

Supreme Court of Kentucky

2020-SC-000313-OA

HONORABLE ANDREW BESHEAR, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF
THE COMMONWEALTH OF KENTUCKY;
ERIC FRIEDLANDER, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE
KENTUCKY CABINET FOR HEALTH AND
FAMILY SERVICES; DR. STEVEN STACK,
IN HIS OFFICIAL CAPACITY AS
COMMISSIONER OF THE KENTUCKY
DEPARTMENT FOR PUBLIC HEALTH;
KENTUCKY CABINET FOR HEALTH AND
FAMILY SERVICES; AND, THE KENTUCKY
DEPARTMENT FOR PUBLIC HEALTH

PETITIONERS

V. ORIGINAL ACTION IN SUPREME COURT
ARISING FROM COURT OF APPEALS
NOS. 2020-CA-000834 AND 2020-CA-000849

HONORABLE GLENN E. ACREE, JUDGE,
KENTUCKY COURT OF APPEALS;
HONORABLE RICHARD A. BRUEGGEMANN,
JUDGE, 52ND JUDICIAL CIRCUIT, BOONE
CIRCUIT COURT; AND, HONORABLE BRIAN
PRIVETT, JUDGE, 14TH JUDICIAL CIRCUIT,
SCOTT CIRCUIT COURT

RESPONDENTS

AND

REAL PARTIES IN INTEREST

FLORENCE SPEEDWAY, INC.; RIDGEWAY
PROPERTIES, LLC D/B/A BEAN'S CAFÉ &
BAKERY; LITTLE LINKS TO LEARNING, LLC;
RYAN QUARLES, IN HIS OFFICIAL CAPACITY
AS COMMISSIONER OF AGRICULTURE;
EVANS ORCHARD AND CIDER MILL, LLC.;
WEDCO DISTRICT HEALTH DEPARTMENT;
CRYSTAL MILLER; AND, HONORABLE
DANIEL J. CAMERON, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL

ORDER

Pursuant to Section 110 of the Kentucky Constitution the Kentucky Supreme Court "shall have the power to issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause, or as may be required to exercise control of the Court of Justice." Today we act pursuant to that power to maintain the status quo by staying orders issued by the lower courts of the Commonwealth pending further action by this Court.

In the midst of a global pandemic that has resulted in the Governor issuing Executive Orders deemed necessary to the protection of the public health and safety, two circuit courts have issued injunctive relief preventing the enforcement of specific Executive Orders challenged by plaintiffs who claim injury to their respective business interests. It appears that one circuit court has indicated an intent to issue an Order shortly that will enjoin all executive orders entered by the Governor and any actions taken pursuant to his public emergency powers. Given the need for a clear and consistent statewide public health policy and recognizing that the Kentucky legislature has expressly given the Governor broad executive powers in a public health emergency, the Court orders a stay of all orders of injunctive relief until such time as the various orders are properly before the Court with a full record of any evidence and pleadings considered by the lower courts.

The Boone and Scott Circuit Courts may proceed with matters before them and issue all findings of fact and conclusions of law they find appropriate but no order, however characterized, shall be effective. Our stay shall continue

until the full record of proceedings below is reviewed by this Court, all parties have been given the opportunity to address the orders in briefs, and this Court issues a final order addressing these issues of paramount public importance to all citizens of the Commonwealth.

This Court hereby directs that any lower court order, after entry, be immediately transmitted to the Clerk of the Supreme Court for consideration by the full Court pursuant to its constitutional authority under Section 110.

IT IS SO ORDERED.

All sitting. All concur.

Dated: July 17, 2020.


CHIEF JUSTICE