Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0968-OA

PAMELA D. BLAIR — PETITIONER

v. AN ORIGINAL ACTION
ARISING FROM JEFFERSON CIRCUIT COURT
ACTION NO. 20-CI-004093

JULIE MARIE KAELIN — RESPONDENT[1]

AND

GARY SHEARER; GDS BUILDER AND REMODELER LLC; LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT; RANDALL CAMPBELL; RONALD J. BIDDLE; SHAM KAKAR; AND SUNRISE CUSTOM HOMES, LLC — REAL PARTIES IN INTEREST

ORDER DENYING
MOTION TO STRIKE PETITION AND DISMISS APPEAL
AND DENYING PETITION FOR WRIT OF MANDAMUS/PROHIBITION

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[1] The Respondent Judge elected not to file a response. "The party against whom relief is sought and any real party in interest *may* . . . file a response[.]" Kentucky Rules of Appellate Procedure ("RAP") 60(D) (emphasis added).

BEFORE: CETRULO, EASTON, AND L. JONES, JUDGES.

Petitioner Pamela D. Blair ("Blair") filed this original action seeking an extraordinary writ against the Respondent, Hon. Julie Marie Kaelin. Some of the above-captioned Real Parties in Interest have, in turn, moved this Court to strike Blair's petition and dismiss this proceeding. For the reasons stated herein, the motion and petition are both DENIED.

I. MOTION TO STRIKE AND DISMISS

Real parties in interest Louisville Metro Board of Zoning Adjustment ("BOZA"), Gary Schearer ("Shearer"), GDS Builder and Remodeler LLC ("GDS"), Ronald J. Biddle ("Biddle"), and Randall Campbell ("Campbell") have moved to strike Blair's petition and dismiss this action pursuant to Kentucky Rules of Appellate Procedure ("RAP") 5(B)(3) and 11(A)(2), which respectively provide in relevant part that "All documents filed pursuant to these rules shall be signed by a party or its counsel as set forth in RAP 11," and that, "If a filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the filer." These parties insist dismissal is also warranted because Blair filed briefs in other litigation that is not presently before us that did not comply with our civil rules.

Contrary to the representations of these parties, Blair's petition conforms with RAP 5(B)(3) and 11(A)(2). Blair signed her petition *three times*.

See Petition at pp. 13 and 15. It may be that these parties received unsigned copies of the petition, which might explain the basis of the motion, but the petition filed with the Court was signed. And Blair's purported violations of rules in *other* matters cannot independently justify us sanctioning her in *this* matter. Accordingly, we DENY the motion to dismiss and for sanctions.

II. WRIT OF PROHIBITION/MANDAMUS

A. BACKGROUND

In her petition before this Court, Blair describes the relief she is requesting as follows:

> 1. Issue a writ of mandamus directing the Jefferson Circuit Court to vacate its July 16 and 19, 2024 dismissal orders and related post-remand dismissal orders.
>
> 2. Direct the Jefferson Circuit Court to conform to this Court's December 15, 2023 Opinion and its own March 27, 2024 remand order by exercising jurisdiction over the remanded case and conducting meaningful judicial review of BOZA's May 6, 2024 post-remand action on the existing record under KRS 100.243.
>
> 3. Alternatively, issue a writ of prohibition barring enforcement of the dismissal and sanctions orders to the extent they preclude review or threaten sanctions for efforts to preserve review.

Petition at 4.

Understanding Blair's requests requires a great deal of context. Blair is the owner of real property located at 4117 Sanctuary Bluff Lane in Louisville,

Kentucky. In 2019, the then-owner of 4119 Sanctuary Bluff Lane, real party in interest Sunrise Custom Homes, LLC ("Sunrise"), applied to BOZA for a variance because the home it had built at that location extended 13.89 feet into the 30-foot front-yard setback, in violation of local zoning ordinances. BOZA denied Sunrise's application at its June 3, 2019, public meeting. Sunrise sold the out-of-compliance property to Biddle in July 2020. Biddle's contractor, GDS, then removed a significant portion of the front of the house from the front yard setback area and returned to BOZA in July 2020 to request a variance from the 30-foot setback requirement because the house still encroached 2.58 feet into the setback and there was a retaining wall that extended 15 feet into the setback. BOZA granted the application.

