

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CASE NO: 3:20-CV-00264-JRW

Electronically filed

ON FIRE CHRISTIAN CENTER, INC.

PLAINTIFF

v.

GREG FISCHER, in his official capacity as Mayor, and  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, ET AL. DEFENDANTS

**DEFENDANTS' MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER  
AND RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY  
INJUNCTION**

The Defendants, Greg Fischer, in his official capacity as Mayor of Louisville/Jefferson County Metro Government ("Mayor"), and Louisville/Jefferson County Metro Government ("Louisville Metro" or "Metro") (collectively "Defendants"), by counsel, for their Motion to Dissolve Temporary Restraining Order and Response in Opposition to Plaintiff's Motion for Preliminary Injunction, state as follows:

**I. INTRODUCTION**

Plaintiff, On Fire Christian Center, Inc. ("On Fire"), moved on April 10, 2020 for a preliminary injunction seeking relief from Defendants on the possibility that Plaintiff, or the members of its congregation, will be prevented from holding drive-in church services on Easter Sunday, April 12, 2020. Plaintiff by its motion sought to enjoin the enforcement of Mayor Fischer's and Louisville Metro's reasonable measures to prevent the spread of COVID-19 during a state and national emergency. Plaintiff alleges these measures amount to violations of the Free Exercise Clause of the First Amendment to the U.S. Constitution and violations under the Kentucky Religious Freedom Act, and other alleged violations. Plaintiff fails to identify any

executive order of Mayor Fischer to support its allegations, but rather reference the Mayor's public comments urging the religious community not to hold drive-in church services.

Plaintiff's affidavit from Chuck Salvo, Pastor of On Fire Christian Center, upon which this Court relied, was misleading and inaccurate. The attached photographs published in the Courier Journal and contained on-line establish that On Fire Christian Center's previous drive-in services have violated the Centers for Disease Control and Prevention's interim guidance with respect to faith-based organizations. *See* Photographs attached as compiled Exhibit 1. In fact, these photos show the exact dangers of these drive-in services the Mayor hoped to prevent with his public urging on April 9, 2020. The congregants of On Fire gathering within six feet of each other, elbow bumping, dangerously hanging out of car windows, and passing the collection basket. *Id.*

The Court should dissolve its Temporary Restraining Order pursuant to Fed. R. Civ. P. 59(e) or other rule amending its order. Plaintiff's counsel was notified twice of the Defendants' intention to respond to the Motion for Temporary Restraining Order. Defendants are disappointed with the Court's failure to provide adequate opportunity for a response to the motion for Temporary Restraining Order.

Plaintiff is not likely to succeed on the merits of its Motion for Preliminary Injunction because courts have long recognized a local government's authority to regulate the public welfare and there was no order from the Mayor to enjoin. The Mayor is authorized and mandated under the law to take steps in a public crisis to mitigate potential and likely harm to the community. The Mayor's oral statements are consistent with enforcement of the Cabinet for Health and Family Services March 19 Order that prohibits mass gatherings.

Preliminary injunctions are extraordinary and drastic remedies. The Court should not have entered an order granting a temporary restraining order without allowing Defendants' known legal

counsel an opportunity to respond to Plaintiff's motion. Plaintiff has failed to carry its burden of justifying relief. The balance of harm of the community's health and public interest weighs in favor of denying preliminary injunctive relief, and the Court should dissolve its temporary injunction order and allow Mayor Fischer to combat the spread of COVID-19.

## **II. FACTUAL BACKGROUND**

### **1. THERE IS NO ORDER FROM MAYOR FISCHER TO ENJOIN.**

Plaintiff's Motion did not contest that mass gatherings are prohibited by the March 19, 2020 Order ("March 19 Order") that was issued by the Cabinet for Health and Family Services ("Cabinet")<sup>1</sup> and signed by the Governor's designee, Eric Friedlander.<sup>2</sup> Plaintiff did not contest the fact that faith-based services are a mass gathering subject to the prohibition. Plaintiff did not contest the authority of the Cabinet and Governor Beshear to pass such an order prohibiting mass gatherings.

