

Supreme Court of Kentucky

2022-07

EMERGENCY ORDER

**In Re: Emergency Order, Graves County Circuit and District Courts –
Relocation of Records, Destruction of Records Damaged
Beyond Repair**

On December 10, 2021, 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 Mayfield in Graves County, Kentucky sustained significant damage, including extensive, irreparable structural damage to the Graves County Courthouse, which is located at 100 East Broadway in Mayfield.

The Graves County Circuit Court Clerk's office and storage room suffered extensive flood damage due to the storms. All records of the Kentucky Court of Justice held by the Graves County Circuit Court Clerk were damaged. On December 13, 2021, the Administrative Office of the Courts contracted with ServPro to assess the damage and remove the files. ServPro, with the approval of the Administrative Office of the Courts, contracted with a third-party vendor to begin the process of drying the files and determining which files could be salvaged.

Accordingly, under Section 110(5)(b) of the Kentucky Constitution and KRS 26A.200-.220, and in consideration of the conditions now existing in Graves County, Kentucky, it is HEREBY ORDERED as follows:

Section 1. Statement of Purpose

Due to the irreparable damage sustained by the Graves County Circuit Court Clerk's office and file storage room, the Graves County Circuit Court Clerk is authorized to relocate and destroy files under the direction of the Administrative Office of the Courts. Extraordinary circumstances exist requiring immediate adoption of this Emergency Order.

Section 2. Statement of Authority

Under Sections 110(5)(b) of the Kentucky Constitution, and KRS 26A.200-.220, the Chief Justice and the Supreme Court have the authority to promulgate rules and issue orders regarding the records of the Kentucky Court of Justice. This Emergency Order does not abridge, enlarge, or modify the substantive rights of any litigant.


Section 3. Relocation of Files, Authorization for Cleaning, Storing and Destruction of Files

The Graves County Circuit Court Clerk is authorized to relocate files to any third-party vendor approved by the Administrative Office of the Courts to perform drying and remediation, destruction, or storage of files damaged both during and after the December 10, 2021 storms. In consultation with the Administrative Office of the Courts and the Kentucky Court of Justice Records Officer, the Graves County Circuit Court Clerk may authorize any third-party vendor to perform drying, cleaning, remediation and destruction of documents consistent with the Kentucky Court of Justice Records Retention Schedule (1978-Present), unless a deviation from the Schedule is deemed necessary and appropriate.

Additionally, once returned to the custody of the Graves County Circuit Court Clerk, records unable to be stored at the temporary courthouse location in Graves County may be stored by any vendor as contracted by the Administrative Office of the Courts.

This Emergency Order is effective immediately and until further Order of the Court.

Entered this 28th day of January 2022.


CHIEF JUSTICE

All sitting. All concur.