

AN ANALYSIS OF CONSTITUTIONAL CLAIM NOTICES JANUARY – AUGUST 2020

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The information provided below is taken directly from the Monthly Reports compiled in the Office of the Attorney General reflecting the number of notices of constitutional claims received by that office in civil actions pursuant to KRS 418.075, and the Judicial Circuit and Court in which such claims were asserted. The number of cases during this period involving constitutional claims made were 261. The number of cases asserting those claims that were heard in Franklin Circuit Court were 2. 99.3% of constitutional claims were heard elsewhere.

Of the civil actions filed that named a state agency or state official, there were 9 in total; only 2, or roughly 22% were heard in Franklin Circuit Court. When you add in the COVID challenges filed on Boone and Scott Circuit Courts in 2020, that number declines even further to 18% of the cases being heard in Franklin Circuit Court.

Month

Venue

January

Dependency Action	Meade District Court
Dependency Action	Meade District Court
Dependency Action	Graves District Court
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Punitive Damages Issue	Laurel Circuit Court
Wethington Act Intervention	Pulaski District Court
Wethington Act Intervention	Pulaski District Court
Workers Comp	Worker's Claims
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court

Dependency Action	Graves District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Punitive Damages Issue	Boyle Circuit Court
Punitive Damages Issue	Pulaski Circuit Court
Punitive Damages Issue	Knott Circuit Court

January Summary

Dependency Actions	10 in District Courts, Graves Co. (8), Meade Co. (2)
Workers Comp	4 Court of Appeals, 1 Worker's Claims
Punitive Damages Issue	4 in Circuit Courts Boyle, Pulaski, Knott, Laurel
Wethington Intervention	2 in District Court Pulaski(2)

Total Cases With Claims Raised	21
Constitutional Challenges in FCC	0

February

Wethington Intervention	Powell District Court
Punitive Damages	Oldham Circuit Court
Punitive Damages	Fayette Circuit Court
Workers Comp	Worker's Claims
Dependency Action	Meade District Court
Dependency Action	Graves District Court
Workers Comp	Court of Appeals
Taxation Case	Jefferson Circuit Court
Dependency Action	Meade District Court
Dependency Action	Rowan District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Dependency Action	Graves District Court
Punitive Damages	Carter Circuit Court
Workers Comp	Court of Appeals
Dependency Action	Graves District Court

Dependency Action	Graves District Court
Dependency Action	Graves District Court
Punitive Damages	Floyd Circuit Court
Personal Jurisdiction	Jefferson Circuit Court
Punitive Damages	Fayette Circuit Court
Dependency Action	Hart District Court
Dependency Action	Hart District Court
Dependency Action	Hart District Court
Dependency Action	Hart District Court
Workers Comp	Worker's Claims
Equine Case	Fayette Circuit Court
Workers Comp	Court of Appeals
Wethington Intervention	Grayson District Court

February Total

Dependency Actions 15	Hart (4), Graves (8) Meade (2) Rowan (1)
Workers Comp 7	Worker's Claims (3) Court of Appeals (4)
Wethington Intervention 2	Powell (1) Grayson (1)
Punitive Damages 5	Fayette (2) Oldham (1) Floyd (1)
Equine Cases 1	Fayette
Personal Jurisdiction 1	Jefferson
Local Taxation 1	Jefferson

Total Cases With Claims Raised 32
 Constitutional Claims In FCC 0

March

Workers Comp	Worker's Claims
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Graves District Court
Debt Liability	Simpson District Court
Wethington	Owsley Circuit Court

Dependency	Rowan District Court
Punitive Damages	Campbell Circuit Court
Punitive Damages	Madison Circuit Court
Punitive Damages	Perry Circuit Court
Dependency	Graves District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Grayson District Court
Dependency	Meade District Court
Dependency	Grayson District Court
Workers Comp	Worker's Claims
Workers Comp	Worker's Claims
Workers Comp	Court of Appeals
Punitive Damages	Bell Circuit Court
Code Enforcement	Jefferson Circuit Court
Workers Comp	Worker's Claims
Dependency	Graves District Court
Dependency	Hart District Court
Dependency	Hart District Court
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Punitive Damages	Perry Circuit Court
Employment Issue	Court of Appeals
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	- - -
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court

Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Employment Issue	Jefferson Circuit Court
Dependency	Graves District Court
Punitive Damages	Letcher Circuit Court
Workers Comp	Worker's Claims
Workers Comp	Court of Appeals
Punitive Damages	Whitley Circuit Court
Punitive Damages	Jackson Circuit Court
Punitive Damages	Pike Circuit Court