Blair subsequently filed an original action in Jefferson Circuit Court to appeal BOZA's decision. The circuit court upheld BOZA's decision. Blair then appealed to this Court. We vacated the circuit court's decision and directed the circuit court to remand the matter back to BOZA for reconsideration and additional factfinding. *See Blair v. Louisville Metro Board of Zoning Adjustment*, No. 2023-CA-0217-MR, 2023 WL 8656414 (Ky. App. Dec. 15, 2023) (unpublished) (one judge in dissent did not think remand was needed at all and would have affirmed the decision). On March 27, 2024, the circuit court entered an order remanding the

matter back to BOZA in conformity with our mandate. On May 6, 2024, BOZA entered an order that, once again, approved the variance application.

On June 5, 2024, Blair then filed in the circuit court a "Motion to Set Aside Board of Zoning Adjustment Findings Dated May 6, 2024 and Appeal Pursuant to KRS 100.347(1)." BOZA and Biddle separately moved the circuit court, pursuant to Kentucky Rule of Civil Procedure (CR) 12.02, to dismiss what Blair had filed. They argued the circuit court had divested itself of particular case jurisdiction when it had remanded this matter back to BOZA; that if Blair had been dissatisfied with BOZA's May 6, 2024 order and had wanted the circuit court to review it, then Blair had been required to reinvoke the circuit court's particular case jurisdiction consistently with KRS 100.347 by filing an original action with the circuit court; and that Blair's June 5, 2024 motion had not, in their view, complied with KRS 100.347 and reinvoked the circuit court's particular case jurisdiction.[2]

[2] Blair argues in her petition that the circuit court's July 2024 orders are "internally inconsistent" because "if the circuit court truly lacked subject-matter jurisdiction, dismissal with prejudice was improper." Petition at 10. To be sure, Blair is correct that defects in subject matter jurisdiction warrant dismissal without prejudice. *See Doe v. Golden & Walters, PLLC*, 173 S.W.3d 260 (Ky. App. 2005). But the circuit court's dismissal of her claims – which was based upon what it deemed was her failure to strictly comply with the statutory prerequisites for invoking its authority to review BOZA's administrative action, was based upon particular case jurisdiction. *See Louisville Hist. League, Inc. v. Louisville/Jefferson Cnty. Metro Gov't.*, 709 S.W.3d 213, 226-27 (Ky. 2025) (explaining failure to strictly comply with statutory prerequisites for judicial review of administrative action implicates particular case jurisdiction, not subject matter jurisdiction). Moreover, a court that lacks particular case jurisdiction in the context of this case properly dismisses it with prejudice. *See, e.g., Kenton County Board of Adjustment v. Meitzen*,

The circuit court respectively granted BOZA's and Biddle's motions on July 16, 2024, and July 19, 2024, reciting in each of its orders that Blair's "Motion to Set Aside Board of Zoning Adjustment Findings dated May 6, 2024 is hereby DENIED," and that Blair's "Appeal against Louisville/Jefferson County Metro Government is hereby DISMISSED with prejudice." On July 22, 2024, for reasons not apparent from the record, the circuit court then entered, in a separate proceeding involving many of the same parties (*i.e.*, 19-CI-5241[3]), the same order it had entered on July 19, 2024. Blair later moved the circuit court to alter, amend, or vacate each of those orders. The circuit court denied her motion on August 1, 2024.

Blair then sought review of those orders in *Blair v. Louisville Metro Board of Zoning Adjustment, et. al.*, Appeal No. 2024-CA-0992. Biddle moved to dismiss her appeal as interlocutory. In support, Biddle noted the circuit court had not recited in its July 16, 2024 order, its July 19, 2024 order, its July 22, 2024 order, or its August 1, 2024 order that those orders were "final and appealable,"

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607 S.W.3d 586 (Ky. 2020) (holding the circuit court properly dismissed, with prejudice, an original action administrative appeal that did not strictly comply with KRS 100.347).

[3] Jefferson Circuit Court Action No. 19-CI-5241 did not involve BOZA or the claims at issue in 20-CI-00403, nor were those proceedings consolidated. Action No. 19-CI-5241 involved many of the same parties and arose from the same nexus of facts. It was recently the subject of *Blair v. Sanctuary Bluff Homeowners Association, Inc.*, 2026 WL 784501, NOS. 2024-CA-0650-MR, 2024-CA-0933-MR, 2024-CA-1065-MR, 2024-CA-1119-MR, 2025-CA-0003-MR, 2025-CA-0627-MR (Ky. App. March 20, 2026) (unpublished).

and that there was "no just cause for delay" pursuant to CR 54.02(1). Biddle noted that orders which omit those CR 54.02(1) recitals cannot be deemed final and subject to our appellate jurisdiction if they otherwise do not adjudicate all the claims or the rights and liabilities of all the parties.[4] And, Biddle claimed, the circuit court's July 16, 2024 order, its July 22, 2024 order, and its August 1, 2024 order were therefore interlocutory and nonappealable because one claim remained pending and unresolved before the circuit court, namely, his request for attorney's fees. *See* Biddle's April 23, 2025 Motion to Dismiss Appeal, p.6, filed in 2024-CA-0992-MR.

On July 22, 2025, this Court entered an order dismissing Blair's appeal without reviewing its merits. Consistently with what Biddle had argued in his motion, we held in that order that the circuit court's July 16, 2024 order, the July 19, 2024 order, the July 22, 2024 order, and the August 1, 2024 order were interlocutory and nonappealable, and that they would remain so until either all of the underlying litigation was resolved or until those orders were revised to incorporate the CR 54.02(1) recitations. Concluding, we stated: "Nothing herein shall preclude the filing of a timely notice of appeal following the circuit court's

[4] *See Vorherr v. Coldiron*, 525 S.W.3d 532, 540 (Ky. App. 2017) (explaining, "[U]nder CR 54.02, an interlocutory order may only be made final and appealable if the order includes both recitations -- (1) that there is no just cause for delay, and (2) the decision is final. Strict compliance with the rule is required. A trial court's failure to conclude both recitations in a judgment renders it interlocutory and nonappealable." (Citations omitted)).

issuance of a final and appealable order." *See* July 22, 2025 Order Dismissing Appeal, p.3, entered in 2024-CA-0992-MR.

To date, the circuit court has not resolved what Biddle asserted was his pending claim for attorney's fees. Furthermore, the circuit court has not, pursuant to CR 54.02(1), finalized the orders Blair attempted to appeal in 2024-CA-0992-MR. So far as we can determine from the appendices of the parties' filings in this matter and a review of the circuit court's docket through CourtNet,[5] only the following events have occurred since our dismissal of Blair's appeal. First, Blair moved the circuit court, pursuant to CR 60.02, to set aside its July 16, 19, and 22, 2024 orders. Her motion is not included in the appendices of her petition or the real parties in interest's response, nor does CourtNet provide access to it. But it appears Blair sought reconsideration of those orders and also sought to raise additional arguments in support of why, in her view, the circuit court was required to review the merits of her action.[6] On December 1, 2025, the circuit court entered an order denying her motion as untimely, explaining in relevant part:

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[5] We take judicial notice of these additional filings and proceedings that appear on the circuit court's docket. *See Polley v. Allen*, 132 S.W.3d 223, 226 (Ky. App. 2004) ("A court may properly take judicial notice of public records and government documents, including public records and government documents available from reliable sources on the internet.").

[6] On page 2 of a three-page "Objection" Biddle filed to Blair's motion on November 25, 2025, he described Blair's motion as follows:

> [Blair] alleges issues that could have been raised through a motion to alter, amend or vacate under CR 59.05. Her attempt to relitigate 16 months post-

> On its face, Plaintiff's motion must be denied as it comes more than a year after the orders were entered. Further, nothing in Plaintiff's motion arises to the level of extraordinary grounds nor does she raise any issues that she could not have raised in other proceedings or could not have raised much, much sooner.

December 1, 2025 Order at p.2.

Next, Blair moved the circuit court to alter, amend, or vacate its December 1, 2025 order. Her motion is not included in the appendices of her petition or the real parties in interest's response, nor does CourtNet provide access to it. However, it appears Blair sought to have the circuit court either reconsider the substance of her earlier CR 60.02 motion, or to have the circuit court add the CR 54.02(1) appealability language to its December 1, 2025 order – an order which, to review, denied Blair's request to vacate the circuit court's *interlocutory*

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judgment is improper. She does not allege newly discovered evidence which despite due diligence was not discovered; mistake, surprise, or excusable neglect; perjury; fraud; a void judgment; or any other extraordinary nature justifying relief in this action.

Plaintiff does attempt to insert one new argument before the trial court: that she has a Constitutional right to judicial review of this Court, which was "abrogated by procedural missteps" of this Court. Interestingly, Blair's motion comes just days after the HOA filed a motion to strike Blair's Appellate brief for failure to preserve her arguments at the trial court level. Blair, for the first time, raised issues on appeal related to her Constitutional rights that she failed to raise before this court. Now, 16 months after the orders were entered, she files an improper motion for this Court to vacate its orders alleging the Court "failed to comply with Plaintiff's constitutional claims." It is a blatant attempt to correct a glaring procedural error Blair made in her *pro se* representation.

orders of July 2024.[7] The circuit court entered an order on January 9, 2026, denying Blair's motion. In relevant part, its order explained:

> This matter comes before the Court on Ms. Blair's Motion to Revise Interlocutory Order. Ms. Blair had the opportunity to present her arguments against the points raised in the Biddles' Objection at Motion Hour on December 1, 2025. There is no requirement that Ms. Blair be allowed to state her arguments in writing, and doing so would not change the court's ruling.

Blair then, as she represents in her petition, asked the circuit court to reconsider that January 9, 2026 order as well. No motion to that effect is included in the appendices of her petition or the real parties in interest's response, nor does CourtNet provide access to any such motion, but the circuit court entered another order on February 2, 2026, which reiterated that Blair's motion to alter, amend, or vacate was "denied" for "reasons already stated in prior order," and added: "This motion is removed from the 2/9/26 motion hour. If refiled, sanctions will issue."

[7] On page 2 of a five-page "objection" Ronald and Regina Biddle filed to Blair's motion to alter, amend, or vacate on December 10, 2025, the Biddles described Blair's motion as follows:

> On December 1, 2025, this Court denied Plaintiff's motion as Plaintiff filed the motion more than one year after the orders were entered, which is improper under CR 60.02. Further, Plaintiff did not state any extraordinary grounds or issues that could not have been raised in other proceedings or much, much sooner.
>
> Now, Plaintiff moves the Court pursuant to CR 54.02 to "revise its interlocutory order denying Plaintiff's motion to set aside" or to "alter, amend or vacate" its order, denying her motion to alter, amend or vacate.

Almost six months later on August 6, 2026, Blair filed this original action.

B. ANALYSIS

With that context in mind, we restate the relief Blair is requesting from this Court:

> 1. Issue a writ of mandamus directing the Jefferson Circuit Court to vacate its July 16 and 19, 2024 dismissal orders and related post-remand dismissal orders.
>
> 2. Direct the Jefferson Circuit Court to conform to this Court's December 15, 2023 Opinion and its own March 27, 2024 remand order by exercising jurisdiction over the remanded case and conducting meaningful judicial review of BOZA's May 6, 2024 post-remand action on the existing record under KRS 100.243.
>
> 3. Alternatively, issue a writ of prohibition barring enforcement of the dismissal and sanctions orders to the extent they preclude review or threaten sanctions for efforts to preserve review.

Petition at 4.

To be clear, with respect to requests "1" and "2," Blair is *not* requesting an order from this Court to compel the circuit court to finalize its July and August 2024 orders – the orders she had attempted to appeal in 2024-CA-0992-MR – to enable her to appeal the issue and arguments that those orders resolved, *i.e.*, the circuit court's determination that it lacked particular case jurisdiction to judicially review BOZA's post-remand action. Nor does the limited

record before us indicate Blair has made such a request of the circuit court. Instead, Blair is seeking, through the device of an *extraordinary writ*, the relief that a successful *appeal* of those orders (if finalized) would have afforded her, *i.e.*, the vacatur of those orders and, with it, a directive for the circuit court to exercise particular case jurisdiction to review BOZA's May 6, 2024 decision to approve the variance application. In the words of Blair's petition:

> Merely directing the circuit court to insert CR 54.02 language would not adequately solve the problem. That would only force Petitioner into another appeal over whether the circuit court could deny jurisdiction, dismiss with prejudice, and still avoid the very post-remand review this Court's December 15, 2023 Opinion required. The more direct and efficient remedy is to require the circuit court to conform to the remand and conduct that review now.

