Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1496-OA

BLUEGRASS HOME, LLC AND MICHELLE CARSON — PETITIONERS

v.

AN ORIGINAL ACTION
ARISING FROM JEFFERSON CIRCUIT COURT
ACTION NO. 25-CI-003435

HON. ANNIE O'CONNELL — RESPONDENT

AND

ASHLEY TINAGLIA AND TRADITIONAL BANK, INC. — REAL PARTIES IN INTEREST

ORDER
GRANTING EMERGENCY RELIEF

* * * * * *

Petitioners filed the above-styled original action pursuant to Kentucky Rules of Appellate Procedure (RAP) 60. Petitioners request a writ prohibiting Respondent from enforcing or permitting enforcement of a subpoena duces tecum, dated October 16, 2026, that Real Party in Interest, Ashley Tinaglia, served on non-party Traditional Bank, Inc., and directing the Respondent to quash the

subpoena or, in the alternative, to enter a protective order limiting it. Tinaglia brought the underlying action alleging that Petitioners breached the contract to perform renovations on her property, committed fraud, and other related claims. Relevant to the above-styled matter, Tinaglia issued a subpoena duces tecum directed to Traditional Bank, on October 16, 2026, which, as Petitioners claim, demands, from May 2024 through February 2025:

> the complete account file for Bluegrass's business checking account, including all statements, checks, deposits, transfers, internal bank notes, and "Form 1099 or other tax returns" (Requests 1, 2, 4); every check and deposit for "a Traditional Bank, Inc. bank account held by any of the named Defendants," which reaches every personal account of Ms. Carson (Requests 3, 5); every cashier's check, money order, and wire (Requests 6, 7); every bank credit card in either Defendant's name, with credit applications, corporate minutes, credit reports, financial statements, and correspondence files (Request 8); and interest records (Request 9).

The subpoena orders that Traditional Bank comply by November 13, 2026, or at a deposition on November 17, 2026. Petitioners moved to quash the subpoena and for a protective order. By order on October 28, 2026, the circuit court denied the motion to quash, finding that "the information sought by [Tinaglia] in its subpoena directed to Traditional Bank, Inc. is reasonably calculated to lead to admissible evidence at trial." On November 2, 2026, Petitioners then moved to stay discovery. The circuit court denied this request by order on November 9, 2026.

Petitioners now move for an order staying Traditional Bank's

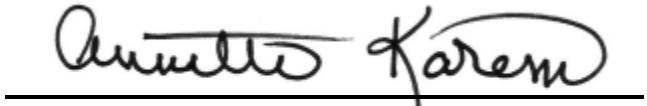
compliance with the subpoena pursuant to RAP 60(H), maintaining that once the records have been produced, there is no way to recall them. Further, Petitioners argue that the compliance date will arise prior to the response time for the underlying petition for a writ under RAP 60 expires, meaning that if emergency relief is not granted, the underlying petition for a writ will be rendered moot. Tinaglia filed a response to the emergency motion on November 11, 2026.

The subpoena requires Traditional Bank, a third party, to produce Petitioners' business and personal financial records to Tinaglia by November 13, 2026, or on November 17, 2026, at a deposition; *i.e.*, unless the circuit court's orders are immediately stayed, Traditional Bank must deliver the records to Tinaglia before this Court will be able to determine whether the subpoena improperly compels production beyond what is allowed under Kentucky precedent. "[O]nce the information is furnished it cannot be recalled." *Wal–Mart Stores v. Dickinson*, 29 S.W.3d 796, 800 (Ky. 2000). *See also The St. Luke Hosps., Inc. v. Kopowski*, 160 S.W.3d 771, 775 (Ky. 2005) (footnote omitted) ("We have previously held that extraordinary relief is warranted to prevent disclosure of privileged documents").

Having reviewed the record, and being otherwise sufficiently advised, IT IS HEREBY ORDERED that the motion for intermediate relief/stay is GRANTED. The October 16, 2026, subpoena directing Traditional Bank to

produce documents is STAYED pending further orders of this Court. The Court emphasizes that this Order in no way expresses any opinion as to the merits of the original action. The underlying petition for a writ of prohibition shall be assigned to a three-Judge panel of this Court upon expiration of the response time provided in RAP 60. The Clerk of Court SHALL EMAIL a copy of this Order to counsel of record and the Honorable Annie O'Connell forthwith.

ENTERED: November 12, 2026



HON. ANNETTE C. KAREM
JUDGE, COURT OF APPEALS