Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1358-OA

KELSI J. POTEET — PETITIONER

v. AN ORIGINAL ACTION ARISING FROM WARREN CIRCUIT COURT ACTION NO. 26-CI-00307

HON. CHRISTOPHER T. COHRON — RESPONDENT

AND

PNC BANK, NATIONAL ASSOCIATION AND WILLIAM SHAWN POTEET — REAL PARTIES IN INTEREST

ORDER
DENYING EMERGENCY RELIEF

* * * * * *

This action arises from Real Party in Interest, PNC Bank, being granted a writ of possession and repossessing Petitioner's 2020 Chevrolet Corvette.

Petitioner, Kelsi Poteet, has filed a petition for a writ of mandamus seeking an order directing Respondent, Hon. Christopher T. Cohron, to rule on

motions pending before the circuit court. Poteet has also filed a RAP[1] 60(H) emergency motion. Therein, Porter seeks an order directing Respondent to "consider and issue appropriate temporary orders preventing PNC Bank and persons acting on its behalf from selling," or otherwise damaging the Corvette while the petition for a writ is pending before this Court.

> RAP 60(H)(1) states:
>
> If any party requires relief prior to a ruling on the petition, the party may, upon a showing that immediate and irreparable harm will occur, move in conformity with RAP 7 for a temporary order in the court in which the original action is filed.

In the context of an original action, "irreparable injury" is defined as "incalculable damage to the applicant . . . either to the liberty of his person, or to his property rights, or other far-reaching and conjectural consequences." *Hoskins v. Maricle*, 150 S.W.3d 1, 19 (Ky. 2004) (internal quotation marks and citation omitted). The injury must be "something of a ruinous nature." *Robertson v. Burdette*, 397 S.W.3d 886, 891 (Ky. 2013). *Sub judice*, this high burden has not been met.

Poteet, with Real Party in Interest, William Poteet, entered into a "retail installment sale contract" when they purchased the 2020 Corvette. After it was alleged that payments were missed, PNC Bank filed the underlying complaint and motion for a writ for possession. On April 24, 2026, the circuit court entered

[1] Kentucky Rules of Appellate Procedure.

an order that directed the Warren Circuit Clerk to sign the proposed writ of possession and/or take any action needed for the writ to be issued. Following this order, the 2020 Corvette was repossessed.

On October 14, 2026, Poteet filed a petition for a writ of mandamus requesting that this Court direct the circuit court to rule on pending motions Poteet filed arguing that the proper procedures of Kentucky Revised Statute (KRS) 425.121(5) were not followed. On October 30, 2026, the circuit court entered a judgment and order of sale, granting summary judgment in favor of PNC Bank. Poteet's emergency motion was thereafter filed on November 2, 2026. PNC Bank filed a response on November 5, 2026.

Poteet claims that she will face irreparable harm if emergency relief is not granted due to the ongoing deprivation of her property and the uncertainty surrounding where the 2020 Corvette is located and what party has possession of it. Poteet also states that the car is the subject of a separate proceeding involving whether the car is marital property for the purposes of a divorce proceeding. Poteet claims that an intervening sale or disposition of the 2020 Corvette could materially impair the court's ability to restore the specific property.

Poteet's claimed harms do not amount to irreparable harm because she has several remedies available to her. Since a final judgment has been entered, she can file a direct appeal from the adverse ruling. *See* Ky. Const. § 115. A direct

appeal would allow Poteet to challenge whether the proper procedures were followed for the issuance of a writ of possession.

Poteet also has the ability to post a supersedeas bond. RAP 63(B)(1) states that "[w]henever an appellant entitled to a stay desires a stay on appeal of a judgment other than a judgment granting a permanent injunction, the appellant may present to the trial court clerk or the trial court for approval an executed supersedeas bond with good and sufficient surety." A trial court, in this case the circuit court, has the authority to determine the sufficiency of the bond "upon motion and hearing." RAP 63(C)(1). Posting a supersedeas bond would act to stay the sale of the 2020 Corvette while an appeal is pending.

Additionally, Poteet's claimed harms of improper repossession and sale of the vehicle while the petition for a writ is pending can be remedied by monetary damages, and financial harms are not irreparable. *See Norsworthy v. Kentucky Bd. of Med. Licensure*, 330 S.W.3d 58, 62 (Ky. 2009) ("mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough."). If it were later determined that the writ of possession was improper and the vehicle was sold, Poteet could recover the monetary damages of having her vehicle improperly repossessed and sold. Therefore, this Court holds that irreparable harm will not arise if Poteet were to face the harms she claims.

WHEREFORE, having reviewed the record, and being otherwise sufficiently advised; it is ORDERED that the RAP 60(H) motion for emergency relief shall be, and is hereby, DENIED. The petition for a writ of prohibition shall come before a three-Judge panel of this Court following the response time provided in the RAPs. This Order shall not be reconsidered. The Clerk of Court SHALL EMAIL a copy of this Order to all parties forthwith in addition to conventional service.

ENTERED: 11/9/2026



HON. J. CHRISTOPHER MCNEILL
JUDGE, COURT OF APPEALS