Petition at 12.

As for request "3," it appears Blair is asking this Court to prohibit the circuit court from dismissing her litigation unless and until it addresses the various new arguments she has raised. It also appears she is asking this Court to prohibit the circuit court from sanctioning her if she continues asking it to reconsider its July 2024 orders.

With that said, a writ of prohibition or mandamus is an extraordinary remedy. The standard for issuing a writ[8] is well settled:

> A writ of prohibition *may* be granted upon a showing that (1) the lower court is proceeding or is about to proceed outside of its jurisdiction and there is no remedy through an application to an intermediate court; or (2) that the lower court is acting or is about to act erroneously, although within its jurisdiction, and there exists no adequate remedy by appeal or otherwise and great injustice and irreparable injury will result if the petition is not granted.

Hoskins v. Maricle, 150 S.W.3d 1, 10 (Ky. 2004) (emphasis original).

Regarding the first of those two classes of writ, the word "jurisdiction" refers to subject-matter jurisdiction; that is, the lower court's core authority to hear the case at all. *See Appalachian Racing, LLC v. Commonwealth*, 504 S.W.3d 1, 4 (Ky. 2016). Additionally, Kentucky case law recognizes a sub-category under the second class of writs in certain special cases:

> [I]n certain special cases this Court will entertain a petition for prohibition in the absence of a showing of specific great and irreparable injury to the petitioner, provided a substantial miscarriage of justice will result if the lower court is proceeding erroneously, *and* correction of the error is necessary and appropriate in the interest of orderly judicial administration. It may be observed that in such a situation the court is recognizing that if it fails

[8] Blair is asking for either a writ of mandamus or prohibition. Parenthetically, mandamus, as opposed to prohibition, "is a proper remedy to compel an inferior Court to adjudicate upon a subject within their jurisdiction, where they neglect or refuse to do so; but where they have adjudicated, the mandamus will not lie for the purpose of revising or correcting their decision." *See Mahoney v. McDonald-Burkman*, 320 S.W.3d 75, 79 (Ky. 2010). In any case, the standard for granting either type of extraordinary writ is the same. *See id*. at 77.

> to act the administration of justice generally will suffer the great and irreparable injury.

Bender v. Eaton, 343 S.W.2d 799, 801 (Ky. 1961) (emphasis original).

Under the certain special cases exception, a petitioner need not show great injustice and irreparable harm. *Caldwell v. Chauvin*, 464 S.W.3d 139, 145 (Ky. 2015). Rather, "the court is recognizing that if it fails to act the administration of justice generally will suffer the great and irreparable injury." *Bender*, 343 S.W.2d at 801. "But these 'certain special cases' are exactly that—they are rare exceptions and tend to be limited to situations where the action for which the writ is sought would violate the law, e.g. by breaching a tightly guarded privilege or by contradicting the requirements of a civil rule." *Grange Mut. Ins. Co. v. Trude*, 151 S.W.3d 803, 808 (Ky. 2004) (footnotes and citations omitted).

Finally, as used in the context of a petition for a writ, "'[n]o adequate remedy by appeal' means that any injury to [the petitioner] could not thereafter be rectified in subsequent proceedings in the case." *Newell Enterprises, Inc. v. Bowling,* 158 S.W.3d 750, 754 (Ky. 2005), *overruled on other grounds by Interactive Media Entm't and Gaming Ass'n, Inc. v. Wingate,* 320 S.W.3d 692 (Ky. 2010) (footnote, citation, and quotation marks omitted). "Lack of an adequate remedy by appeal is an absolute prerequisite to the issuance of this second class of writ." *Id.* (footnote and citation omitted). *See also Indep. Order of Foresters v. Chauvin*, 175 S.W.3d 610, 617 (Ky. 2005) ("[T]he [special cases] exception allows

a petitioner to avoid only the requirement of great and irreparable injury, not the requirement of lack of an adequate remedy by appeal.").

