Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-1071-I

STUDENT DOE 1, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF KENTUCKY STATE UNIVERSITY; STUDENT DOE 2, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF KENTUCKY STATE UNIVERSITY; STUDENT DOE 3, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF KENTUCKY STATE UNIVERSITY; STUDENT DOE 4, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF KENTUCKY STATE UNIVERSITY; STUDENT DOE 5, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF KENTUCKY STATE UNIVERSITY; STUDENT DOE 6, INDIVIDUALLY, PROCEEDING UNDER PSEUDONYM, AND ON BEHALF OF SIMILARLY SITUATED CURRENT STUDENTS OF

MOVANTS

KENTUCKY STATE UNIVERSITY;
AND STUDENT DOE 7,
INDIVIDUALLY, PROCEEDING
UNDER PSEUDONYM, AND ON
BEHALF OF SIMILARLY SITUATED
CURRENT STUDENTS OF
KENTUCKY STATE UNIVERSITY

ON MOTION FOR INTERLOCUTORY RELIEF
v. ARISING FROM FRANKLIN CIRCUIT COURT
ACTION NO. 26-CI-00587

COMMONWEALTH OF KENTUCKY;
ANDY BESHEAR, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF THE
COMMONWEALTH OF KENTUCKY;
DR. AARON THOMPSON, IN HIS
OFFICIAL CAPACITY AS
PRESIDENT OF THE KENTUCKY
COUNCIL ON POSTSECONDARY
EDUCATION; DR. KOFFI C.
AKAKPO, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF
KENTUCKY STATE UNIVERSITY;
HOLLY M. JOHNSON, IN HER
OFFICIAL CAPACITY AS
SECRETARY OF THE KENTUCKY
FINANCE AND ADMINISTRATION
CABINET; KENTUCKY COUNCIL
ON POSTSECONDARY
EDUCATION; KENTUCKY
DEPARTMENT OF REVENUE;
KENTUCKY FINANCE AND
ADMINISTRATION CABINET;
KENTUCKY STATE UNIVERSITY,
BY AND THROUGH THE BOARD OF
REGENTS OF KENTUCKY STATE

UNIVERSITY; MADISON SILVERT, IN HIS OFFICIAL CAPACITY AS CHAIR OF THE KENTUCKY COUNCIL ON POSTSECONDARY EDUCATION; TAMMI DUKES, IN HER OFFICIAL CAPACITY AS CHAIR OF THE KENTUCKY STATE UNIVERSITY BOARD OF REGENTS; AND THOMAS B. MILLER, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE KENTUCKY DEPARTMENT OF REVENUE RESPONDENTS

ORDER
DENYING MOTION FOR
INTERLOCUTORY RELIEF

* * * * * *

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

This matter comes before the Court on Movants, Kentucky State University Students' (students) motion for interlocutory relief pursuant to Kentucky Rule of Appellate Procedure (RAP) 20(B). Specifically, the students seek to overturn a trial court order denying their motion for a temporary injunction as moot when it dismissed the students' claims in their entirety. The students seek to prevent Senate Bill 185 (SB 185), enacted by the Commonwealth of Kentucky, from taking effect, arguing that the law is invalid, void, and unconstitutional. This Court previously denied the students' motion for emergency relief under RAP 20(D) by Order entered August 26, 2026. A response was filed to the RAP 20(B)

motion on September 4, 2026.[1] Having considered the motion for interlocutory relief, and response, and otherwise being sufficiently advised, the motion shall be, and hereby is, DENIED.

BACKGROUND

The students are currently students at Kentucky State University (KSU).[2] This action arises from the students' challenge of the constitutionality of SB 185. On April 13, 2026, SB 185 was signed by the Governor, and was created for the purpose of transitioning KSU into a polytechnic school. SB 185 includes a mandate that student accounts owing over $1,000 that are more than sixty (60) days past due are not eligible for enrollment in future terms. SB 185 also addresses the reduction in areas of study and the phasing out of certain majors.

