

No. 20-6672

IN THE SUPREME COURT OF THE UNITED STATES

ADAM COLEMAN,

Petitioner,

v.

EPHRAIM McDOWELL REGIONAL MEDICAL CENTER,

Respondent.

*On Petition for a Writ of Certiorari to the Supreme Court
of Kentucky*

APPENDIX TO RESPONDENT'S BRIEF IN
OPPOSITION TO PETITION FOR WRIT OF
CERTIORARI

Ronald L. Green

Counsel of Record

Pamela Adams Chesnut

James M. Inman

Green Chesnut & Hughes, PLLC

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Lexington, KY 40507

(859) 475-1471

rgreen@gcandh.com

Counsel for Respondent

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Commonwealth of Kentucky
Court of Appeals

NO. 2019-CA-000577-MR

ADAM L. COLEMAN AND
ASHLEY COLEMAN

APPELLANTS

v. APPEAL FROM BOYLE CIRCUIT COURT
HONORABLE DARREN W. PECKLER, JUDGE
ACTION NO. 18-CI-00074

EMPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

APPELLEE

ORDER
DISMISSING APPEAL

** **

BEFORE: LAMBERT, MAZE, AND L. THOMPSON, JUDGES.

This cause comes before the Court on two motions: 1) Appellant Adam L. Coleman's motion for an extension of time in which to file a prehearing statement; and 2) Appellee's motion to dismiss the appeal. Appellants have also provided a written response to this Court's May 7, 2019 Show Cause Order, which

states that Ashley Coleman “would no longer like to be an additional plaintiff of this case as there would and could be delays due to the related facts of undergoing care for her pregnancy.” We construe this statement as a motion to dismiss Ashley Coleman as a party to this appeal. Having reviewed the record, and being otherwise sufficiently advised, IT IS HEREBY ORDERED as follows: 1) Appellants’ motion to dismiss Ashley Coleman as a party to this appeal is GRANTED; 2) Appellee’s motion to dismiss shall be, and hereby is, GRANTED. This appeal is DISMISSED; and 3) Appellant Adam L. Coleman’s motion for an extension of time in which to file a prehearing statement is DENIED AS MOOT.

I. BACKGROUND

On March 1, 2018, Adam L. Coleman (“Adam”) and Ashley Coleman (“Ashley”), his sister, filed a Complaint *pro se* in the Boyle Circuit Court alleging Appellee’s negligence caused the death of their mother, Linda Coleman. Adam is the administrator of Ms. Coleman’s estate. On December 10, 2018, the trial court denied Appellee’s motion to dismiss and ordered that Appellants had “until March 8, 2019 to retain legal counsel to represent the Estate, as they cannot proceed *pro se* in this matter.”

In spring 2019, Appellee again moved to dismiss the Complaint pursuant to CR¹ 41.02. The trial court granted the motion by order dated April 4, 2019. Adam filed a notice of appeal *pro se*. This Court issued its Show Cause Order because the notice of appeal identifies both Adam and Ashley as Appellants, but it was signed only by Adam. It is not alleged that Adam is an attorney licensed to practice law in Kentucky. On May 20, 2019, Adam and Ashley filed a response to the Show Cause Order stating Ashley no longer wishes to be a party.

On May 20, 2019, Appellee filed a motion to dismiss the appeal. Appellee argues the *pro se* notice of appeal constitutes the unauthorized practice of law.

II. ANALYSIS

“There is no common law right to recover for the wrongful death of another.” *Reynolds v. Randolph*, 2018 WL 5304451, at *5 (Ky. App. 2018) (unpublished),² *discretionary review denied* June 5, 2019. The statutory right of action for the wrongful death of another is codified in KRS³ 411.130. Subsection (1) provides:

¹ Kentucky Rules of Civil Procedure. CR 41.02 provides: “For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against him.”

² *Reynolds* is considered by the Court pursuant to CR 76.28(4)(c).

³ Kentucky Revised Statutes.

Whenever the death of a person results from an injury inflicted by the negligence or wrongful act of another, damages may be recovered for the death from the person who caused it, or whose agent or servant caused it. If the act was willful or the negligence gross, punitive damages may be recovered. The action shall be prosecuted by the personal representative of the deceased.

The statute then sets forth the beneficiaries of the wrongful death action. The wrongful death claim belongs “only to the statutorily-designated beneficiaries.” *Reynolds, supra* at *6 (citations omitted). The *Reynolds* Court explained:

Even though the personal representative must prosecute the [wrongful death] action, the action is pursued for “the benefit of those statutorily designated persons.” *Bennett v. Nicholas*, 250 S.W.3d 673, 675 n.1 (Ky. App. 2007). With no interest in the recovery, the personal representative is a “nominal” party, as the “real parties in interest are the beneficiaries whom [the personal representative] represents.” *Pete v. Anderson*, 413 S.W.3d 291, 299 (Ky. 2013) (quoting *Vaughn’s Adm’r v. Louisville & N.R. Co.*, 297 Ky. 309, 179 S.W.2d 441, 445 (1944)).

The duty the personal representative owes the statutory beneficiaries vis-à-vis a wrongful death claim is a limited one. The personal representative has a duty to prosecute the action. *See Pete*, 413 S.W.3d at 299. “In the context of the statute as a whole, ‘prosecute’ necessarily means ‘to commence and carry out a legal action.’” *Id.* (internal citations omitted). *However, if the personal representative is not a lawyer, she must retain the assistance of legal counsel to bring the action.* *Thompson v. Jewish Hosp. & St. Mary’s Healthcare, Inc.*, No. 2017-CA-000676-MR, 2018 WL 2078008, at *2 (Ky. App. May 4, 2018). This rule makes sense

because “one may represent himself or herself *pro se* but that ability is limited to one’s self.” *Baldwin v. Mollette*, 527 S.W.3d 830, 835 (Ky. App. 2017). A personal representative is not acting on her own behalf in filing a wrongful death claim; she is acting on behalf of the statutory beneficiaries.

Id. (footnote omitted) (emphasis added).

Appellants’ Complaint was filed “pursuant [to] KRS 411.130(1).”

Ashley has moved to be dismissed as a party, leaving only Adam as the Appellant.

Because Adam may not proceed *pro se* on behalf of all statutory beneficiaries, we are constrained to dismiss this appeal.

III. CONCLUSION

WHEREFORE, Appellant Ashley Coleman’s motion to be dismissed as a party is GRANTED. Appellee’s motion to dismiss is GRANTED. This appeal is DISMISSED. Appellant Adam L. Coleman’s motion for an extension of time in which to file a prehearing statement is DENIED AS MOOT.

ENTERED: JUL 10 2019


JUDGE, COURT OF APPEALS

2

Supreme Court of Kentucky

2019-SC-0457-D
(2019-CA-0577)

ADAM L. COLEMAN FOR THE
ESTATE OF LINDA COLEMAN

MOVANT

V.

BOYLE CIRCUIT COURT
2018-CI-00074

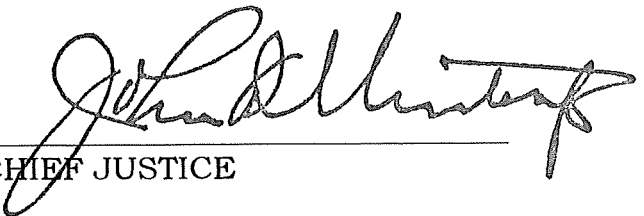
EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

RESPONDENT

ORDER DENYING DISCRETIONARY REVIEW

The motion for review of the decision of the Court of Appeals is
denied.

ENTERED: August 13, 2020.


CHIEF JUSTICE

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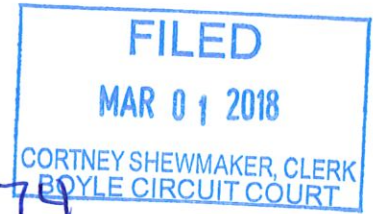
COMMONWEALTH OF KENTUCKY

BOYLE CIRCUIT COURT

CIVIL ACTION NO.

18-CI-00079

DIVISION.



ADAM L. COLEMAN

ASHLEY COLEMAN

PLAINTIFF(S)

V.

