered into an enforceable settlement agreement and properly ordered post judgment interest.

<b>CIVIL</b>	<b>PIKE COUNTY</b>	<b>HON STEVEN D. COMBS</b>
<u>Appellant Atty:</u>		<u>Appellant Name:</u>
<b>GARCIA, STEPHEN</b>		<b>JONES, ELAINE</b>
.....		
<b>DICKENS, SCOTT</b>	<b>LP PIKEVILLE, LLC</b>	
<b>DYCHE, JOHN</b>		
.....		
<u>Appellee Atty:</u>		<u>Appellee Name:</u>
<b>HAMMOND, GLENN</b>	<b>KEATHLEY, BETTY</b>	
.....		

**\*\* NOTE:**

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

**DATE: Thursday, January 25, 2018**

01:00 PM PJ: COMBS, HON. SARA W.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2016CA001446

JANET FRALEY v PHILIP ZAMBOS

Medical negligence case in which appellant was allegedly misdiagnosed for breast cancer. Numerous trial errors involving expert testimony are raised as issues on appeal.

CIVIL

FLOYD COUNTY

HON JOHNNY RAY HARRIS

Appellant Atty:

Appellant Name:

COLLINS, KELLIE

FRALEY, JANET

GOLDEN, J.

MELTON, MARY

PETERSON, JUSTIN

Appellee Atty:

Appellee Name:

BROWN, DANIEL

ZAMBOS, PHILIP

MARSH, GEOFFREY

WILLIAMS, KENNETH JR

WOOD, RYAN

\*\* NOTE:

01:45 PM PJ: LAMBERT, HON. DEBRA HEMBREE

COMBS, HON. SARA W.

NICKELL, HON. C. SHEA

2016CA000725

ERIN EMILY BAAS v EDWARD ARTHUR BAAS

Whether a mediated bullet point document, signed by Appellant after her attorney left the mediation, is an enforceable separation agreement.

CAMPBELL COUNTY

HON RICHARD A. WOESTE

Appellant Atty:

Appellant Name:

MEGERLE, STEVEN

BAAS, ERIN

Appellee Atty:

Appellee Name:

KNOEBEL, WILLIAM

BAAS, EDWARD

\*\* NOTE: