

454.466 Stay.

- (1) Except as otherwise provided in subsections (4) to (7) of this section, on the filing of a motion under KRS 454.464:
 - (a) All other proceedings between the moving party and responding party, including discovery and any pending hearing or motion, shall be stayed; and
 - (b) On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion.
- (2) A stay under subsection (1) of this section shall remain in effect until entry of an order ruling on the motion under KRS 454.464 and expiration of the time under KRS 454.476 for the moving party to appeal the order.
- (3) Except as otherwise provided in subsections (5), (6), and (7) of this section, if a party appeals from an order ruling on a motion under KRS 454.464, all proceedings between all parties in the action shall be stayed. The stay shall remain in effect until the conclusion of the appeal.
- (4) During a stay under subsection (1) of this section, the court shall allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under KRS 454.472(1) and the information is not reasonably available unless discovery is allowed, including but not limited to situations where a witness may be unavailable or records may have been destroyed.
- (5) A motion under KRS 454.478 for costs, attorney's fees, and expenses shall not be subject to a stay under this section.
- (6) A stay under this section shall not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or a motion to sever a cause of action.
- (7) During a stay under this section, the court for good cause may hear and rule on:
 - (a) A motion unrelated to the motion under KRS 454.464; and
 - (b) A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 233, sec. 4, effective July 14, 2022.