COMPLAINT

EPHRAIM MCDOWELL REGIONAL

MEDICAL CENTER

DEFENDANT(S)

*** **

For the Complaint against Defendant, Ephraim McDowell Regional Medical Center, Plaintiff(s) Adam L. Coleman and Ashley Coleman represented as "Pro Se" state as follows and seeks the amount sum of \$10,000,000 :

PARTIES

1. Adam L. Coleman was Power Attorney
2. Ashley Coleman was also Power Attorney with the special request of Adam L. Colemans absence in the care of Linda Coleman.
3. Defendant Ephraim McDowell Regional Medical Center is a hospital in which operates as a private entity. Under pursuant of KRS 411.130(1) states the cause in which event if occurred is entitled to be sued.
4. Adam L. Coleman and Ashley Coleman state that Ephraim McDowell Regional Medical Center acted with such Negligence as found under the Kentucky Good Smartian law KRS 311.668(1) KRS 311.668(3) as well as KRS 411.148. With further acts stated from Adam Coleman and Ashley Negligence was under deception of Fraud and Malice found under pursuant of KRS 411.184(1)(b)(c) and is recoverable in KRS 411.184 (2).

5. Adam Coleman has went through corporate complaint compliance and has further been assessed with failure to conduct reasonable legal manners to assist with injury liable to the deceased.

Ashley Coleman 3/1/18

Adam H. C. 3/1/18

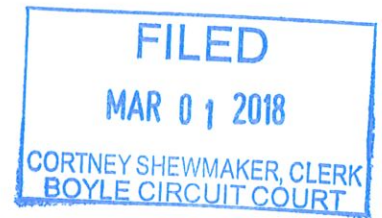
Notary Rebecca A. Webb exp. 11/16/2021
ID# 590665

COMMONWEALTH OF KENTUCKY

BOYLE CIRCUIT COURT

CASE NO. 18-CI-00074

DIVISION.



Adam L. Coleman

Ashley Coleman

PLAINTIFF(S)

vs.

Ephraim McDowell Regional

Medical Center

DEFENDANT(S)

AFFIDAVIT

*** **

This sworn statement from Plaintiff Adam Coleman hereby states that upon admission did un-justice take place and continue to happen in regards to speaking to staff and speaking with consultation in regards to Linda Coleman's care with other appointed Power Attorney Representative and sister Ashley Coleman.

I witnessed as my sister Ashley Coleman did the unjust and un-fair treatment our mother Linda Coleman received ultimately killing her from in-adequate proper standards of care. This treatment such as failure to turn her, Failure to continue to treat her of her affiliated Ephraim McDowell hospital acquired pneumonia resulted in the early untimely death of my mother Nov. 5th, 2017.

After death in continuation of injury was greeted by Patient Representative (Danna Hammons) quoted in the month of Jan. to say "Why do you just now report this?" I had stated that I noted and continued to note that we alerted nurses of the floor of this condition known as "Bedsore". At the time when questioned by Ms. Danna Hammons was then further questioned if it was resulting of her death. At

the presented time of our conversation only "Bedsores" as an injury was noted as since other medical records were not received by me from transport hospital UK. Danna Hammons asked me if she (Linda Coleman) had died due to something they did; I replied "no" to my best knowledge being as the process of medical records required me Adam Coleman to be appointed Personal Representative of Estate and then followed up by request given additional days to receive copies of medical records from UK to be sent to me via mail ;lastly reviewed by both me and my sister Ashley Coleman. Upon careful consideration now as of Injury and wrongful death claim supported by both medical records from both providers (UK and Ephraim McDowell).


3/1/18

notary:
Katrina Hardin
4-4-2020
#554213

COMMONWEALTH OF KENTUCKY

BOYLE CIRCUIT COURT

CASE NO. 18-CI-00074

DIVISION.



Adam L. Coleman

Ashley Coleman

PLAINTIFF(S)

vs.

Ephraim McDowell Regional

Medical Center

DEFENDANT(S)

AFFIDAVIT

*** **

This sworn statement from Plaintiff Ashley Coleman hereby states that her brother Adam Coleman took Linda Coleman their mother to the hospital in seek of admission due to her sickness and untimely ill. Upon my arrival at Ephraim McDowell Regional Medical Center resided in Danville, KY. Was noted to have been admitted by her brother other said Plaintiff (Adam Coleman). The collaboration between myself and my brother share the responsibilities of the said time Power Attorney responsibilities with special requests of Linda Coleman to appoint me in the absence her Adam.

