COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
SEVENTH DIVISION
CIVIL BRANCH

Srinath Kamineni, M.D. Plaintiff v. University of Kentucky Defendant	Case Number 2026-CI-00118 **PARTIAL SUMMARY JUDGMENT**

This matter is before the Court on Plaintiff Srinath Kamineni, M.D.'s Motion for as to willful Open Records Act violations. The Court has reviewed the Motion, Defendant University of Kentucky's Response, Plaintiff's Reply, the record, the prior Orders entered herein, and the governing law. Being sufficiently advised, the Court **FINDS AND CONCLUDES**:

1. CR 56.01 and 56.03 authorize partial summary judgment on liability although the amount of recovery remains for determination. Under KRS §61.882(3), the University bears the burden of establishing that its withholding complied with the Kentucky Open Records Act ("ORA"). The University has identified no genuine issue of material fact preventing judgment on the violations addressed below.
2. The University received Dr. Kamineni's ORA request on December 30, 2025. The request included emails to and from Dr. Kamineni beginning August 1, 2025. The University denied access to those email records on January 12, 2026, and produced 6,234 email records on May 4, 2026, following judicial intervention. This Motion concerns the responsive, nonexempt records within the request's temporal scope and the first-tier production required by the Court's April 2, 2026 Order. Records outside that scope or validly withheld are excluded from this liability determination, and are subject to a later determination, if appropriate.

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3. The University's internal winter break did not extend its statutory response deadline. Its failure to make a timely statutory disposition violated KRS §61.880(1). Its January 12 denial preceded a search for the requested email records, and its generalized burden assertions did not supply the clear and convincing evidence required by KRS §61.872(6). Its blanket exemption assertions did not establish a lawful basis to withhold the responsive, nonexempt first-tier records at issue. The broader search no longer required by the April 2 Order does not justify withholding those records.
4. The University's May 4 production, although timely under the April 2 production deadline, did not cure the preceding unlawful withholding or eliminate the Court's authority to award statutory relief. *Cabinet for Health & Family Services v. Courier-Journal, Inc.*, 493 S.W.3d 375, 383-84, 387-89 (Ky. App. 2016). The University's admissions concerning receipt, denial, and production establish the completed violation independently of any dispute over the final *per diem* calculation.
5. The University's generalized exemption and burden assertions did not satisfy KRS §61.880(1) or KRS §61.872(6). It supplied no affidavit, index, search evidence, volume calculation, or other proof sufficient to carry its burden. See Shively Police Department v. Courier Journal, Inc., 701 S.W.3d 430, 437-39 (Ky. 2024). The University's later production of unredacted material after judicial intervention did not cure the completed statutory violations.
6. The violations were intentional and willful within KRS §61.882(5). The undisputed contemporaneous communications establish that the University knowingly relied on a nonstatutory closure despite counsel's notice of contrary authority and denied access before conducting the search needed to substantiate its burden claim. The University knowingly chose to withhold records despite the controlling employee-access provision, without particularized factual support, and persisted after notice of Dr. Kamineni's statutory rights.

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7. On this record, the University withheld the nonexempt records without plausible justification and with conscious disregard of Dr. Kamineni's rights. *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 854 (Ky. 2013). This finding rests on the withholding conduct, not its right to litigate or appeal.
8. Dr. Kamineni has prevailed at least in part under KRS §61.882(5). This merits determination establishes the prevailing-party status contemplated by *Shively Police Department v. Courier Journal, Inc.*, 701 S.W.3d 430, 445 (Ky. 2024). In the exercise of its statutory discretion, the Court determines that Dr. Kamineni shall recover reasonable costs and attorneys' fees and costs incurred in connection with this ORA action, including reasonable work necessary to obtain, preserve, and enforce ORA relief in this Court, and an appropriate statutory *per diem* award. *See* KRS §61.882(5); *Commonwealth, Cabinet for Health & Family Services v. Lexington H-L Services, Inc.*, 382 S.W.3d 875, 884 (Ky. App. 2012); *City of Taylorsville Ethics Commission v. Trageser*, 604 S.W.3d 305, 314-15 (Ky. App. 2020). Only any justification on the part of the University, the appropriate *per diem*, the amounts and proper allocation remain for determination.

ORDER

IT IS THEREFORE ORDERED:

1. Plaintiff's Motion for Summary Judgment is **SUSTAINED** as to liability, willfulness, prevailing-party status, and entitlement to statutory relief under KRS §61.882(5).
2. **PARTIAL SUMMARY JUDGMENT** is entered for Plaintiff Srinath Kamineni, M.D. and against Defendant University of Kentucky on the ORA violations identified above.
3. The appropriate *per diem* rate, number of compensable records and days, and resulting award are **RESERVED**. The amounts and proper allocation of reasonable attorneys' fees and recoverable costs are separately **RESERVED** for post-hearing submission.

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4. An evidentiary hearing shall be held before this Court on **Tuesday, December 15, 2026, at 9:00 a.m.**, for the sole purpose of establishing the appropriate *per diem* award under KRS §61.882(5), including the rate and calculation of that award. Liability, willfulness, prevailing-party status, and entitlement to statutory relief shall not be relitigated at that hearing.
5. For the statutory *per diem* determination, the burden of proof and production remains on the University under KRS 61.882(3). The University shall address its degree of culpability and shall prove any mitigating fact or other basis it contends warrants less than the maximum *per diem* amount KRS §61.882(5). See City of Fort Thomas, 406 S.W.3d at 854-55. Any failure of proof shall be resolved against the University.
6. The Court will determine the appropriate rate in its discretion, considering the extent and seriousness of the withholding, harm to Plaintiff, and the public purpose served by disclosure. *City of Fort Thomas*, 406 S.W.3d at 854-55.
7. Plaintiff's attorneys' fee and cost itemization and supporting materials shall be submitted after the December 15, 2026 hearing. The Court reserves determination of those amounts until that submission and the University's opportunity to respond. Attorneys' fees and costs will not be adjudicated at the *per diem* hearing.
8. The Court retains jurisdiction over the reserved remedies, including properly supported requests for supplemental fees and costs incurred in obtaining, preserving, and enforcing ORA relief in this Court and on appeal, to the extent permitted by law.
9. All remaining claims and record categories are reserved. This Partial Summary Judgment is interlocutory and remains subject to further order until entry of final judgment.

SO ORDERED this _____ day of _____, 2026.

/s/ JUDGE DIANE MINNIFIELD
electronically signed
9/28/2026 11:08:42 AM ET

JUDGE, FAYETTE CIRCUIT COURT

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Copies to counsel of record via Courtnet.

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