The students argue that SB 185 was introduced as a branch-budget-recommendations bill and was later replaced with a KSU-only emergency restructuring statute after readings had occurred, and passed without a constitutional waiver of readings. The students allege that SB 185 is invalid under several sections of the Kentucky Constitution, the Kentucky Revised Statutes (KRS) and Rules of Civil Procedure (CR). The students previously filed a motion

[1] Appellants filed a motion for emergency relief with the Kentucky Supreme Court, 2026-SC-0384-I, following this Court's denial of emergency relief on August 26, 2026. The Supreme Court denied interlocutory relief by an order entered on October 22, 2026.

[2] The students' names have been kept anonymous. Thus, each Student named as a plaintiff below has been referred to as an individually numbered "Student Doe."

for a temporary injunction and a supplemental motion for an injunction before the circuit court on June 21, 2026, and June 24, 2026, respectively. The circuit court denied these motions by orders on June 25, 2026, and July 2, 2026. This Court denied the students' challenges of those orders and the Supreme Court denied review by order on August 20, 2026.

The students filed a renewed motion for a temporary injunction before the circuit court on August 13, 2026. On August 24, 2026, the circuit court dismissed the underlying claims in their entirety and denied pending injunction motions as moot.

As noted, on August 25, 2026, the students filed a motion seeking interlocutory relief under RAP 20(B) before this Court arguing that the circuit court erred in denying the temporary injunction as moot.

ANALYSIS

A party may move for interlocutory relief under RAP 20(B) where a Circuit Court "by interlocutory order has granted, denied, modified, or dissolved a temporary injunction[.]" RAP 20(B). "The basis of affirmative relief from an order denying, modifying, or dissolving a temporary injunction shall be the grounds specified in CR 65.04(1)." RAP 20(B)(6).

The standard for granting a temporary injunction in Kentucky is well-settled. The Trial Court reviews applications for temporary injunctive relief under

Kentucky Rule of Civil Procedure 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). Thus, for a temporary injunction to be granted the movant must show irreparable injury, a substantial likelihood of success of the merits, and that the equities weigh in favor of issuing the injunction.

However, it is unnecessary to discuss the *Maupin* factors *sub judice* because a temporary injunction cannot be issued as relief after a final judgment. CR 65.04 states that a temporary injunction may be granted if a movant can show that the "movant's rights are being or will be violated by an adverse party and the movant will suffer immediate and irreparable injury, loss, or damage **pending a final judgment** in the action." (Emphasis added.) "A temporary injunction generally functions to hold the status quo until the merits of an action can be

decided. Although the circuit court may grant a temporary injunction, it is only empowered to do so during the pendency of the action." *Chesley v. Abbott,* 503 S.W.3d 148, 153 (Ky. 2016). The dismissal of the entire action means that the circuit court action is no longer pending. Thus, relief cannot be granted in the form of a temporary injunction.

The students also try to argue that relief should be granted under RAP 20(C), which contains the procedure for seeking relief from permanent injunctions. "**After an appeal is taken** from a final judgment granting or denying an injunction, any party may move the circuit court to grant, suspend or modify injunctive relief during the pendency of the appeal." RAP 20(C)(1) (emphasis added). In this matter, there has been no notice of appeal filed; thus, no appeal has been taken from a final judgement. Therefore, the students' argument for relief under RAP 20(C)(2) was improper when it was made as there was no notice of appeal filed in this matter.[3]

CONCLUSION

WHEREFORE, for the reasons stated herein, the students' motion for interlocutory relief under RAP 20(B) shall be, and hereby is, DENIED.

The Clerk of Court SHALL email a copy of this Order to counsel of

[3] The students have since filed a proper RAP 20(C)(2) motion in the related matter, 2026-CA-1068-MR, following a notice of appeal being filed on August 24, 2026. Those arguments shall be addressed by this Court in that matter.

record forthwith in addition to conventional service.

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

ENTERED: November 17, 2026



HON. ALLISON E. JONES
JUDGE, COURT OF APPEALS