With consulting Adam first on taking our mother to the hospital we where sure that she needed medical attention but not sure where we should go to as far as hospitals that treat her for her conditions so we choose the services to be rendered through Ephraim McDowell Regional Medical Center based off what was advertised via there website and many of there news sources we have heard about.

It was so that after admission did the un-justice begin with several attempts to talk to someone and several attempts to correct staff of proper care as I myself am a **certified license holder** of the (CNA) qualifications standards to health care. I witnesses our mother toss and turn in efforts of turning her own self and when could not completely turn herself would push nurse help button seen as the (+) button on the bed at least three times and when greeted through intercom directly via intercom to the bed she requested and had to request re-positioning because of complaints such as soreness. After our mother directly spoke to someone it was merely over an hour before someone came and turned her.

Ashley Coleman

Ashley Coleman 3/1/18

Notary: K. Anna Paulin
4/4/2020
#554213

AOC-840 Doc. Code: OFID
Rev. 12-02 02/2/2018 04:03 PM
Page 1 of 1 Ver. 1.01
Commonwealth of Kentucky
Court of Justice www.kycourts.net
KRS 395.105; 395.110



**ORDER APPOINTING
FIDUCIARY**

Case No. 18-P-29
Court District Probate
County Boyle

IN RE: Estate of LINDA COLEMAN

FILED
MAR 01 2018
CORTNEY SHEWMAKER, CLERK
BOYLE CIRCUIT COURT

ENTERED
FEB 06 2018
CORTNEY SHEWMAKER, CLERK
BOYLE CIRCUIT COURT

Upon hearing the Petition of ADAM COLEMAN
the Court appoints ADAM COLEMAN
to act as ADMINISTRATOR

of said estate and fixes bond in the sum of \$ 1,000.00

☐ with approved Surety OR ☒ with Surety having been waived.

At this point.

Date: 2/6, 2018

[Signature]
Judge's Signature

To be completed on copies only:

CERTIFICATE OF QUALIFICATION

I, CORTNEY SHEWMAKER, Clerk of the BOYLE District
Court, certify this is a true and correct copy of the Order Appointing Fiduciary as recorded in my office. This Order
and Qualification is in full force and effect.

Date: 2-6, 2018

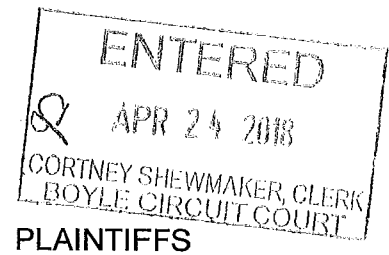
CORTNEY SHEWMAKER Clerk

By: Gina Welch, D.C.

4

COMMONWEALTH OF KENTUCKY
BOYLE CIRCUIT COURT

ADAM L. COLEMAN and ASHLEY
COLEMAN



PLAINTIFFS

v.

ORDER HOLDING IN ABEYANCE

NO. 18-CI-00074


EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

DEFENDANT

The Defendant, Ephraim McDowell Regional Medical Center, having moved to dismiss this action, or in the alternative, hold in abeyance the proceedings against it; the Plaintiffs, Adam L. Coleman and Ashley Coleman having filed their responses; the matter having come on for a hearing on April 4, 2018; all parties having the opportunity to be heard; and the Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the motion of the Defendant, Ephraim McDowell Regional Medical Center to hold the case in abeyance is hereby **GRANTED**. The entire lawsuit is held in abeyance pending the decision of the Kentucky Supreme Court in the case of *Claycomb v. Commonwealth of Kentucky, et al.*, Case No. 2017-SC-000614-TG and 2017-SC-000615-TG (on appeal from Franklin Circuit Court, No. 17-CI- 708). The parties must file a motion with the Court to obtain an Order removing the case from abeyance. The Defendant, Ephraim McDowell Regional Medical Center, shall further need not file an answer or other responsive pleading until such time as the matter is removed from abeyance.

SO ORDERED this 24th day of April, 2018.

