

Supreme Court of Kentucky

2012-03

EMERGENCY ORDER

In Re: Emergency Order, Morgan County Circuit, Family, and District Courts – Relocation of Court, Computation of Time, and Authorization for Extension of Deadlines

On March 2, 2012, extensive tornado damage occurred statewide, prompting the Governor of the Commonwealth of Kentucky to declare a State of Emergency and the President of the United States to declare a major disaster area for purposes of federal financial aid. The area in and around the city of West Liberty in Morgan County, Kentucky sustained significant damage, including extensive irreparable structural damage to the Morgan County Courthouse, which is located at 518 Main Street in West Liberty.

Due to this damage, the Morgan County Courthouse has been closed and non-operational for holding court, operating court offices and other essential court functions since March 2, 2012. There exists an immediate need to locate an alternative, available and secure space within Morgan County for use on a long-term temporary basis as a court facility to address the needs and rights of litigants to timely access the courts and court offices, including the filing of documents and pleadings as authorized or required by law and the processing of adults and juveniles in custody.

Accordingly, under Sections 110(5) and 116 of the Kentucky Constitution, and in consideration of the conditions now existing in Morgan County, Kentucky, it is HEREBY ORDERED as follows:

Section 1. Statement of Purpose

Due to the widespread tornado damage sustained throughout Morgan County and the irreparable structural damage sustained by the Morgan County Courthouse, the Morgan County Circuit, Family, and District Courts and their essential court functions have been disrupted and litigants and their counsel displaced. Extraordinary circumstances exist requiring immediate adoption of this Emergency Order, which is intended to alleviate uncertainty and hardship by relocating, until further Order of this Court, the Morgan County Circuit, Family, and District Courts and the office of the Morgan County Circuit Court Clerk, and authorizing emergency extensions of procedural deadlines when necessary and appropriate under the circumstances.

Section 2. Statement of Authority

Under Sections 110(5) and 116 of the Kentucky Constitution, the Supreme Court has the authority to promulgate rules and issue orders of practice and procedure for the administration of justice in all civil and criminal actions, and for all proceedings in the courts of this Commonwealth. This Emergency Order does not abridge, enlarge, or modify the substantive rights of any litigant.

Section 3. Change in Location

Effective Wednesday, March 14, 2012, the Morgan County Circuit Court Clerk will be open for business in the temporary office of the Morgan County Circuit Court Clerk located in the Morehead State University Academic Center, 155 University Drive, West Liberty for drivers license services only.

Effective Thursday, March 15, 2012, the Morgan County Circuit Court

Clerk will be open for business in the temporary office of the Morgan County Circuit Court Clerk located in the Morehead State University Academic Center, 155 University Drive, West Liberty for all services, including, but not limited to, drivers licenses, the filing all pleadings, motions, and any other case-related materials, and any other routine court business normally carried out in the office of the Morgan County Circuit Court Clerk.

Effective Thursday, March 15, 2012, all trials, motions and other procedural and substantive routine matters for all cases venued in Morgan County that are now pending, and in all cases to be filed hereafter in Morgan County, will be heard in the Morehead State University Academic Center located at 155 University Drive, West Liberty.

Section 4. Computation of Time

The office of the Morgan County Circuit Court Clerk is hereby deemed to have been actually and legally closed from Monday, March 5, 2010, through Wednesday, March 14, 2012, for purposes of computation of time as set forth in KRS 446.030. Further, Monday, March 5, 2012, through Wednesday, March 14, 2012, shall not be included for purposes of computation of time as set forth in CR 6.01 and RCr 1.10.

Section 5. Extension of Time

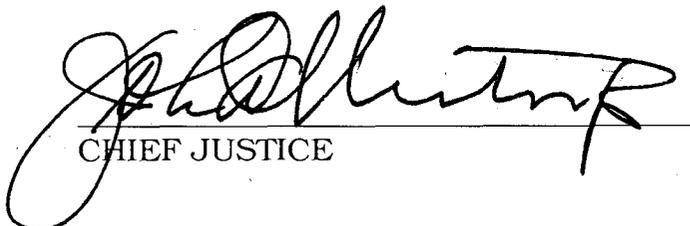
When by procedural statute or rule, or by notice given under a procedural statute or rule, or by order of court, and notwithstanding CR 6.02, an act is required or allowed to be done at or within a specified time, the deadline for which occurs between Monday, March 5, 2012, and Thursday, March 15, 2012, the presiding judge, sua sponte, or upon motion of a party,

may extend the deadline by an amount of time which is reasonable, appropriate, and necessary under the circumstances, unless the deadline is imposed by substantive law or required by the Constitution of the United States or the Kentucky Constitution.

The extensions referred to in this Section apply: (1) to cases venued in Morgan County, (2) to cases wherever venued in which one or more of the parties resides in Morgan County, and (3) to cases wherever venued in which one or more of the parties is represented by an attorney whose principal place of business is located in Morgan County.

This Emergency Order is effective immediately.

Entered this 14th day of March, 2012.


CHIEF JUSTICE