

Commonwealth of Kentucky

Court of Appeals

NO. 2006-CA-002497-OA

J.N.R. AND J.S.R.

PETITIONERS

ORIGINAL ACTION
REGARDING JEFFERSON FAMILY COURT
ACTION NO. 06-CI-503734

v.

HON. JOSEPH O'REILLY, JUDGE,
JEFFERSON FAMILY COURT

RESPONDENT

AND

G.J.R.

REAL PARTY IN INTEREST

ORDER GRANTING EMERGENCY MOTION
FOR IMMEDIATE RELIEF

** ** * * * * * ** ** ** **

This matter is before the Court on a petition for writ of prohibition wherein petitioners, J.N.R. and J.S.R., who are married to each other, challenge the portion of an order, entered by the respondent trial court on November 29, 2006, denying their motion to dismiss the petition for custody and support filed by the real party in interest, G.J.R., who alleges to be the biological father of an infant child born to petitioner J.N.R.

Petitioners' argument below and before this Court is that G.J.R. is a legal stranger to the child with no standing to

assert custody or visitation rights and that proceeding with the case at this time would be affording recognition to rights that do not exist under Kentucky law, thereby causing irreparable harm to them and to the child in question as well as his siblings.

Further, petitioners have filed an emergency motion for immediate relief seeking a stay in proceedings below while their original action remains pending before this Court. The trial court denied the same relief by order entered December 4, 2006. That order also denied their motion to set aside an Order to Mediation pertaining to holiday visitation with the child. This Court has been advised that mediation is scheduled for Saturday, December 9, 2006.

The Court having reviewed the objection and response faxed by G.J.R. and, being sufficiently advised, now ORDERS that the motion be GRANTED so that the status quo may be maintained while the original action awaits disposition. The Court is of the opinion that even permitting mediation would cause further irreparable harm to petitioners.

The original action will come before a panel of this Court following expiration of response time pursuant to CR 76.36(2).

ENTERED:

12/08/06


JUDGE, COURT OF APPEALS