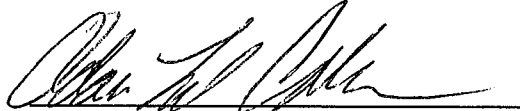


JUDGE, BOYLE CIRCUIT COURT

Tendered by:

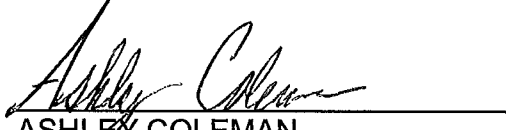
/s/ Pamela Adams Chesnut
ATTORNEY FOR DEFENDANT,
EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER.

HAVE SEEN AND AGREED TO ENTRY:



ADAM L. COLEMAN


Pro se



ASHLEY COLEMAN

Pro se

/s/ Pamela Adams Chesnut
PAMELA ADAMS CHESNUT
Counsel for Defendant,
Ephraim McDowell Regional
Medical Center.



CLERK'S CERTIFICATE OF SERVICE


I do hereby certify that a true copy of the foregoing was mailed to the following
counsel on this 24 day of April, 2018.

Adam L. Coleman
128 J.E. Woods Drive ✓
Danville, KY 40422
Adam301994@yahoo.com

Ashley Coleman
49 Woodspointe Drive ✓
Wilmore, KY 40390

Pamela Adams Chesnut
Green Chesnut and Hughes, PLLC ✓
201 East Main Street, Suite 800
Lexington, KY 40507
pchesnut@gcandh.com

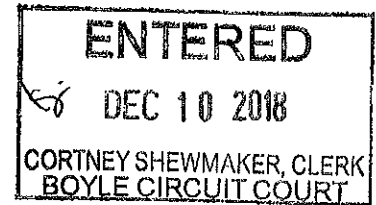
BY:


CLERK, BOYLE CIRCUIT COURT

5

COMMONWEALTH OF KENTUCKY
50TH JUDICIAL CIRCUIT
BOYLE CIRCUIT COURT
CIVIL BRANCH

Electronically Filed



ADAM L. COLEMAN and ASHLEY
COLEMAN

PLAINTIFFS

v.

ORDER

NO. 18-CI-00074

EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

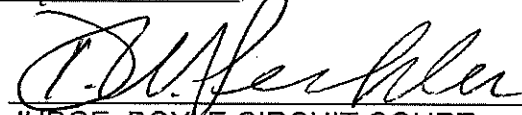
DEFENDANT

The Plaintiffs having filed a motion to remove the captioned matter from abeyance, and Defendant, Ephraim McDowell Regional Medical Center, having moved to dismiss this action, and the Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED as follows:

1. This matter is removed from abeyance;
2. The motion of Defendant, Ephraim McDowell Regional Medical Center, to dismiss Plaintiffs' claims is denied, and Plaintiffs shall have until March 8, 2019 to retain legal counsel to represent the Estate, as they cannot proceed *pro se* in this matter.

SO ORDERED this 6th day of Dec., 2018.


JUDGE, BOYLE CIRCUIT COURT

Tendered by:

/s/ Pamela A. Chesnut
ATTORNEY FOR DEFENDANT,
EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER.

CLERK'S CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing was mailed to the following counsel on this 10 day of Dec., 2018.

Adam L. Coleman ✓
128 J.E. Woods Drive
Danville, KY 40422
Adam301994@yahoo.com

Ashley Coleman ✓
500 Woodspointe Drive
Wilmore, KY 40390

Pamela Adams Chesnut ✓
Green Chesnut and Hughes, PLLC
201 East Main Street, Suite 800
Lexington, KY 40507
pchesnut@gcandh.com

CORTNEY SHEWMAKER, CLERK

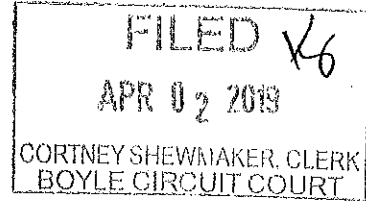
BY:

ky DC
CLERK, BOYLE CIRCUIT COURT

TD : 000002 of 000002

6

COMMONWEALTH OF KENTUCKY
BOYLE CIRCUIT COURT
CASE NO. 18-CI-00074



ADAM L. COLEMAN AND
ASHLEY COLEMAN

PLAINTIFFS

V

EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

DEFENDANT

NOTICE MOTION

*** **

Please take notice that on this given day of 4/2/19 and said time of 12:25 the following motion was filed in Boyle Circuit Court. The said hearing time of this motion is hereby set for 4/3/19 at the said time of 10:00am.

