

Supreme Court of Kentucky

2022-47

AMENDED EMERGENCY ORDER

In Re: Amended Emergency Order, Knott County Circuit and District Courts—Re-Opening of the Office of the Knott County Circuit Court Clerk, Use of Telephonic and Video Technology to Conduct Remote Proceedings, Computation of Time, and Authorization for Extension of Deadlines

On July 27 and 28, 2022, extensive and historic flash flooding occurred in several counties in eastern Kentucky, 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. All of Knott County, Kentucky sustained catastrophic losses to its buildings, critical infrastructure, and utilities.

The Knott County Judicial Center, located at 53 W. Main Street in Hindman, sustained significant but reparable damage. However, law offices in and around the city of Hindman were completely destroyed and U.S. mail service was interrupted and has yet to be restored. Due to these conditions, access to the judicial center has been limited to only emergency matters and other essential court functions in the discretion of the Knott County Circuit and District Courts. Further, the office of the Knott County Circuit Court Clerk was deemed actually and legally closed by Kentucky Supreme Court Administrative Order 2022-39, beginning on Thursday, July 28, 2022, for purposes of computation of time.

In light of ongoing efforts being made to repair the damage sustained by the judicial center and restore services critical to Knott County's infrastructure, it is anticipated that the Knott County Circuit and District Courts and the office of the Knott County Circuit Court Clerk will be able to resume court operations on a limited basis as more fully set out herein. Accordingly, under Sections 110(5) and 116 of the Kentucky Constitution, and in consideration of the conditions now existing in Knott County, Kentucky, it is HEREBY ORDERED as follows:

Section 1. Statement of Purpose

Due to the widespread flood damage sustained throughout Knott County and the damage sustained by the Knott County Judicial Center, the Knott County Circuit and District Courts and their essential court functions have been disrupted and clients and their counsel displaced. While conditions are improving, extraordinary circumstances continue to exist requiring immediate adoption of this Amended Emergency Order, intended to alleviate uncertainty and hardship by addressing the needs and rights of litigants to timely access the courts and court offices (including the filing of documents and pleadings) and by continuing to authorize 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

Amended Emergency Order does not abridge, enlarge, or modify the substantive rights of any litigant.

Section 3. Re-Opening of the Office of the Knott County Circuit Court Clerk; Use of Telephonic and Video Technology to Conduct Remote Proceedings

Effective Monday October 31, 2022, the office of the Knott County Circuit Court Clerk will be open for business. Effective upon re-opening, Knott County Circuit Court and District Court should use available telephonic and video technology to conduct remote proceedings in matters as determined by the court in its discretion or, with the consent of all parties affected, in-person when parties agree to hear a matter in another county pursuant to CR 77.02(1).

Section 4. Computation of Time

The office of the Knott County Circuit Court Clerk is hereby deemed to have been actually and legally closed from Thursday, July 28, 2022, through Sunday, October 30, 2022, for purposes of computation of time as set forth in KRS 446.030. Further, any and all days on which the office of the Knott County Circuit Court Clerk has been deemed actually and legally closed pursuant to this Amended Order 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 Thursday, July 28, 2022, and Monday,

October 31, 2022, 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 Knott County, (2) to cases wherever venued in which one or more of the parties resides in Knott 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 Knott County.

This Amended Emergency Order shall be effective October 31, 2022.

Entered this 11th day of October 2022.

All sitting; all concur.


CHIEF JUSTICE