Plaintiff solely relies on an April 6, 2020 press conference with Governor Beshear to establish their right to conduct a drive-in church service. *See* Andy Beshear, *Gov. Beshear on drive-in church services: 'Stay inside your car,'* Lexington Herald-Ledger (Apr. 6, 2020). The press conference does not authorize any drive-in church services but provides guidance to ensure

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<sup>1</sup> See Ky. Rev. Stat. § 214.020 (authorizing the Cabinet "to adopt regulations and take other action to prevent the spread of disease"); See also Ky. Rev. Stat. § 211.025 (mandating the Cabinet "administer all provisions of law relating to public health"); See also Ky. Rev. Stat. § 211.180 (directing the Cabinet to establish and execute policies, plans and programs relating to the control of communicable disease); See also Ky. Admin. Reg. Title 902 § 02:030 (instructing the Cabinet to establish and maintain "measures as required by law or by administrative regulations of the Cabinet for Human Resources relating to communicable disease control"); See also Ky. Admin. Reg. Title 902 § 02:050 (mandating the Cabinet to take "control procedures necessary to insure cessation of transmission" of any communicable disease on public or private property); See generally Ky. Rev. Stat. Chapters 194A, 211, 212 and 214; See generally Ky. Admin. Reg. Title 902.

<sup>2</sup> Governor Beshear's March 25th Executive Order references and reaffirms the March 19 Order.

such a drive-in service may be held without further enforcement of the ban of mass gatherings. However, of significant importance here, Governor Beshear explicitly states in this very press conference that due to Louisville's density, the Governor fully supports the Mayor's recommendation to cancel drive-in, faith-based services in Louisville. Only in areas that are less dense than Louisville does the Governor extend the work-around guidance on holding a drive-in service. *See* Exhibit 2, copy of the March 19, 2020 Order, which forbids mass gatherings, including faith-based services.

One of Mayor Fischer's major responsibilities during Kentucky's State of Emergency is to **"enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county[.]"** KRS 39A.100(2)(a)(emphasis added). During the State of Emergency, Louisville Metro devoted its 311-phone number, a number otherwise used for complaints about potholes and other government related matters, to receive reports from the community of alleged violations of COVID-19 orders. Louisville Metro's Health Department developed a method to track and investigate the allegations related to violations of mass gatherings, non-essential business openings, and failure to practice social distancing, to name a few. These calls have resulted in the issuance of sixteen Notice-Orders for the cessation of violations and no criminal citations, even though its permissible enforcement under KRS 39A.180. *See* Exhibits 3 and 4 for copies of the Notice-Orders of violation from the Health Department and an Affidavit from Louisville Metro Police Department Chief, Steve Conrad, who confirms that no criminal citations have been issued during the State of Emergency for violation of COVID-19 related orders. None of the Notice-Orders have been against the Plaintiff even though, according to Pastor Chuck Salvo's affidavit, paragraph 9, On Fire has been holding services since the March 19 Order.



Despite the Mayor's powers to enforce the March 19 Order and to issue his own more stringent order under KRS 39B.070(2), he did not do so. Instead, Mayor Fischer took to the radio and a live-stream internet program to plead with the community not to engage in mass gatherings, including drive-in church services. The Plaintiff offers nothing but the strong statements from a passionate and reasoned Mayor to support its misplaced allegation that Louisville Metro has infringed on its constitutional rights.

## **2. THE MAYOR'S COMMENTS ARE AND WERE APPROPRIATE UNDER KENTUCKY LAW.**

Mayor Fischer holds non-scripted daily briefings with the public to share the latest COVID-19 information and to encourage the community to comply with government efforts to combat the virus. His briefings occur at or around 4 pm every day and typically last an hour. Mayor Fischer invites guests and often holds panel discussions on various topics related to the COVID-19 crisis and the on-going State of Emergency. These daily briefings began from Mayor Fischer's home when he was self-quarantined with his wife after she tested positive for COVID-19. Mayor Fischer uses his laptop computer as the recording device. The daily briefings are hosted on Cisco WebEx and then broadcasted on Facebook Live and on Metro TV, with a sign language interpreter. Other media stations simultaneously live-stream his briefing through their websites and/or other media mediums.

During the 4 pm briefing on April 9, 2020, Mayor Fisher stated to the public that individuals who attend church services in person or who attend drive-in services would be in violation of the March 19 Order. The Mayor's comments were made to strongly discourage churches from holding in-person services on Easter Sunday. While sentences of his non-scripted commentary have been taken out of context and quoted by the Plaintiff to allege government infringement on its constitutional rights, a review of the entire conversation is helpful to understand

that his remarks were made simply to encourage folks to stay home. Here are Mayor Fischer's material comments from the April 9 briefing, which begins with about 38:28 left in the recording:

And what we do know, is the more we stay home, the less the chance for the virus to spread. That's why we know social distancing is working. That's why these spikes are coming down. So please stay home today, tomorrow, and every day. And what I have to say that, too, especially now, this very special week we are in, the Holy Week for Christians. Passover started last night for our Jewish brothers and sisters. And so this is a really hard time, right now. People, with their Easter celebrations – there are so many family traditions tied up with Our Easter traditions. People are out celebrating. They are worshipping together, having brunches. Used to having Easter egg hunts. Used to having all your family members together. Having good times. Loving on our family members; and seeing that family member that you hadn't seen in a year or so and just catching up on what's going on with each other. I understand that this is really difficult for people right now. We are asking them to keep the faith. And what we are doing with the community social distancing, because its working. So we really have to do that. Another call out to all of our houses of worship. We are saying that you cannot have services. We are not allowing drive-thru services as well. We are doing all of this because we want to save the lives your congregants, of your flock. All of our great faith traditions, all of our faith traditions emphasize community, love one another. Love one another, right now, we are social distancing. Cause when we are together, it can happen in a church, the likelihood of spreading the virus goes way up. One of the reports we are getting from national experts is that people in choirs have been spreading the virus because of the vocalizations required when you are singing, and the virus is going out and getting on folks. There's just so many reasons not to do this, and not to get together. And worship from our homes, worship virtually, and get together next year. I understand how important faith is to everybody. And I understand we believe we need to get together and celebrate, and worship. I understand that. But we have to understand the science as well. The virus doesn't care about faith, or family members or anybody. All it wants to do is infect people and person to person to person. So I would suggest, the best way that you can follow the Golden Rule that's all in our faith traditions by loving one another is by staying away from each other. And we ask for not to go to church services, and for anybody that is a leader of a house of worship we request that you not to hold your church services as well. I can say that 99.9998 percent or whatever huge number it is, people are complying with it. So for those that are not,

let's reconsider, stay home, stay safe, show your love that way. Worship virtually, visit with your family virtually as well. We just don't want any kind of crowds coming together because it increases the odds of this virus passing from person to person. So for the good of our loved ones, and our community, no in-person or drive thru worship services, and or any holiday gatherings, including family gatherings, this weekend. Connect online, stay home, as much as possible social distancing. If you have to go out for essential business wear a mask. The mask is so that you don't breathe on other people. People without symptoms are spreading the disease, asymptomatic, but if you put a mask on, and you are asymptomatic, you have less of a chance to spread the disease to other people.

(Around 3:25 left)

We are not allowing churches to gather, either in-person or any kind of drive-thru capacity. OK, so, if you are a church or are a church-going member, and you do that, you are in violation of a mandate from the Governor, you are in violation of the request from my office and city government to not do that. No that's the last thing – we are saying no. No church worshipping, no drive-thrus. Why – we want to save your life, and the lives of other people in our community. It distresses us greatly to have to do this during Holy Week. Easter is about rebirth. The virus is not interested in rebirth. OK? Virus is interested in sickness and death. So we have to deny the virus. The way we do that is staying away. That's really how we bring our faith traditions alive. Loving one another by practicing social distancing. Staying home. We know that works. OK, everybody so please help us out with that.

(Around :54 left)

Try to channel that energy that you have to be with other people and your commitment to your faith tradition, to be faithful to that by staying separate from people, and showing your love to each other that way. Focus it on your internal self. OK, I can't be with other folks, but I'm going to be the best person I can be by staying separate from others.

Facebook at

<https://www.facebook.com/MayorGregFischer/videos/582592332359691/> (last visited April 13, 2020).

Mayor Fischer's remarks are a far cry from threatening parishioners with any enforcement action. Instead, these words express serious concerns that in-person, drive-in church services

could further spread the virus through the community. The Mayor asked churches to keep the faith by staying home, worshipping at home and practicing social distancing so we can save lives. Perhaps our non-lawyer Mayor offended some by telling the community what to do rather than simply pleading with folks to avoid these mass gatherings. These remarks have been misinterpreted by the Plaintiff and this Court.

The very behavior that Mayor Fischer spoke out about and the reasons for his concern can be seen in the photographs attached as Exhibit 1. Even though Pastor Chuck Salvo swore the On Fire's drive-in service followed mandatory social distancing, the photos taken by the Courier Journal show otherwise. These photographs demonstrate the Plaintiff's parishioners closely congregated at past services with folks sharing a collection basket, band members performing without proper distances, and other attendees interacting in ways inconsistent with the March 19 Order.

The Court erred in describing Mayor Fischer's comments on the actions to be taken by Louisville Metro on Easter. The Court describes them as a threat. For the Court's knowledge, the purpose of passing out the flyers was for educational purposes. The flyers referenced the potential dangers incident to gatherings in case a potential attendee was uninformed about the potential consequences to themselves and their family. The purpose of recording the license plates was to assist the health departments with potentially tracking individuals (and their families) who may test positive to the virus and to then encourage and/or mandate them to self-quarantine for 14 days so as to protect the public at large.

While Mayor Fischer has authority to enforce the March 19 Order more stringently in Louisville, his public discussions do not amount to a written order banning drive-in church services. Plaintiff filed an action based solely on the passionate pleas of a city's leader during a

public health crisis. Mayor Fischer’s statements are in conformity with the March 19 Order and do not violate the Plaintiff’s rights under the First Amendment.

### **III. APPLICABLE STANDARD OF REVIEW**

In determining whether a preliminary injunction should issue a district court must balance four factors: “(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction.” *American Civil Liberties Union Fund of Michigan v. Livingston County*, 796 F.3d 636, 642 (6<sup>th</sup> Cir. 2015), quoting *Bays v. City of Fairborn*, 668 F.3d 814, 818-19 (6<sup>th</sup> Cir. 2012) (citing *Certified Restoration Dry Cleaning Network, LLC v. Tenke Corp.*, 511 F.3d 535, 542 (6<sup>th</sup> Cir. 2007)). But in First Amendment cases, “the crucial inquiry is usually whether the plaintiff has demonstrated a likelihood of success on the merits.” *Livingston County*, 796 F.3d at 642 (citing and quoting *Hamilton’s Bogarts, Inc. v. Michigan*, 501 F.3d 644, 649 (6<sup>th</sup> Cir. 2007)). This is because the public’s interest and any potential harm to the parties or others “largely depend on the constitutionality of the [state action].” *Id.* (quoting *Hamilton’s Bogarts*, 501 F.3d at 649); see *Liberty Coins, LLC v. Goodman*, 748 F.3d 682, 689 (6<sup>th</sup> Cir. 2014), *cert. denied*, --- U.S. ---, 135 S.Ct. 950, 190 L.Ed.2d 831 (2015) (“[W]hen a party seeks a preliminary injunction on the basis of a potential constitutional violation, ‘the likelihood of success on the merits often will be the determinative factor.’ ” *Livingston County*, 796 F.3d at 642 (quoting *Obama for America v. Husted*, 697 F.3d 423, 436 (6<sup>th</sup> Cir. 2012))). In addition, “preliminary injunctions are extraordinary and drastic remedies ... never awarded as of right.” *Livingston County*, 796 F.3d at 642 (quoting *Platt v. Bd. of Comm’rs on Grievance & Discipline of Ohio Supreme Court*, 769 F.3d 447, 453 (6<sup>th</sup> Cir. 2014)). The party seeking a preliminary injunction

bears the burden of justifying such relief.” *Id.* (quoting *McNeilly v. Land*, 684 F.3d 611, 615 (6<sup>th</sup> Cir. 2012)).”

#### **IV. ARGUMENT**

1. THE COURT’S ENTRY OF A TEMPORARY RESTRAINING ORDER WAS IN ERROR AND PLAINTIFFS CANNOT DEMONSTRATE A LIKELIHOOD OF SUCCESS ON THE MERITS. THE TEMPORARY RESTRAINING ORDER SHOULD BE DISSOLVED.

Plaintiffs have failed to show that the Mayor’s discouragement of drive-in church services is a constitutional violation. The Mayor’s statements were at most an admonition to comply with the March 19 Order prohibiting mass gatherings. The Mayor’s statements were not reduced to an executive order, nor codified as an ordinance, even though the Mayor would be well within his authority to take this action. There is no threatened action by the government to enjoin, which raises the question of whether a justiciable controversy exists for which the Plaintiff can seek relief.

The Plaintiff maintains that because it has been conducting drive-in church services, it should remain entitled to conduct such services, as they claim compliance with COVID-19 guidelines. However, there is substantial evidence to support the fact that the church has not been following the appropriate guidelines. The *Interim Guidance for Administrators and Leaders of Community- and Faith- Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019* (“CDC Guidelines”) are divided into recommendations based on the severity of the community outbreak. Plaintiff relies on the wrong stage of infection guidelines. At the point where there is a mild to moderate community transmission, the CDC Guidelines recommend: 1) following the instructions of local officials, and 2) cancelling services. Plaintiff continues to flout these guidelines while at the same time citing them to support Plaintiff’s practice. *See* Exhibit 1 photographs showing non-compliance. Some of the On Fire parishioners have not been practicing proper social distancing guidelines consistent with the requirements in the March 19 Order.

Municipalities like the state have broad police powers, including the power to establish laws that promote the “health, safety and welfare of citizens.” *Town of Dillion v. Yacht Club Condominiums Home Owners Assoc.*, 325 F.3d 1032, 1038 (Col. 2014) (internal citations omitted); *See also McCollum v. City of Berea*, 53 S.W.3d 106, 109-10 (Ky. App. 2000) (proper functions of a city’s police power include promoting the health, safety, and public welfare of its citizens); (It has always been understood that all “rights” which involve conduct are subject to limitations by the essential police measures which protect public health, safety and welfare.) *See Fowler v. Obier*, 224 Ky. 742, 7 S.W.2d 219 (1928). Courts generally uphold measures enacted pursuant to police power if related to health, safety and welfare of community. *See also Bosworth v. City of Lexington*, 125 S.W. 995 (Ky. 1939); *Adams, Inc. v. Louisville and Jefferson County Bd. of Health*, 439 S.W.2d 586, 589-92 (Ky. 1969).

The United States Supreme Court in *Chicago, Burlington, Quincy Railway Co.*, 200 U.S. 561, 592-93, 26 S.Ct. 341 (1906) also indicated police power is power inherent in every sovereignty to prohibit all that is harmful to the comfort, safety and welfare of society and to prescribe regulations to promote public health and safety in addition to aid welfare.

In *Jacobson v. Comm. of Massachusetts*, 197 U.S. 11, 25 S. Ct. 358, 361 (1905), the Court stated even the most basic human “rights” are subject to the essential power of the state to protect the public when there is a clear and present danger, *Schenck v. United States*, 249 U.S. 47, 39 S. Ct. 47, 52 (1919). Thus, the word “right” implies that the individual or group is free to engage in the activity in question except when it endangers the public health, safety, or welfare. This historic limitation on all “rights” clearly shows that Congress by protecting certain employee “rights” did not intend to bar the adoption of essential state police measures which preserve the public health, safety or welfare. There are enough historical limitations on the states’ ability thus to interfere

with an employee right to insure that the essence of the “right” which Congress sought to protect will not be jeopardized, *compare Thomas v. Collins*, 323 U.S. 516, 323 (1945).

In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), it was stated by the United States Supreme Court that a state police regulation restricting freedom of religion could not be tolerated except: “When clear, and present danger or riot, disorder, interference with traffic upon the public streets, or other *immediate threat to public safety, peace, or order appears, the power of the State to prevent or punish is obvious.*” (Emphasis added.) In the subject instance, there is a clear and present danger. The recent past practices at the Plaintiff’s drive-in services show their many abuses of congregating together in violation of March 19 Order to practice social distancing set forth in the CDC guidelines. Parishioners are shown in photographs (Ex. 1) in close proximity to one another, standing in truck beds, or with windows rolled all the way down, and passing collection basket. Other parishioners were in the open and on stage performing without protective equipment or proper spacing. These behaviors are cautioned against in the CDC guidelines and pose a real danger to further spread of COVID-19 in the community.

As stated in *Cantwell*, 310 U.S. 296, 303-04 (1940), the First Amendment “embraces two concepts, - freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society.” *See also Founding Church of Scientology of Washington, D.C. v. U.S.*, 409 F.2d 1146, 1154-55 (D.C. Cir. 1969). In *Cantwell*, *supra*, 310 U.S. at 304, the Supreme Court stated that “power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom.” And in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 639 (1943), the Supreme Court spoke more elaborately and more forcefully to the same issue:

The right of a State to regulate, for example, a public utility may well include, so far as the due process test is concerned, power to impose all of the restrictions which



a legislature may have a ‘rational basis’ for adopting. But freedoms of speech and of press, of assembly, and of worship may not be infringed on such slender grounds. They are susceptible of restriction only to prevent grave and immediate danger to interests which the State may lawfully protect.

*See also Founding Church of Scientology of Washington, D.C.*, 409 F.2d at 1155, quoting *Barnette* 319 U.S. at 639. Further, in *N.L.R.B. v. World Evangelism, Inc.*, 656 F.2d 1349, 1354 (9<sup>th</sup> Cir. 1981), the Ninth Circuit Court of Appeals recognized the freedom to act is subject to regulation for the protection of society. *Citing Cantwell*, 310 U.S. at 303-04 and other authority. As expressed by the Sixth Circuit Court of Appeals in *Fair Housing Advocates Assoc., Inc. v. City of Richmond Heights, Ohio*, 209 F.3d 626, 635 (6<sup>th</sup> Cir. 2000), there is a presumption of validity of a local government ordinances exercising political power to protect the public health, safety and welfare. *See also Batchelder*, concurring opinion, recognizing deference to exercises of a locality’s police power for health and safety of citizens. *Id.* at 638.

Here, Plaintiff’s practices pose a real and present danger to the health and welfare of Kentucky’s citizens. Congregating in close proximity violates social distancing guidelines mandated in the March 19 Order, and Plaintiff has clearly shown an inability to follow these guidelines. The affidavit of Pastor Chuck Salvo attached to Plaintiff’s Memorandum misrepresents to the Court that his services were attended by parishioners that were practicing proper social distancing in compliance with the March 19 Order. The Court’s reliance on the affidavit is in error.

Louisville Metro has been actively engaged in the enforcement of the March 19 Order and others issued by the Governor, the Health Department, and Mayor Fischer. Louisville Metro has issued sixteen Notice-Orders to businesses and individuals in the community who have failed to engage in proper social distancing or congregated in violation of the March 19 Order. Attached hereto are the Notice-Orders issued by the Health Department that establishes this drive-in church

service was not targeted or threatened. *See* attached Exhibit 3 with affidavit. Louisville Metro simply asked it to comply with the same mandate issued to all residents of this Commonwealth of Kentucky.

Mayor Fischer has acted responsibly and properly in protecting the community from a clear and present danger. As of April 13, 2020, there have been 1,963 Kentuckians and 569 Louisvillians infected with COVID-19; 97 of these Kentuckians and 45 Louisvillians have died as a result of this highly contagious disease. There is a compelling reason for Mayor Fischer tell his residents not to engage in social gatherings such as a drive-in church service, especially in the state's highest population density county. Given these facts and Plaintiff's past practices, Louisville Metro's position is not overly broad. The Plaintiff has not shown a likelihood of success on any of its claims. Equities are not in their favor where there is a clear and present danger facing the community.

## **V. CONCLUSION**

In the words of Mayor Fischer on April 9, 2020: "We are doing all of this because we want to save the lives your congregants, of your flock. All of our great faith traditions, all of our faith traditions emphasize community, love one another. Love one another, right now, we are social distancing." Defendants urge the Court to not enjoin the government with its enforcement of efforts to end the transmission of COVID-19. Louisville Metro has the highest number of COVID-19 deaths in the Commonwealth of Kentucky, the district in which this court presides. Based upon the premises stated herein and the authorities cited, the Court should dissolve the temporary restraining order and deny Plaintiff its request for a preliminary injunction. An injunction on the Mayor's right to enforce the March 19 Order may confuse the community and prevent Louisville

Metro from properly enforcing the government's efforts to stop the spread of this pandemic disease.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Motion to Dissolve Temporary Injunction Order and Response to Motion for Preliminary Injunction with tendered Order was electronically filed on this 13th day of April 2020, via the Court's electronic mail system which in turn will email this pleading to the following:

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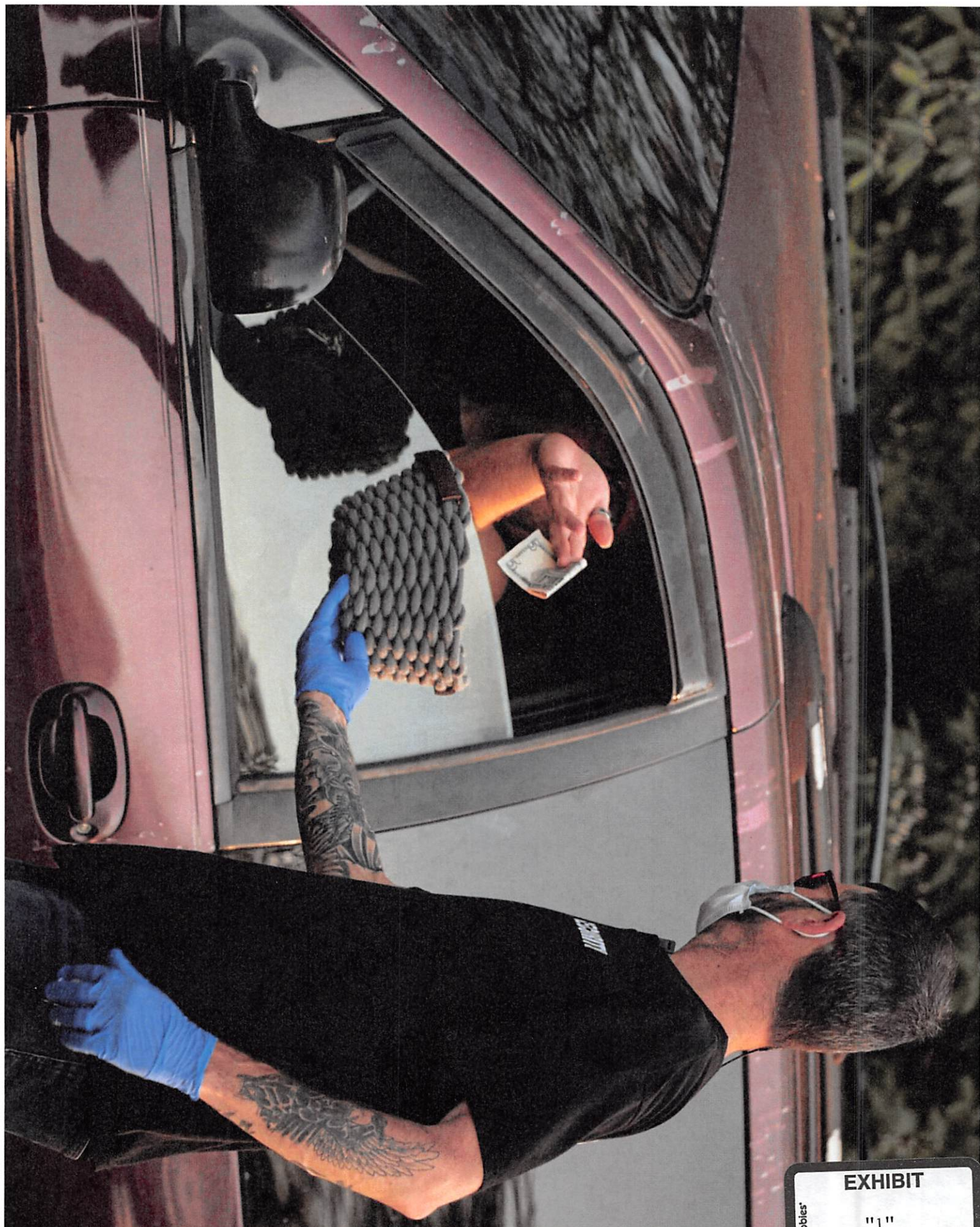
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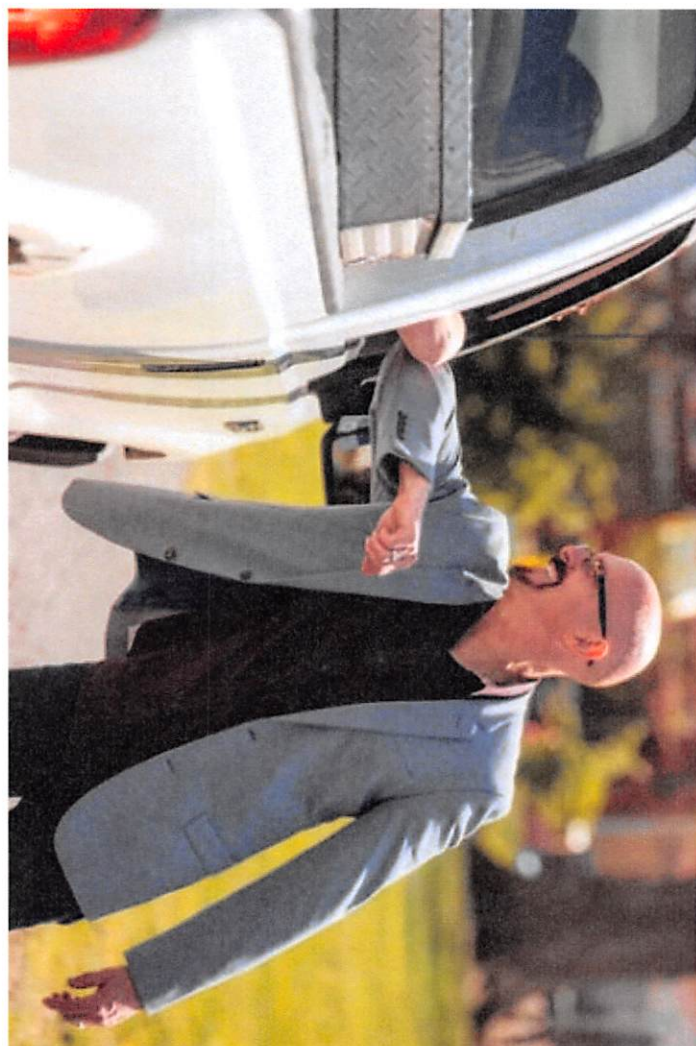
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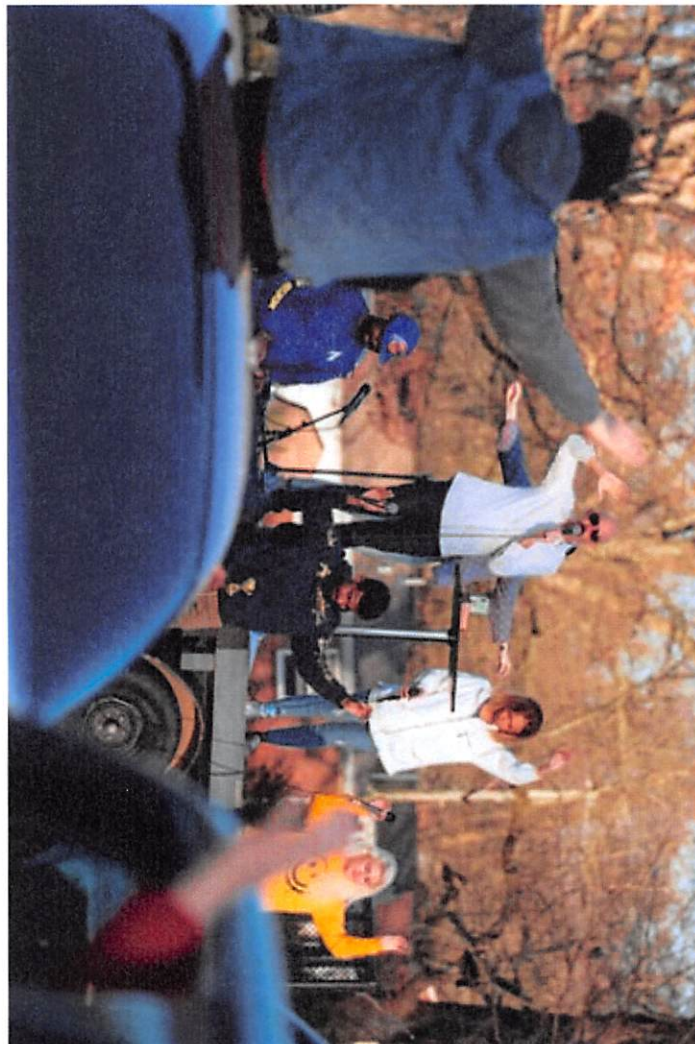