MOTION TO DISMISS WITHOUT PREJUDICE

*** **

Comes before the Boyle Circuit Court by "pro se" and before the honorable judge residing. Plaintiff's ask the hereby court to dismiss case without prejudice based on the following:

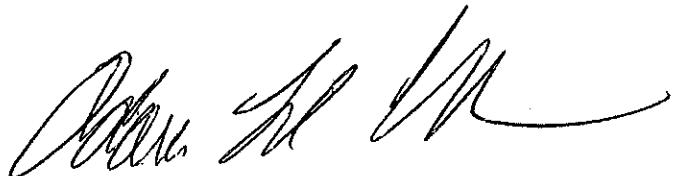
- 1.) The evidence provided in this case is disputable without a trial.
- 2.) New evidence as of 3/26/19 was discovered.
- 3.) Obtaining Legal Counsel was not successful as plaintiffs reached out numerous times and was denied representation due to facts and questioning

arising out of disputable medical review panel objection in this case as well as short preparation time requested by the courts for plaintiffs to obtain counsel by.

- 4.) Plaintiffs have supplied a CD copy of medical services Linda Coleman received questioning the services rendered at Defendant Ephraim McDowell's . Pictures are hereby asserted supporting facts known in Plaintiffs complaint alleging "bedsores" and failure to document furthering continuance of falsifying her health records.
- 5.) Plaintiffs in all respect of the court and the honorable judge wish to comply to the appeals process via questions of concern within law that needed to be disputed after having a preponderance of evidence submitted within this case.

Please Find Enclosed Copy of CD-ROM and Pictures:

*** **



Date: 4/2/19

Kathryn J. Phillips
ID# 608042

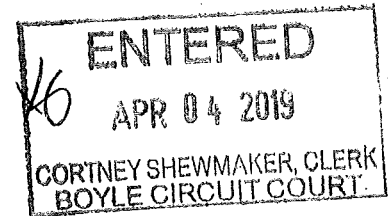
MY COMMISSION EXPIRES

Sept 20, 2022

7

COMMONWEALTH OF KENTUCKY
BOYLE CIRCUIT COURT
NO. 18-CI-00074

Filed Electronically



ADAM L. COLEMAN AND ASHLEY
COLEMAN

PLAINTIFFS

v.

ORDER OF DISMISSAL

EPHRAIM MCDOWELL REGIONAL
MEDICAL CENTER

DEFENDANT

* * * * *

The Defendants having moved this Court to dismiss the Complaint pursuant to CR 41.02, and the Court having reviewed the record and being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED that the Motion is **SUSTAINED** and all claims asserted in the Complaint shall be and hereby are **DISMISSED** with prejudice. There being no remaining claims, this action shall be dismissed and stricken from the docket.

This is a final and appealable Order, there being no just reason for delay.

This the 3rd day of April, 2019.


JUDGE, BOYLE CIRCUIT COURT

TENDERED BY:

/s/ Pamela Adams Chesnut
PAMELA ADAMS CHESNUT
Attorneys for Defendant

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the foregoing Order has been mailed to the following, via first class US mail, postage prepaid, on this 4 day of April, 2019:

Adam L. Coleman ✓
201 East Broadway
Danville, KY 40422
Adam301994@yahoo.com

also sent to 124 JE Woods Dr.
Danville Ky 40422

Ashley Coleman ✓
500 Woodspointe Drive
Wilmore, KY 40390

Pamela Adams Chesnut, Esq. ✓
Green Chesnut & Hughes, PLLC
201 East Main Street, Suite 800
Lexington, KY 40507

CORTNEY SHEWMAKER, CLERK

By Kj-DC
CLERK, BOYLE CIRCUIT COURT

TD : 000002 of 000002

8

Supreme Court of Kentucky

CASE NO. _____

ADAM L. COLEMAN

For the estate of Linda Coleman,

APPELLANT,

V.s.

