RENDERED: NOVEMBER 6, 2026; 10:00 A.M.
NOT TO BE PUBLISHED

Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0088-MR

PORTY BLEVINS — APPELLANT

v.

APPEAL FROM FLOYD CIRCUIT COURT
HONORABLE JOHNNY RAY HARRIS, JUDGE
ACTION NO. 24-CI-00566

FLOYD COUNTY BOARD OF EDUCATION; FLOYD COUNTY SCHOOLS; PRESTONSBURG HIGH SCHOOL; TANYA WILLIAMS; STEVE SLONE; KEITH SMALLWOOD; WILLIAM NEWSOME; DR. CHANDRA VARIA; AND LINDA GEARHEART — APPELLEES

OPINION
AFFIRMING

** ** ** ** **

BEFORE: THOMPSON, CHIEF JUDGE; EASTON AND ECKERLE, JUDGES.

THOMPSON, CHIEF JUDGE: Porty Blevins appeals from an order denying his Kentucky Rules of Civil Procedure (CR) 59.05 motion seeking to alter, amend, or vacate an order dismissing his amended complaint. There is no appeal from the

denial of a CR 59.05 motion; therefore, we will treat this as an appeal from the order dismissing his amended complaint. *Ford v. Ford*, 578 S.W.3d 356, 366 (Ky. App. 2019). Appellant argues that his complaint should not have been dismissed and he should have been permitted to conduct some discovery. We disagree and affirm.

FACTS AND PROCEDURAL HISTORY

Appellant was injured when he fell at Prestonsburg High School. Appellant filed a complaint against the Floyd County Board of Education, Floyd County Schools, and Prestonsburg High School. Appellant later filed an amended complaint and included as defendants Superintendent Tanya Williams, and Board members Steve Slone, Keith Smallwood, William Newsome, Dr. Chandra Varia, and Linda Gearhart. All defendants were eventually granted immunity and the case was dismissed. This appeal followed.

ANALYSIS

Appellant does not argue that the grant of immunity for Appellees was erroneous, and he seems to accept that none of the named appellees can be held liable for his injuries; however, he asks this Court to reverse the dismissal of his case and remand in order for him to conduct limited discovery. Appellant believes that through limited discovery he can identify employees of Prestonsburg High School who can be held liable for his injuries.

Appellant provides no case law, statutory law, or civil rule which would entitle him to conduct limited discovery. "[I]mmunity is meant to shield its possessor not simply from liability but from the costs and burdens of litigation as well." *Breathitt Cnty. Bd. of Educ. v. Prater*, 292 S.W.3d 883, 888 (Ky. 2009). This includes discovery. *Presbyterian Church (U.S.A.) v. Edwards*, 566 S.W.3d 175, 179 (Ky. 2018).

CONCLUSION

Based on the foregoing, we affirm. Appellant cannot conduct discovery against Appellees because they have immunity and Appellant did not challenge that immunity.

ALL CONCUR.

BRIEFS FOR APPELLANT:

Glenn Hammond
Pikeville, Kentucky

BRIEF FOR APPELLEES:

Jonathan C. Shaw
Grant R. Chenoweth
Paintsville, Kentucky