Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0950-I

UNIVERSITY OF KENTUCKY; CHRISTOPHER PHILLIP DESIMONE; DARREN LEE JOHNSON; AND RYAN CARTER CASSIDY — MOVANTS

v.

ON MOTION FOR INTERLOCUTORY RELIEF
ARISING FROM FAYETTE CIRCUIT COURT
CASE NO. 26-CI-00116

SRINATH KAMINENI, M.D. — RESPONDENT

ORDER
GRANTING MOTION FOR
INTERLOCUTORY RELIEF

* * * * * *

BEFORE: CETRULO, A. JONES, AND KAREM, JUDGES.

This matter comes before the Court on Movants' motion for interlocutory relief pursuant to Kentucky Rule of Appellate Procedure (RAP) 20(B), and Respondent's motion for "summary denial and dismissal."

Regarding the RAP 20(B) motion, Movants specifically request that this Court vacate the portion of the July 13, 2026, Injunction Order that "[o]rdered

that the University of Kentucky ("University") is prohibited from reporting the results and/or determinations of the peer review proceeding to the National Practitioner Data Bank [(NPDB)]." Having considered the motion for interlocutory relief, and otherwise being sufficiently advised, the motion shall be, and hereby is, GRANTED.

BACKGROUND

Respondent Srinath Kamineni, M.D., was employed as a surgeon at the University. Kamineni filed a complaint with the Fayette Circuit Court alleging that Movants had taken actions against him that constituted an unlawful employment practice in violation of Kentucky Revised Statutes (KRS) Chapter 344, on the basis of Kamineni's national origin. Kamineni also sought a judgment declaring that Movants' actions constituted "retaliation, a breach of contract, a breach of implied covenant of good faith and fair dealing, an intentional infliction of emotional distress, and fraud, deceit, and misrepresentation perpetrated upon [Kamineni]." On January 15, 2026, Kamineni filed an "Emergency *Ex Parte* Motion for a Temporary Restraining Order and Injunctive Relief."[1] Kamineni sought to prevent the University from continuing with its internal Fair Hearing Process. The Fayette Circuit Court conducted a hearing on March 27, 2026. On

[1] While the motion is entitled as seeking a restraining order, the motion actually seeks a temporary injunction.

July 13, 2026, the circuit court entered the Injunction Order, which Movants state: "(1) allows [the University] to go forward with the peer review proceedings, but also (2) orders that [the University] is 'prohibited from reporting the results and/or determinations of the peer review proceeding to the [NPDB].'"

As noted, on July 31, 2026, Movants filed a motion seeking interlocutory relief under RAP 20(B) before this Court challenging the second prong of the Injunction Order, which barred reporting the findings of the peer review proceedings.[2] Kamineni filed a response on October 23, 2026.

ANALYSIS

A party may move for interlocutory relief under RAP 20(B) after a circuit court "by interlocutory order has granted, denied, modified, or dissolved a temporary injunction[.]" RAP 20(B). "In requesting interlocutory relief pursuant to CR[3] 65.07,[4] a party is arguing that, by granting or denying an injunction under CR 65.04, the trial court's decision is not based on substantial evidence and is clearly erroneous." *Kindred Hosps. Ltd. P'ship v. Lutrell*, 190 S.W.3d 916, 919 (Ky. 2006).

[2] On August 8, 2026, by this Court's own motion, this matter was held in abeyance as a related case, Case No. 2026-CA-0312-I, was pending before the Supreme Court, Case No. 2026-SC-0170-I. This matter was returned to the active docket by an order entered on October 13, 2026, following finality of the Supreme Court proceeding.

[3] Kentucky Rules of Civil Procedure.

[4] RAP 20(B) replaced and is substantially similar to former CR 65.07.

Ultimately, "an appellate court may not disturb a trial court's decision on a temporary injunction unless the trial court's decision is a clear abuse of discretion." *Com. ex rel. Conway v. Thompson*, 300 S.W.3d 152, 162 (Ky. 2009) (citation omitted), *as corrected* (Jan. 4, 2010). "The test for abuse of discretion is whether the trial judge's decision was arbitrary, unreasonable, unfair, or unsupported by sound legal principles." *Commonwealth v. English*, 993 S.W.2d 941, 945 (Ky. 1999).