EPHRAIM MCDOWELL

REGIONAL MEDICAL CENTER

APPELLEE,

APPELLANT'S MOTION FOR DISCRETIONARY REVIEW

Comes before the Kentucky Supreme Court on August 9th, 2019 by "Pro Se" and pursuant to CR 76.20, Appellant Adam L. Coleman for the estate of Linda Coleman hereby states the following as his request for discretionary review of his honorable judges presiding. In request of this review is a "Wrongful Death" claim against Ephraim McDowell Regional Medical Center.

FACTS

*** **

- 1.) On November 5th, 2017 Linda Coleman the named decedent passed away at UK Chandler Medical Center following the care of Ephraim McDowell Regional Medical Center.
- 2.) Adam L. Coleman became court appointed executor of estate via appointment granted by Boyle, District Judge for the estate of his late mother Linda Coleman.
- 3.) Pursuant to KRS 411.130 Adam Coleman files suit alleging a “wrongful death” action caused by appellee Ephraim McDowell Regional Medical Center on the causes of death of his mother (Pneumonia, Bedsores, Sepsis Shock).
- 4.) While suit proceeded in Boyle Circuit Court before honorable judge Darren Peckler, counsel for appellee (Pamela Chesnut) subjected the claim to the Medical Review Panel Act also formally known as KRS 216C. Appellant Adam Coleman argued that the Medical Review Panel should not be used in this claim and sought injunctive relief like present opinion granting so by Franklin Circuit Judge, Phillip J. Sheppard in the *Tonya Claycomb v. Commonwealth of Kentucky* deeming it “unconstitutional”.

The Boyle Circuit Court continued to proceed subjecting compliance to the Medical Review Panel or in otherwise holding entirety of the case including statute of limitations in abeyance where the said statute of limitations was said

“not to run” until the Kentucky Supreme Court ruled on the arguing case of *Tonya Claycomb v. Commonwealth of Kentucky*.

- 5.) Following the latest ruling and appellant having been present for the oral arguments of the *Tonya Claycomb v. Commonwealth of Kentucky* case, Adam Coleman then filed motion to remove case from abeyance based on ground evidence of the Kentucky Supreme Court’s ruling in November (2017) of the medical review panels being found “unconstitutional” by opinion which follows:

“In holding the Act unconstitutional, the Kentucky Supreme Court focused its analysis on Section 14 of the Kentucky Constitution. Section 14 is entitled the “Right of judicial remedy for injury -- Speedy trial”. Section 14 states that “All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.” The Court found that Section 14 not only applied to the Judicial branch but also to the Legislative branch, holding that the Legislative branch cannot enact legislation contrary to the rights guaranteed in Section 14, including a right to have justice without delay. The Court reasoned that, even though there are natural delays in judicial proceedings, the Act was unconstitutional because it created a mandatory delay. The Court found that due to the Act’s provisions, claimants were now unable to seek immediate redress through the Judiciary, which was unconstitutional.”

- 6.) After having removed the case (18-CI-00074) from abeyance counsel for appellee / defendant alleged I Adam L. Coleman as an executor of the estate cannot represent the claim "pro se" without practicing law without a license and furthermore subjected case (18-CI-00074) to another "created" but not mandatory delay of seeking out counsel to represent the claim.

*"The practice of law' is any service rendered involving legal knowledge or legal advice, whether of representation, counsel, advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services. **But nothing herein shall prevent any person not holding himself out as a practicing attorney from drawing any instrument to which he is a party without consideration unto himself therefor.**"*

The one exclusion is as underlined above pursuant to RCA 3.020.

While legislation in 2017 enacted and put into place the Medical Review Panel Act, attorneys locally and even statewide where un-willing to file suit in 2017 based on the jeopardizing factors that where presented in KRS 216C.

- 7.) With lack of counsel for appellant and with knowledge known to appellant if appellant had not filed claim pursuant to the allowed statute of limitations for the "wrongful death" claim. The claim itself would have been dismissed and no other attempts could have been made to revive such claim so appellant Adam L. Coleman filed "Pro Se" without representation or given advice by any counsel in hopes that the claim will survive regardless of standards due to the Medical Review Panel compliance.

