

SUPREME COURT OF KENTUCKY

Lindsey Childers, as Administratrix of the Estate of Cameron Pearson; Lindsey Childers, as Next Friend and Guardian of A.P., C.P., and E.P., Minors; and Amanda Waits v. William S. Albright; BASU Properties, LLC; and Hardshell Tactical, LLC

2019-SC-0226-DG (Ky. Dec. 16, 2021) · No. 2019-SC-0226-DG · Decided December 14, 2021

SUMMARY

The Kentucky Supreme Court held that the Court of Appeals lacked jurisdiction to review an interlocutory order denying immunity under Kentucky's Stand Your Ground statute, KRS 503.085, in a civil action. The court concluded that the order did not satisfy the collateral order doctrine because it did not involve a substantial public interest that would be imperiled absent immediate review. The court vacated the Court of Appeals' opinion and remanded the case to the Jefferson Circuit Court.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Special Justice Julie A. Tennyson; Chief Justice Minton; Justice Conley; Justice Hughes; Justice Keller; Justice Vanmeter; Special Justice Cheryl U. Lewis
JURISDICTION	Kentucky
DECIDED	December 14, 2021
DOCKET	2019-SC-0226-DG
DISPOSITION	vacated
PROCEDURAL POSTURE	Discretionary review of the Kentucky Court of Appeals' reversal of a Jefferson Circuit Court order denying CR 12.03 motions for judgment on the pleadings in a civil action involving claims of immunity under KRS 503.085.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and application of the collateral order doctrine.
PRECEDENTIAL VALUE	Published; opinion designated TO BE PUBLISHED.
PARTIES	Lindsey Childers, as Administratrix of the Estate of Cameron Pearson, Lindsey Childers, as Next Friend and Guardian of A.P., C.P., and E.P.,

TOPICS

appellate jurisdiction

interlocutory appeal

civil procedure

appellate procedure

wrongful death

PRACTICE AREAS

Appellate procedure

Civil procedure

Torts

QUESTIONS PRESENTED

1. Whether the Kentucky Court of Appeals had jurisdiction to review an interlocutory order denying CR 12.03 motions asserting immunity under KRS 503.085 in a civil action.
2. Whether the order denying the asserted immunity satisfied the three elements of Kentucky's collateral order doctrine.

HOLDINGS

1. The Court of Appeals lacked jurisdiction because the interlocutory order denying KRS 503.085 immunity to private defendants in a civil action did not satisfy all elements of the collateral order doctrine.

KEY QUOTATIONS

“We hold that it did not because an order denying KRS 503.085 immunity in a civil case does not satisfy the required elements for interlocutory review under the collateral order doctrine.” (1)

“In fact, in instances when no governmental entity or official is a party to the case and there is no concern with ‘preserving the efficiency of government,’ it is unlikely that a denial of a party's claim of immunity will meet this final element.” (8)

“Because the interlocutory orders at issue do not meet all elements of the collateral order doctrine, the Court of Appeals and this Court lack jurisdiction to hear Albright and Hardshell’s interlocutory appeal on the merits.” (9)

FACTUAL BACKGROUND

While working at a Louisville gun shop, William Albright investigated a gunshot in the shopping-center parking lot and encountered Kyle Pearson holding a handgun. Kyle and his unarmed brother Cameron struggled over the gun while Albright ordered Kyle to drop it; several shots were discharged, and Albright fired several shots at the brothers, killing Cameron and injuring Kyle. Cameron's estate, his minor children, and Amanda Waits brought civil negligence and wrongful-death claims against Albright, Hardshell Tactical, and BASU Properties.

PROCEDURAL HISTORY

After William S. Albright received KRS 503.085 immunity in a related criminal case, Albright and Hardshell Tactical moved for judgment on the pleadings in the Pearson family's civil action, asserting collateral estoppel and statutory immunity. The Jefferson Circuit Court denied the motions. The Court of Appeals accepted an interlocutory appeal and reversed on the merits without addressing jurisdiction. The Supreme Court of Kentucky granted discretionary review, held that the Court of Appeals lacked jurisdiction, vacated its opinion, and remanded to the circuit court.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the Kentucky Court of Appeals' opinion for lack of jurisdiction and remand the matter to the Jefferson Circuit Court for further proceedings.

CASES CITED

- Wilson v. Russell, 162 S.W.3d 911, 913 (Ky. 2005)
- Hubbard v. Hubbard, 303 Ky. 411, 412, 197 S.W.2d 923, 923 (1946)
- Breathitt Cnty. Bd. of Educ. v. Prater, 292 S.W.3d 883, 886-87 (Ky. 2009)
- Commonwealth v. Farmer, 423 S.W.3d 690, 693, 696-97 (Ky. 2014)
- Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-47 (1949)
- Mitchell v. Forsyth, 472 U.S. 511 (1985)
- Nixon v. Fitzgerald, 457 U.S. 731, 742 (1982)
- Will v. Hallock, 546 U.S. 345, 352-53 (2006)
- Maggard v. Kinney, 576 S.W.3d 559, 566 (Ky. 2019)
- Hampton v. Intech Contracting, LLC, 581 S.W.3d 27 (Ky. 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 672 (2009)