March Summary

Workers Comp 9	Worker's Claims (5) Court of Appeals (4)
Dependency 31	Hart (15) Graves (11) Rowan (1) Grayson (2) ? (1) Meade (1)
Punitive Damages 9	Campbell (1), Madison (1), Perry (2), Bell (1), Pike (1), Jackson (1), Whitley (1), Letcher (1)
Debt Liability 1	Simpson (1)
Wethington 1	Owsley (1)
Code Enforcement 1	Jefferson (1)
Employment Issue 2	Jefferson Circuit (1), Court of Appeals (1)

Total Cases With Claims Raised 54

Constitutional Claims in FCC 0

APRIL

Workers Comp	Court of Appeals
Wethington	Court of Appeals
Workers Comp	Court of Appeals
Punitive Damages	Madison Circuit Court

Recreational Use Liability	Cumberland Circuit Court
Wethington	Wayne District Court
Punitive Damages	Fayette Circuit Court
Punitive Damages	Bell Circuit Court
Workers Comp	Worker's Claims
Punitive Damages	McCreary Circuit Court
Dependency	Graves District Court
Dependency	Graves District Court
Alcohol Sales	Shelby Circuit Court
Dependency	Muhlenberg District Court
Dependency	Muhlenberg District Court
Punitive Damages	Fayette Circuit Court
Punitive Damages	Rowan Circuit Court
Punitive Damages	Jefferson Circuit Court
Punitive Damages	Bath Circuit Court
Punitive Damages	Rowan Circuit Court
Punitive Damages	Jefferson Circuit Court
Punitive Damages	Martin Circuit Court
Punitive Damages	Martin Circuit Court
Punitive Damages	Martin Circuit Court
Punitive Damages	McCracken Circuit Court
Punitive Damages	McCracken Circuit Court
Punitive Damages	Hopkins Circuit Court
Punitive Damages	Pulaski Circuit Court
Workers Comp	Court of Appeals
Punitive Damages	Fayette Circuit Court
Medical Licensure	Jefferson Circuit Court
Medical Licensure	Jefferson Circuit Court

April Totals

Workers Comp 4	Court of Appeals (3) Worker's Claims (1)
Wethington 2	Court of Appeals (1) Wayne District Court (1)

Punitive Damages 18	Fayette (3), Pulaski (1), Hopkins (1), McCracken (2) Martin (3), Jefferson (2), Rowan (2), Bath (1), McCreary (1), Madison (1), Bell (1)
Medical Licensure 2	Jefferson (2)
Recreational Use Liability 1	Cumberland (1)
Dependency 4	Graves (2), Muhlenberg (2)

Total Cases With Claims Raised 32

Constitutional Claims in FCC 0

May

Workers Comp	Worker's Claims
Dependency	Graves District Court
Dependency	Graves District Court
Punitive Damages	Pulaski Circuit Court
COVID challenge	U.S. District Court E.D. Kentucky
Punitive Damages	Scott Circuit Court
Punitive Damages	Pulaski Circuit Court
Dependency	Meade District Court
Dependency	Hart District Court
Dependency	Grayson District Court
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals

May Total

Workers Comp 5	Court of Appeals (4) Worker's Claims (1)
Dependency 5	Graves District (2) Meade (1) Hart (1) Grayson(1)
Punitive Damages 3	Pulaski Circuit (2) Scott (1)
COVID Challenge 1	U.S. District Court E.D. Ky

Total Cases With Claims Raised 14

Constitutional Claims in FCC 0

June

Dependency	Meade District Court
Dependency	Meade Circuit Court
Dependency	Grayson District Court
Dependency	Grayson District Court
Dependency	Meade District Court
Punitive Damages	U.S. District Court Western District Kentucky
Punitive Damages	Clay Circuit Court
Workers Comp	Worker's Claims
Workers Comp	Worker's Claims
Workers Comp	Court of Appeals
Workers Comp	Kentucky Supreme Court
Workers Comp	Court of Appeals
Workers Comp	Court of Appeals
Workers Comp	Worker's Claims
Dependency	Graves District Court
Dependency	Grayson District Court
Dependency	Meade District Court
Dependency	Meade District Court
Dependency	Graves District Court
Dependency	Graves District Court
Punitive Damages	Pike Circuit Court
Punitive Damages	Fayette Circuit Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Meade District Court
Dependency	Meade District Court
Workers Comp	Worker's Claims
Punitive Damages	Fayette Circuit Court
Punitive Damages	Clay Circuit Court
Workers Comp	Court of Appeals

