

Kentucky Supreme Court
Cases of Note
January-[February](#), 2019

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1. Hold down the control (“Ctrl”) key and click on the link.
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Note: No Court in January.

WRIT OF PROHIBITION

Allstate Property & Casualty Insurance Company v. Robert Kleinfeld, DC, Etc., et al.
[2018-SC-000417-MR](#) February 14, 2019

Opinion of the Court by Chief Justice Minton. Minton, C.J.; Hughes, Keller, Lambert, VanMeter, and Wright, JJ., sitting. Lambert, J., dissents. The Court of Appeals granted Dr. Robert Kleinfeld’s petition for a writ of prohibition, preventing Allstate Property & Casualty Insurance Co. from seeking discovery from Dr. Kleinfeld in Allstate’s reparation benefits action against Jeffery Streeval. The Court reversed the Court of Appeals, finding that the Court of Appeals did not properly apply the extraordinary standard needed to be met for the granting of a writ. Allstate served Dr. Kleinfeld a subpoena duces tecum and deposition duces tecum, seeking information relating to the conducting of an MRI on Streeval. Dr. Kleinfeld challenged the discovery requests on relevancy and trade secret grounds. The Court rejected both arguments, finding that the discovery requests fell within the ambit of relevant discoverable information, in addition to finding that Dr. Kleinfeld’s assertion of the trade secret privilege lacked a factual basis. Finally, the Court, sua sponte, acknowledged Kentucky precedent supporting the existence of a rule of law allowing a nonparty an immediate right of appeal following an adverse discovery order.