8.) The suit (18-CI-00074) was further dismissed prematurely based on several factors being that appellant did not have retained counsel for representation of claim and or statute of limitations had ran out. Given the consideration of practicing law without a license or considerably violating an "Unauthorized Practice of Law" defense counsel and courts in support of failed to follow proper procedures pursuant to **SCR 3.460** for reporting and investigating any matter of "guilt act" of practicing law without a license, merely an opinion is subjective and not considerably a fact in which law provided. The statute of limitations in mention to this final order was recorded via video transcript provided by the Boyle Circuit Court and its residing officials and in mentions to the recording the statute of limitations was said "not to run" during the entirety of abeyance.

***** SEE ATTACHMENT OF VIDEO TRANSCRIPT(S) FOR THE ABOVE.**

9.) Appellant has supported by a preponderance of evidence (Photographs, Video Transcripts, Opposing Medical Records and Affidavits) that the event(s) occurred in the death of decedent by the responsible parties of care and appellee Ephraim McDowell Regional Medical Center. Appellee furthermore does not deny any of the allegations against its occurrence but solely focuses on the ability of appellant / plaintiff (Adam L. Coleman) to represent the claim.

10.) Appellant would like to mention that the creation of legislation and rules surrounding an "Unauthorized Practice of Law" was created in protection of the public's interest in mind from hiring the untrained and incompetent. This claim of the appellants is not the hiring of anyone or for the public's interest but rather opposed to a "personal interest" whereas appellant is named executor of estate and decedent Linda Coleman is rightfully the late mother of Adam L. Coleman.

ISSUES AND SUMMARY

- 1.) The first issue arises out of the thought that a personal representative or executor of the estate cannot represent a claim where there is a "personal interest at stake" or in otherwise more than one interest involved. The opposing thoughts of appellant argues that with or without representation by counsel of claim there would still exist a similar interest in the same claim in the fact that there is a "shared interest" in responsibilities and roles regarding the claim in question.
- 2.) The second issue risen is the consideration of an "Unauthorized Practice of Law" by a "Pro Se" plaintiff and or appellant. A plaintiff or appellant of the

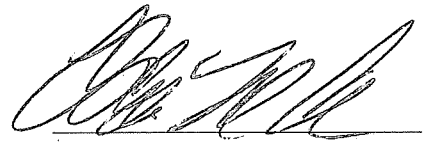
courts in respect to all residing officials should not be barred from presenting and arguing points of question nor barred from producing and filing any legal instrument from court proceedings without a conclusion of investigative measures producing such evidence as valid and factual substantial evidence. In contrary to this issue it raises constitutional challenges of rights regarding to services paid for such a trial by jury and due process of the law.

CONCLUSION

*** **

Appellant by "Pro Se" and having come before the Kentucky Supreme Court. Adam L. Coleman hereby requests by his honorable judges presiding over the Kentucky Supreme Court a request for a scheduled oral argument time to conclude all facts and issues stated in the above brief mentioned as this claim solely holds a constitutional challenge due to representation allegations and claims made therefore against it in "Pro Se" and holding of case in abeyance based on compliance to 2017 **Medical Review Panel**.

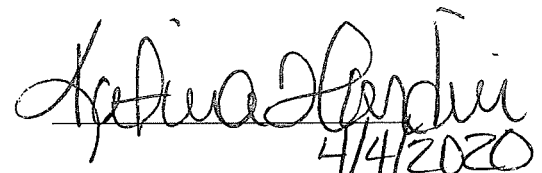
In finding of favor of the appellant by "Pro Se" , appellant would ask the respectful court to vacate order from Boyle Circuit Court case (18-CI-00074) and to reverse order findings in appeals case (2019-CA-000577) with the award amount of \$10,000,000 for this wrongful death claim partially arising around punitive damages that would have been awarded if trial had been granted.



ADAM L. COLEMAN

500 Woodspointe Way

Wilmore, KY 40390


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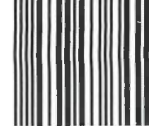
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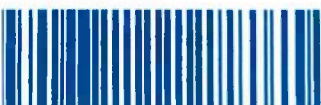
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