

# Supreme Court of Kentucky

2022-39

## EMERGENCY ORDER

**In Re:       Emergency Order, Knott County Circuit and District Courts –  
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. The area in and around the city of Hindman in Knott County, Kentucky sustained significant damage, including extensive damage to the Knott County Judicial Center, which is located at 53 W. Main Street in Hindman.

Due to this damage, the Knott County Judicial Center is non-operational for holding court, for operating court offices, and for other essential court functions and has been ordered closed by the Knott County Chief Circuit Judge beginning Thursday, July 28, 2022. Efforts are currently being made to clean the building and ensure its structural integrity, but it is anticipated that the Knott County Judicial Center will be closed to the public for some time.

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. Extraordinary circumstances exist requiring immediate adoption of this Emergency Order.

### **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. Computation of Time**

The office of the Knott County Circuit Court Clerk is hereby deemed to be actually and legally closed beginning on Thursday, July 28, 2022, until further Order of this Court, 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 Order shall not be included for purposes of computation of time as set forth in CR 6.01 and RCr 1.10.

### **Section 4. 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 any day thereafter on which the office of the Knott County Circuit Court Clerk has been deemed actually and legally closed pursuant to this Order, 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 Emergency Order is effective July 28, 2022, *nunc pro tunc*.

Entered this 2nd day of August 2022.

All sitting; all concur.

  
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CHIEF JUSTICE