

Tab 8 Appendix A – Legal Complaint for Injunction and Order for Quarantine and Isolation

June 2022

Verified Complaint for Injunction and Order for Quarantine and Isolation

COMMONWEALTH OF KENTUCKY
<NAME> CIRCUIT COURT
CIVIL ACTION NO. _____

COMMONWEALTH OF KENTUCKY, *ex rel.*,
CABINET FOR HEALTH SERVICES
275 East Main Street, 5W-B
Frankfort, Ky 40621- 0001

PLAINTIFF

v.

VERIFIED COMPLAINT FOR INJUNCTION & ORDER FOR QUARANTINE and ISOLATION

<JOHN DOE>, an individual, and
<JANE DOE> , an individual,
<OR insert descriptive language if no name is known>
<Those persons present or occupying a structure at 1234 West Main
Anyville, KY 40#####>

DEFENDANTS

* * * * *

The Plaintiff, the Commonwealth of Kentucky, *ex rel.*, Cabinet for Health Services, and its affiliated Local Health Department, hereinafter also referred to as “CHS” or “Health Department”, for its Complaint against the Defendants, _____, individuals, hereinafter also referred to individually or collectively as “Quarantined” or “Patient(s)”, states as follows:

1. This is an action to quarantine and or isolate certain individuals, brought pursuant to the authority of KRS Chapter 211, KRS Chapter 214, KRS Chapter 216, KRS Chapter 216B and CR 65.01;

2. Pursuant to KRS 452.480, the venue of this action is proper in the _____ Circuit Court, the county in which this cause of action arose and the county in which the Defendants reside or may be summoned;

3. At all times relevant hereto, the Plaintiff, Commonwealth of Kentucky, Cabinet for Health Services (“CHS”), was and is the Executive Agency of the Commonwealth of Kentucky vested with the duty of licensing and regulating health care in the Commonwealth of Kentucky in accordance with KRS Chapter 211, KRS Chapter 214, KRS Chapter 216, KRS Chapter 216B;

4. At all times relevant hereto, the Defendants, reside, occupy and inhabit or were otherwise found at < 1234 West Main Street, Anyville, Wilson County > , Kentucky 4#### ;

5. KRS 214.020 provides in relevant part that the Cabinet, when it “believes that there is a probability that any infectious or contagious disease will invade this state, it shall take such action and adopt and enforce such rules and regulations as it deems efficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this state” (*emphasis added*);

6. KRS 214.020 further provides the power to **isolate and quarantine** to stop the spread of disease and in the pertinent part states, “to accomplish these objects shall establish and strictly maintain a quarantine and isolation at such places it deems proper.” (*emphasis added*);

7. On _____, 20XX, investigators from the Cabinet’s Department of Public Health, by and through the local health department of _____ County, conducted an on-site inspection of

the <describe the facility, vehicle or premises> in response to a threat that an infectious or contagious disease may have invaded this state.

8. This investigation resulted in the following determinations in regard to the aforementioned threat to the Commonwealth:

A. The Patient(s) is / are (a) “probable” _____ (*fill in name infectious disease*) case, which is defined by the Centers for Disease Control and Prevention (CDC) as having traveled to or from a designated area with community transmission or through an airport in an area with community transmission of SARS in the last 10 days or close contact within 10 days of symptoms with a person known to be a suspected SARS case, reporting a temperature 100.5 degrees Fahrenheit or greater, coughing or difficulty breathing and X-ray evidence of pneumonia or respiratory distress syndrome.

B. The Patient is experiencing dry cough, a fever of 100.5 degrees Fahrenheit or higher and has within 10 days of the onset of the symptoms presented traveled or had close contact with people with symptoms that have traveled to countries considered to have community transmission -- Peoples' Republic of China, including mainland China and Hong Kong Special Administrative Region; Singapore; Hanoi (Vietnam); Taiwan; and Toronto, Canada.

C. Dr. *Commissioner*, M.D., Director of the Local Health Department, in consultation with the Department of Public Health, CHS, has examined the Patient(s) using the criteria provided by the Centers for Disease Control and to the best of his professional opinion has made the determination that the SARS virus is the most probable diagnosis beyond any reasonable doubt.

D. In his opinion the most prudent and appropriate response in the best interest of protecting the public from a probable threat of this communicable disease is quarantine and isolation.

E. Further support of the medical necessity for quarantine and isolation is provided for the Court in the attachments appended hereto and incorporated herein as if set out in their entirety.

9. Based upon this investigation, CHS is required by KRS 214.020 to take such action as CHS deems efficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this state;

10. A failure to isolate and quarantine results in immediate and irreparable harm to the Cabinet's ability to carry out its statutory and regulatory duties to protect the health, safety, rights and security of the public;

11. The Cabinet has no administrative or other adequate remedy at law to eliminate the harm alleged in this Verified Complaint or to otherwise protect the health, safety, rights and security of the individuals who may reside, occupy and inhabit or were otherwise found at this location;

12. In consideration of the circumstances as set forth above and as contained in the exhibits attached to this Verified Complaint, the Cabinet is entitled to injunctive relief against Defendants and anyone acting in concert or participation with them;

13. No Circuit Judge has refused to grant the relief requested by the Cabinet in this Verified Complaint;

14. Pursuant to CR 81A, no injunction bond is required of the Commonwealth of Kentucky;

WHEREFORE, the Commonwealth of Kentucky, Cabinet for Health Services, demands the following relief:

1. That a temporary and permanent injunction be issued against the Defendants, and they and anyone in contact with them are hereby **QUARANTINED** and **ISOLATED**, enjoining them from movement or contact with other persons except at the direction of CHS or its authorized agents;

2. That the Defendants be ordered to grant full and immediate access to the residence, vehicles and all premises referenced herein by the Cabinet's representatives for the purpose of compliance with KRS 214.020 and the orders of the Court;
3. For any and all other relief to which the Cabinet may be entitled.

Respectfully Submitted,

COMMONWEALTH OF KENTUCKY

CABINET FOR HEALTH SERVICES

BY: _____

XXXXXXXXXX

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Order for Quarantine and Isolation

COMMONWEALTH OF KENTUCKY
<NAME> CIRCUIT COURT
CIVIL ACTION NO. _____

COMMONWEALTH OF KENTUCKY, *ex rel.*,
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DEFENDANTS

* * * * *

Comes the Court upon the Verified Complaint duly filed herein for Injunctive Relief, pursuant to CR 65.01 & KRS 214.020, and after considering the testimony, facts and emergent circumstances which would lead to irreparable harm to the public, and being otherwise advised, hereby ORDERS as follows:

1. Defendants as above, and those in contact with them as to present the likelihood to the harm to be avoided, are hereby **ORDERED QUARANTINED and ISOLATED**;

2. Defendants as above and anyone in contact with them, are hereby enjoined from movement or contact with other persons except at the direction of and to places determined by CHS or its authorized agents;

3. This ORDER of QUARANTINE and ISOLATION shall remain in effect no less than thirty (30) days from the date of this ORDER, or such other time as ordered by this Court.

This is a FINAL ORDER, so ORDERED this the ____ , day of _____, 20XX.

JUDGE XXXXXX
<County> Circuit Court

Distribution:

Commonwealth of Kentucky, Department of Public Health
<County> Local Health Department
<Attorney> CHS Office of General Counsel
File

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