Blair does not indicate which class of writ she is asking this Court to issue. She does not argue the circuit court lacks the core authority to hear this kind of case, and there is no statute or rule applicable to this case that would limit the circuit court's subject matter jurisdiction to do so. Accordingly, Blair is not entitled to the first class of writ.

At best, Blair seems to be arguing for the second type of writ, *i.e.*, that the circuit court is acting or is about to act erroneously, although within its jurisdiction. We disagree that the circuit court is acting or is about to act erroneously. Taken objectively, Blair's contention is that the circuit court is acting erroneously by: (1) refusing to grant her CR 59.05 and 60.02 motions – motions in which she is essentially asking the circuit court to change its mind regarding its particular case jurisdiction to review BOZA's May 6, 2024 decision; and (2) threatening to sanction her if she continues asking it to change its mind.

To start, CR 59.05 and 60.02 are improper devices for even making such requests in this circumstance because both of those rules are aimed at altering, amending, or vacating *final* judgments; and here, as we indicated in 2024-CA-0992-MR and continue to indicate here, Blair is taking issue with *interlocutory* judgments. As such, the circuit court's authority for reconsidering those orders "is

actually found under common law and in CR 54.02 which make such orders subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties." *Tax Ease Lien Investments 1, LLC v. Brown*, 340 S.W.3d 99, 103 (Ky. App. 2011) (internal quotation marks and citations omitted).

That aside, the purpose of asking any court to reconsider any order – final or interlocutory – is to direct the court's attention to an issue it has *overlooked*. As explained in *Gullion v. Gullion*, 163 S.W.3d 888, 891–92 (Ky. 2005),

> There are four basic grounds upon which a [reconsideration] motion may be granted. First, the movant may demonstrate that the motion is necessary to correct manifest errors of law or fact upon which the judgment is based. Second, the motion may be granted so that the moving party may present newly discovered or previously unavailable evidence. Third, the motion will be granted if necessary to prevent manifest injustice. Serious misconduct of counsel may justify relief under this theory. Fourth, a [reconsideration] motion may be justified by an intervening change in controlling law.

Id. (internal footnote omitted).

An argument the court has already reviewed and addressed – correctly or incorrectly – has not been overlooked by the court absent an intervening change in the law, or newly discovered or previously unavailable evidence. That is the case here with respect to Blair's argument that the circuit court had particular case

jurisdiction: So far as the record indicates, Blair continued reiterating that argument in her repeated motions for reconsideration, but she presented no new and previously unavailable evidence, nor intervening change in the law, that would have supported a contrary result.

Accordingly, the circuit court acted properly by refusing to change its decision in response to Blair's repeated motions. Furthermore, the circuit court's threat to sanction Blair, as set forth in its February 2, 2026 order, was also proper. It derives from a principle more basic to litigation than even the concepts of collateral estoppel and res judicata. Once a trial court has ruled on an issue in a case, the issue is properly concluded unless one of the above-stated *Gullion* exceptions applies. If no such exception applies, the ruling may be appealed once a final order is entered; but a motion for reconsideration or similar filing is not a legally tenable means of seeking to have the trial court change its original decision; and it follows that repeatedly making such filings – forcing opposing counsel and the court to spend time, effort, and resources to readdress the same issues – abuses the judicial process, is indicative of bad faith, and violates CR 11.[9]

[9] *See, e.g.*, Federal Rule of Civil Procedure (FRCP) 11 adv. cmte. notes (1993) (explaining the rule permits sanctions against a party "for insisting upon a position after it is no longer tenable."); *Magnus Electronics, Inc. v. Masco Corp. of Indiana*, 871 F.2d 626 (8th Cir. 1989), cert. denied, 493 U.S. 891, 110 S.Ct. 237, 107 L.Ed.2d 188 (1989) (motion to reconsider is frivolous if it contains no new evidence or arguments or law that explains why court should change an original order); *see also Clark Equipment Co., Inc. v. Bowman*, 762 S.W.2d 417, 420 (Ky. App. 1988) (relying on federal caselaw and Federal Civil Rules Advisory Committee commentary regarding FRCP 11 as persuasive authority for interpreting CR 11).