The standard for granting a temporary injunction in Kentucky is well settled. The trial court reviews applications for temporary injunctive relief under CR 65.04 on three levels:

> First, the trial court should determine whether plaintiff has complied with CR 65.04 by showing irreparable injury. This is a mandatory prerequisite to the issuance of any injunction. Secondly, the trial court should weigh the various equities involved. Although not an exclusive list, the court should consider such things as possible detriment to the public interest, harm to the defendant, and whether the injunction will merely preserve the status quo. Finally, the complaint should be evaluated to see whether a substantial question has been presented. If the party requesting relief has shown a probability of irreparable injury, presented a substantial question as to the merits, and the equities are in favor of issuance, the temporary injunction should be awarded. However, the actual overall merits of the case are not to be addressed in CR 65.04 motions.

Maupin v. Stansbury, 575 S.W.2d 695, 699 (Ky. App. 1978).

A finding of the likelihood of irreparable injury is a mandatory

prerequisite to the issuance of any injunction. *Id*. The circuit court's order did not provide any findings of fact or conclusions of law. The only clue as to what irreparable harm Kamineni would have faced without a temporary injunction is that the circuit court enjoined the University from reporting any findings to the relevant national databases. Attached to Movants' motion is Kamineni's January 14, 2026, "Corrected and Restated Verified Complaint for Injunctive Relief." In this filing Kamineni argues that he will be irreparably harmed, as related to the reporting of findings, by:

> b) permanent damage to Plaintiff's professional reputation and standing within the national and international medical community;
> c) mandatory reporting consequences affecting licensure, credentialing, and future employment opportunities; and
> d) loss of goodwill, professional credibility, and patient trust that cannot be compensated by monetary damages.

These stated harms involve potential damage to Kamineni's reputation. "[I]t is well established that economic and reputational injuries are generally not irreparable." *Norsworthy v. Kentucky Bd. of Med. Licensure*, 330 S.W.3d 58, 62 (Ky. 2009). Therefore, as damage to one's reputation can be compensated with monetary damages, a finding of irreparable harm based on damage to Kamineni's reputation would be an abuse of discretion.

Furthermore, the circuit court erred when it enjoined the University from complying with federal mandates to report its findings of the internal review

processes.

In a related matter, Case No. 2026-CA-0312-I, Kamineni moved for relief under RAP 20(B) before this Court, which was denied on April 14, 2026. Kamineni appealed to the Supreme Court, which denied review finding that Kamineni failed to show extraordinary cause. *Kamineni v. Univ. of Kentucky*, No. 2026-SC-0170-I, - S.W.3d -, 2026 WL 2516060 (Ky. Aug. 20, 2026) (to be published). The Supreme Court concluded that:

> Dr. Kamineni cannot demonstrate extraordinary cause because his quest to enjoin the Fair Hearing process came *after he requested* UK give him a Fair Hearing. Moreover, this Fair Hearing process is required to be available by federal law. 42 U.S.C. § 11112(b)(1)(B)(i). The Fair Hearing is a statutorily guaranteed procedural right for the physician's benefit according to federal law. We cannot conceive how UK proceeding to a Fair Hearing according to federal law and upon Dr. Kamineni's own request can constitute an "extraordinary cause" worthy of our review of the Court of Appeals' denial of a motion for interlocutory relief.

(emphasis in original). The Health Care Quality Improvement Act (HCQIA) requires health care entities that conduct a professional review following a physician's request, to report certain findings to the Board of Medical Examiners. 42 U.S.C. § 11133(a)(1). Enjoining the reporting of findings would force the University to violate federal law. It is arbitrary, unreasonable, and unsupported by sound legal principles for a trial court to order that a party violate federal law.

CONCLUSION

WHEREFORE, for the reasons stated herein, the Movants' motion for interlocutory relief under RAP 20(B) shall be, and hereby is, GRANTED. The portion of the circuit court's July 13, 2026, Injunction Order prohibiting the University of Kentucky from reporting the results and/or determinations of the peer review proceeding to the National Practitioner Data Bank is VACATED.

The Clerk of Court SHALL email a copy of this Order to counsel of record forthwith in addition to conventional service.

This Order shall not be reconsidered. RAP 20(E).

IT IS FURTHER ORDERED that Kamineni's motion for summary denial and dismissal is hereby DENIED.

ENTERED: November 2, 2026



HON. ALLISON E. JONES
JUDGE, COURT OF APPEALS