

IMPORTANT NOTICE

“NOT TO BE PUBLISHED OPINION”

THIS OPINION IS DESIGNATED “NOT TO BE PUBLISHED” PURSUANT TO RULE OF APPELLATE PROCEDURE (RAP) 40(D). THIS OPINION SHALL NOT BE CITED AS BINDING PRECEDENT IN ANY OTHER CASE IN ANY COURT OF THIS STATE.

UNDER RAP 41, UNPUBLISHED OPINIONS OF KENTUCKY APPELLATE COURTS RENDERED AFTER JANUARY 1, 2003, THAT ARE FINAL UNDER RAP 40(G), MAY BE CITED BY A PARTY FOR CONSIDERATION BY A COURT IF THERE IS NO PUBLISHED OPINION THAT ADEQUATELY ADDRESSES THE POINT OF LAW BEING ARGUED BY A PARTY.

IF AN UNPUBLISHED OPINION IS CITED FOR CONSIDERATION BY A COURT THE OPINION SHALL BE SET OUT AS AN UNPUBLISHED OPINION IN THE DOCUMENT IN WHICH THE UNPUBLISHED OPINION IS CITED.

Supreme Court of Kentucky

2026-SC-0170-I

SRINATH KAMINENI, M.D.

MOVANT

V.

ON REVIEW FROM COURT OF APPEALS
NO. 2026-CA-0312
FRANKLIN CIRCUIT COURT NO. 26-CI-00054

UNIVERSITY OF KENTUCKY

RESPONDENT

OPINION AND ORDER

DENYING MOTION FOR INTERLOCUTORY RELIEF

This matter is before the Court upon Movant's, Dr. Srinath Kamineni, motion for interlocutory relief pursuant to RAP¹ 20(F). Dr. Kamineni sought injunctive relief in the Franklin Circuit Court to prohibit the University of Kentucky (UK) from conducting a Fair Hearing process that might result in the termination of his hospital privileges at UK. The trial court initially entered a temporary restraining order to preserve the status quo but, after a hearing, dissolved the TRO and ruled in favor of UK. Dr. Kamineni sought interlocutory relief in the Court of Appeals pursuant to RAP 20(B). The Court of Appeals denied the motion, concluding Dr. Kamineni had not demonstrated irreparable harm under *Maupin v. Stansbury*, 575 S.W.2d 695, 699 (Ky. App. 1978), nor did the equities favor granting him interlocutory relief.

¹ Kentucky Rules of Appellate Procedure.

Having reviewed the parties' briefs and applicable law, we decline to review the motion on its merits because Dr. Kamineni has not shown extraordinary cause.

I. Facts

At some point in early October 2025, UK initiated a peer-review proceeding of Dr. Kamineni. On December 18, 2025, UK sent Dr. Kamineni a Notice of Proposed Action to revoke his privileges at the UK Medical Center. This was based upon a July 1, 2025, remediation agreement and a September 2025 peer review. On December 21, 2025, Dr. Kamineni requested a Fair Hearing to review the Notice of Proposed Action. UK acknowledged this request as timely in a letter on December 30, 2025, and set the hearing for February 2, 2026.

On January 13, 2026, Dr. Kamineni filed suit for breach of contract and sought a temporary injunction to prohibit UK from conducting the February 2 Fair Hearing that he requested. He also filed two other actions in Fayette Circuit Court that deal with breach of contract, retaliation, and discrimination claims. The trial court issued a TRO on January 23 and subsequently conducted an evidentiary hearing on February 4, 2026. On February 25, the trial court issued a ruling dissolving the TRO and declining to issue a temporary injunction. Dr. Kamineni filed a motion for interlocutory relief with the Court of Appeals on March 17, 2026.

The Court of Appeals denied Dr. Kamineni's motion. The court concluded Dr. Kamineni had not shown irreparable harm because his claimed injuries

were economic and reputational in nature. It further noted that Dr. Kamineni's action in seeking a temporary injunction had prevented the Fair Hearing from taking place, rendering his claims of harm speculative since it could not be established that the Fair Hearing procedures would negatively impact Dr. Kamineni. The court then held the equities of the case also counseled against granting interlocutory relief, although the court acknowledged that Dr. Kamineni's failure to show irreparable harm was enough to deny the motion. Thus, the court's discussion of the equities was superfluous *obiter dictum*. Dr. Kamineni then filed a motion for interlocutory relief with this Court pursuant to RAP 20(F).

II. Standard of Review

Our rules provide that

Any party adversely affected by an order of the Court of Appeals in a proceeding under sections (B) or (C) of this rule may, no later than 10 days from the date on which such order was entered, move the Supreme Court to vacate or modify it. The decision whether to review such order shall be discretionary with the Supreme Court. Such a motion will be entertained only for extraordinary cause shown in the motion.

RAP 20(F). Our discretion to review is unambiguous. CR 65.09(1) was the predecessor to RAP 20(F)(1). Our case law discussing CR 65.09(1) recognized "the movant faces an 'enormous burden'" in demonstrating extraordinary cause. *Chesley v. Abbott*, 503 S.W.3d 148, 152 (Ky. 2016) (citing *Courier-Journal, Inc. v. Lawson*, 307 S.W.3d 617, 620 (Ky. 2010)) (quoting *Kindred Hosps. Ltd. P'ship v. Lutrell*, 190 S.W.3d 916, 919 (Ky. 2006)).

What constitutes “extraordinary cause” under this rule has never been precisely delineated, but some reference to previous cases helps demonstrate just how high the burden is. For example, we previously declined to exercise our discretion to review for interlocutory relief when it came to the enforcement of KRS 311.772, the so-called Trigger Law, and KRS 311.7701, both of which “effectively outlaw abortion in the Commonwealth except in limited instances when necessary to preserve the life of a pregnant woman.” *EMW Women's Surgical Ctr., P.S.C. v. Cameron*, 714 S.W.3d 348, 349 (Ky. 2022). Even in such a divisive issue as abortion, we did not find extraordinary cause to exercise our discretion under RAP 20(F). Conversely, we have found extraordinary cause when the trial court issued a temporary injunction based upon three “clearly erroneous conclusions[.]” *Nat'l Collegiate Athletic Ass'n v. Lasege*, 53 S.W.3d 77, 84 (Ky. 2001).

III. Analysis

In this case, much ink has been spilled upon several issues—the parties’ appendices to their briefs constitute a combined 614 pages—including Dr. Kamineni’s argument that if UK does revoke his privileges, it will in turn generate a report to the National Practitioners Data Bank that will constitute an injury above and beyond ordinary defamation; as well as allegations that UK violated its By-laws in handling his case. We express no opinion on the substance of the issues argued. We conclude Dr. Kamineni cannot demonstrate extraordinary cause because his quest to enjoin the Fair Hearing process came *after he requested* UK give him a Fair Hearing. Moreover, this Fair Hearing

process is required to be available by federal law. 42 U.S.C. § 11112(b)(1)(B)(i). The Fair Hearing is a statutorily guaranteed procedural right for the physician's benefit according to federal law. We cannot conceive how UK proceeding to a Fair Hearing according to federal law and upon Dr. Kamineni's own request can constitute an "extraordinary cause" worthy of our review of the Court of Appeals' denial of a motion for interlocutory relief.

The timeline of events is not contested. As recounted above, UK sent Dr. Kamineni a Notice of Proposed Action on December 18, 2025, and a mere three days later Dr. Kamineni requested a Fair Hearing. On December 30, this request was granted by letter. The letter also informed Dr. Kamineni that he had a right to counsel present; to call and examine witnesses; introduce exhibits; cross-examination; and rebuttal. Dr. Kamineni would also have the right to appeal any ruling to the UK Board of Trustees Healthcare Committee per its By-laws.

"It is a general principle, that equity will not interfere to relieve against any arrangement voluntarily made by both parties, with an intention to delay, hinder or defraud the right of creditors, or affect unjustly the rights of others." *Wright v. Wright*, 12 Ky. 8, 12 (1822). Federal law mandates that a physician has a right to request a Fair Hearing regarding proposed actions and that such a hearing will be granted when timely requested. UK's By-laws specifically incorporate this requirement, and such By-laws are a part of Dr. Kamineni's contract with UK. Even if they were not, "the statute must be read into the contract[.]" *Personal Indus. Bankers v. Citizens Budget Co. of Dayton, OH*, 80

F.2d 327, 328 (6th Cir. 1935). It constitutes a voluntary arrangement between the parties.

Having exercised his contractual and statutory right to a Fair Hearing by requesting one, equity, in the form of an injunction, will not interpose itself to hinder that arrangement. To do so would unjustly affect the rights of UK for completion of the Fair Hearing process, once invoked by Dr. Kamineni, is a necessary part of any claim for liability-immunity UK might make under 42 U.S.C. § 11111(a)(1) in the related breach of contract claim, as well as the retaliation and discrimination claims Dr. Kamineni has leveled against UK in separate actions in Fayette Circuit Court. *Decker v. IHC Hosps., Inc.*, 982 F.2d 433, 436 (10th Cir. 1992) (“The plain meaning of this provision is that professional review bodies and covered individuals *who satisfy the requirements of § 11112(a)* are immune from liability only.”) (footnote omitted) (emphasis added).²

Practically speaking, enjoining the Fair Hearing process now (especially after Dr. Kamineni already invoked it) would give Dr. Kamineni a tactical advantage in litigation. It would not only prevent the ostensible harm he seeks to avert—loss of privileges and a report to the National Practitioners Data

² It is worth noting Dr. Kamineni specifically alleges that conducting the professional review process in and of itself is a breach of contract according to a Settlement Agreement entered into on October 15, 2025, in a separate lawsuit filed by Dr. Kamineni against UK. We express no opinion on the matter except to note that if Dr. Kamineni’s allegation is proven correct that the professional review does violate the Settlement Agreement, then that, in turn, would raise a question of whether UK acted fairly pursuant to 42 U.S.C. § 11112(a)(3). Thus, proceeding with the Fair Hearing process, while necessary for UK to establish immunity, does not mean it will ultimately obtain that immunity.

Bank—but it would mean UK could potentially not prove its entitlement to liability immunity in the underlying breach of contract claim, and in the separate Fayette Circuit Court actions. UK’s exposure to money damages would be a material advantage for Dr. Kamineni in litigation. It is meet and right that equity will not deprive one of an advantage at law he already possesses.

Vanmeter v. McFaddin, 47 Ky. 435, 441 (1848). But it is inappropriate to use equity to gain a legal advantage one does not presently possess. See *The Maccabees v. City of Ashland*, 109 S.W.2d 29, 32 (Ky. 1937) (“It is a universal maxim in equity jurisprudence that, ‘Equality is equity.’”).

Secondly, there is immense difficulty in holding that the Fair Hearing procedure—a right provided for the sake of physicians by federal law—is an extraordinary event. The regular operation of federal law is emphatically ordinary. As Dr. Kamineni states in his brief, “[t]he injunction sought here does not forbid a report [to the National Practitioners Data Bank] that federal law unquestionably requires. It challenges whether the University may even lawfully create the purportedly reportable professional-review action in the first place.” Yet whether UK can create a reportable professional review action is what the Fair Hearing process is meant to determine. If a physician believes he has done nothing to merit discipline that would, in turn, generate a report to the National Practitioners Data Bank, then the Fair Hearing process is provided to allow him to present evidence on his behalf and make his case to the appropriate medical professionals who can evaluate the evidence under the appropriate medical standards.

Put simply, if Dr. Kamineni's practice at UK does not merit the revocation of his privileges, then he has nothing to fear from the Fair Hearing process, and there is no reason for equity to intervene. If his practice does merit revocation of his privileges, then all the more reason for equity to withdraw from the field and allow the Fair Hearing process to continue apace. In either instance, there is no "extraordinary cause" here. Dr. Kamineni will be vindicated or not according to his own conduct under the appropriate medical standards as required by federal law for his benefit; as provided for in his contract with UK; and as he requested upon receiving the Notice of Proposed Action. This is the ordinary procedure, and we see no reason to grant our discretion to review the merits of the Court of Appeals' decision denying Dr. Kamineni's motion for interlocutory relief.

IV. Conclusion and Order

Movant's Motion for Interlocutory Relief pursuant to RAP 20(F) is DENIED. This case is remanded to Franklin Circuit Court for further proceedings consistent with this Opinion and Order.

All sitting. All concur.

ENTERED: August 20, 2026


CHIEF JUSTICE

COUNSEL FOR MOVANT:

James M. Morris
Sharon K. Morris
Taylor J. Morris, Sr.
Morris & Morris, P.S.C

COUNSEL FOR RESPONDENT:

Andrew R. Smith
Jeffrey K. Phillips
Candace B. Smith
Steptoe & Johnson PLLC

William E. Thro
University of Kentucky