Even if the circuit court acted improperly, Blair also has an "adequate remedy by appeal or otherwise" as contemplated by *Hoskins*, 150 S.W.3d at 10. Her remedy – as we have indicated, and as she herself has recognized in her petition as set forth above – is to move the circuit court to finalize its July and August 2024 orders, or to resolve Biddle's remaining outstanding claim for attorney's fees, to enable her to appeal its decision that it lacked particular case jurisdiction. Blair's dissatisfaction with that remedy does not alter the fact that it is an *adequate* one that is available to her.

As for the great and irreparable injury Blair might suffer if she is not granted a writ, Blair does little more than reiterate that, in her view, the circuit court's above-stated rulings are improper and unfair, and that contesting them will cost time and money. That is not enough. As our Supreme Court has explained:

> [T]he delay and expense of appeals does not constitute irreparable injury or render remedy by appeal inadequate. *See, e.g., Buckley v. Wilson*, 177 S.W.3d 778, 781 (Ky. 2005) (holding that the delays inherent in every lawsuit and appeal do not constitute inadequate remedy by appeal); *Ison v. Bradley*, 333 S.W.2d 784, 786 (Ky. 1960) ("[T]he delay incident to litigation and appeal by litigants who may be financially distressed cannot be considered as unjust, does not constitute irreparable injury, and is not a miscarriage of justice."). This Court has also rejected the argument that the "intangible costs of justice delayed" justify the availability of an extraordinary writ. *Mahoney v. McDonald–Burkman*, 320 S.W.3d 75, 79 (Ky. 2010). Moreover, no irreparable injury results "from the petitioner's temporary loss of a judgment to which he believed himself entitled in the

> event of a correct ruling." *Hoskins*, 150 S.W.3d at 19 (citing *Litteral v. Woods*, 223 Ky. 582, 4 S.W.2d 395 (1928)). "[G]reat and irreparable injury . . . [is] not such an injury as is usually suffered and sustained by a losing litigant upon a trial of his cause in a court having jurisdiction thereof, i.e., a mere failure to succeed in that litigation, followed by the loss of that which success might have brought him. . . ." *Osborn v. Wolfford*, 239 Ky. 470, 39 S.W.2d 672, 673 (1931) (internal quotation marks omitted).

Lee v. George, 369 S.W.3d 29, 33-34 (Ky. 2012),

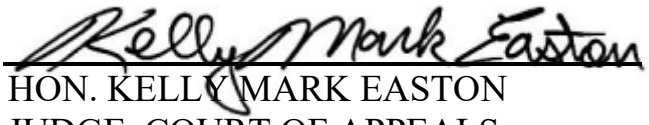
Blair's claimed injuries are no worse than the result in any litigation where a party does not get what he or she requested, and they are simply not the kind of injuries that justify issuing an extraordinary writ. As our Courts have noted, extraordinary writs are no substitute for the ordinary appellate process, and the interference with the lower courts required by such a remedy is to be avoided whenever possible. *See, e.g., Bender v. Eaton*, 343 S.W.2d 799, 800 (Ky. 1961) ("Relief by way of prohibition or mandamus is an extraordinary remedy and we have always been cautious and conservative both in entertaining petitions for and in granting such relief. This careful approach is necessary to prevent short-circuiting normal appeal procedures and to limit so far as possible interference with the proper and efficient operation of our circuit and other courts. If this avenue of relief were open to all who considered themselves aggrieved by an interlocutory court order, we would face an impossible burden of nonappellate matters."); *Cox v. Braden*, 266 S.W.3d 792, 795-96 (Ky. 2008).

In short, Blair has an adequate remedy by appeal or otherwise, and she will not suffer great and irreparable injury. Accordingly, she is not entitled to an extraordinary writ.

III. CONCLUSION

For the reasons discussed above, the motion to strike Blair's petition, dismiss this action, and for sanctions is DENIED, and Blair's petition for an extraordinary writ is also DENIED.

ENTERED: November 4, 2026



HON. KELLY MARK EASTON
JUDGE, COURT OF APPEALS