Workers Comp	Court of Appeals
Workers Comp	Worker's Claims
Punitive Damages	Jefferson Circuit Court
Dependency	Muhlenberg District Court
Punitive Damages	Magoffin Circuit Court
Zoning Appeal Bond Bill	Court of Appeals (from Mercer Circuit Court)
Punitive Damages	Whitley Circuit Court
Punitive Damages	Jefferson Circuit Court
Alcohol Sales	Boone Circuit Court
Punitive Damages	Knox Circuit Court

June Totals

Dependency 18	Meade (7), Grayson (2), Graves (3) Hart (4) Muhlenberg (1)
Workers Comp 11	Worker's Claims (5), Court of Appeals (5), Supreme Court (1)
Punitive Damages 11	U.S. D.C. W.D. Ky (1), Clay (2), Pike (1), Fayette (2), Magoffin (1), Whitley (1), Jefferson (2), Knox (1)
Alcohol Sales 1	Boone Circuit Court (1)
Zoning Bond Appeal 1	Court of Appeals (from Mercer County) (1)

Total Cases With Claims Raised 52

Constitutional Claims in FCC 0

July

Workers Comp	Supreme Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Contract Dispute	Jefferson Circuit Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court

Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Punitive Damages	Leslie Circuit Court
Workers Comp	Court of Appeals
Punitive Damages	Floyd Circuit Court
Educational Challenge	Franklin Circuit Court
Crime Victims BOR Challenge	Franklin Circuit Court
Punitive Damages	Lawrence Circuit Court
Forcible Detainer Laws	Breckinridge Circuit Court
Workers Comp	Court of Appeals
Punitive Damages	Madison Circuit Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Hart District Court
Dependency	Hart District Court
Dependency	Hart District Court
Punitive Damages	Johnson Circuit Court
Punitive Damages	Kenton Circuit Court
Punitive Damages	Pike Circuit Court
Unemployment Ins.	Jefferson Circuit Court
Unemployment Ins.	Jefferson Circuit Court
Workers Comp	Worker's Claims

July totals

Workers Comp 4	Supreme Court (1), Court of Appeals (2) Worker's Claims (1)
Dependency 17	Hart District Court (8), Graves (9)
Punitive Damages 7	Pike Circuit (1), Kenton (1), Johnson (1), Madison (1), Lawrence (1), Floyd (1) Leslie (1)
Contract Dispute 1	Jefferson Circuit (1)

Educational Challenge 1	Franklin Circuit Court (1)
Crime Victims BOR 1	Franklin Circuit Court (1)
Unemployment Ins 2	Jefferson Circuit Court (2)
Forcible Detainer Laws 1	Breckinridge Circuit Court (1)

Total Cases With Claims Raised 34

Constitutional Claims in FCC 2

August

Zoning Bond Law	Court of Appeals (from Jefferson Circuit)
Punitive Damages	Jefferson Circuit Court
Zoning Bond Law	Fayette Circuit Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Graves District Court
Dependency	Hart District Court
Educational Challenge	Lee Circuit Court
Wrongful Death	Jefferson Circuit Court
Alcohol License Fee	Ballard Circuit Court
Punitive Damages	Scott Circuit Court
Construction contracts	Barren Circuit Court
Punitive Damages	Leslie Circuit Court
Punitive Damages	Montgomery Circuit Court
Dependency	Hart District Court
Wethington	Mason District Court
Punitive Damages	Casey Circuit Court
Zoning Bond Law	Daviess Circuit Court
Dependency	Graves District Court
Child Support and Custody	Fayette District Court
Workers Comp	Supreme Court

August Totals

Zoning Bond Law 3	Fayette Circuit (1), Court of Appeals (from Jefferson) (1), Daviess (1)
Punitive Damages 5	Casey Circuit (1), Montgomery, (1) Leslie (1), Scott (1), Jefferson (1)
Dependency 7	Graves District (5), Hart (2)
Workers Comp 1	Supreme Court (1)
Child Support and Custody 1	Fayette District (1)
Wethington 1	Mason District (1)
Construction contract 1	Barren Circuit (1)
Educational Challenge 1	Lee Circuit Court (1)
Wrongful Death 1	Jefferson Circuit (1)
Alcohol License Fee 1	Ballard Circuit Court (1)

Total Cases With Claims Raised 22

Constitutional Claims in FCC 0

Total January – August 2020

Total Cases With Claims Raised 261

Constitutional Claims in FCC 2

Percentage of Cases In FCC relative to other venue .76%

Percentage of Cases In Other Venues relative to FCC 99.33%