

**KENTUCKY BAR ASSOCIATION
KENTUCKY RULES OF CIVIL PROCEDURE**

PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

CR 65.09 Interlocutory relief in the Supreme Court

(1) Any party adversely affected by an order of the Court of Appeals in a proceeding under Rule 65.07 or Rule 65.08 may within five (5) days after the date on which such order was entered, move the Supreme Court to vacate or modify it. The decision whether to review such order shall be discretionary with the Supreme Court. Such a motion will be entertained only for extraordinary cause shown in the motion. Ten copies of the motion and the response, if any, shall be filed.

(2) There shall be filed with the motion the original or certified copies or photocopies of the order or orders of the Court of Appeals and all other papers, exhibits and briefs filed in that court.

(3) If a Court of Appeals judge has granted or denied emergency relief under CR 65.07(6) or CR 65.08(7), any party adversely affected by that order may move the Supreme Court for relief in the same manner as provided in subsection (1) of this rule.

(a) If the Supreme Court declines to exercise its discretion to immediately review the ruling, the motion for relief in the Court of Appeals will be assigned to a panel of that Court for decision.

(b) If the Supreme Court decides to exercise its discretion to immediately review the ruling, the Supreme Court review shall encompass both the emergency motion and the motion for relief under CR 65.07 or CR 65.08.

(c) Failure of a party to seek Supreme Court emergency review under this paragraph (3) shall not affect the party's right to seek review under paragraph (1) of a decision of a Court of Appeals panel disposing of the motion for relief under CR 65.07 or 65.08.

HISTORY: Amended by Order 91-2, eff. 11-15-91; prior amendments eff. 9-15-90, 1-1-88, 9-1-80, 1-1-78; adopted eff. 7-1-76