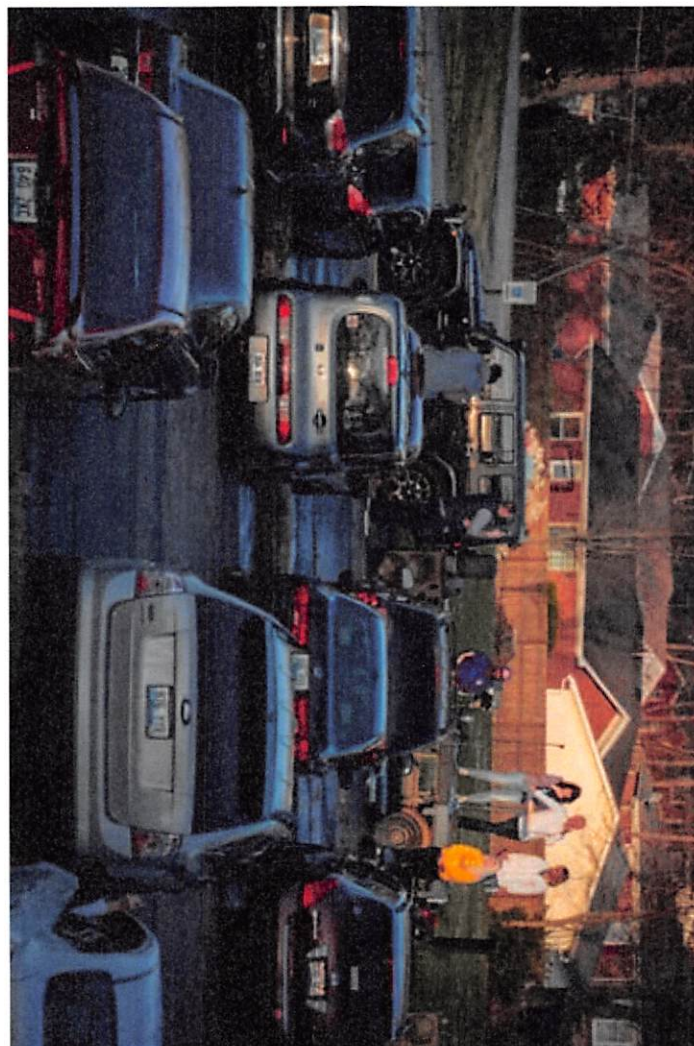












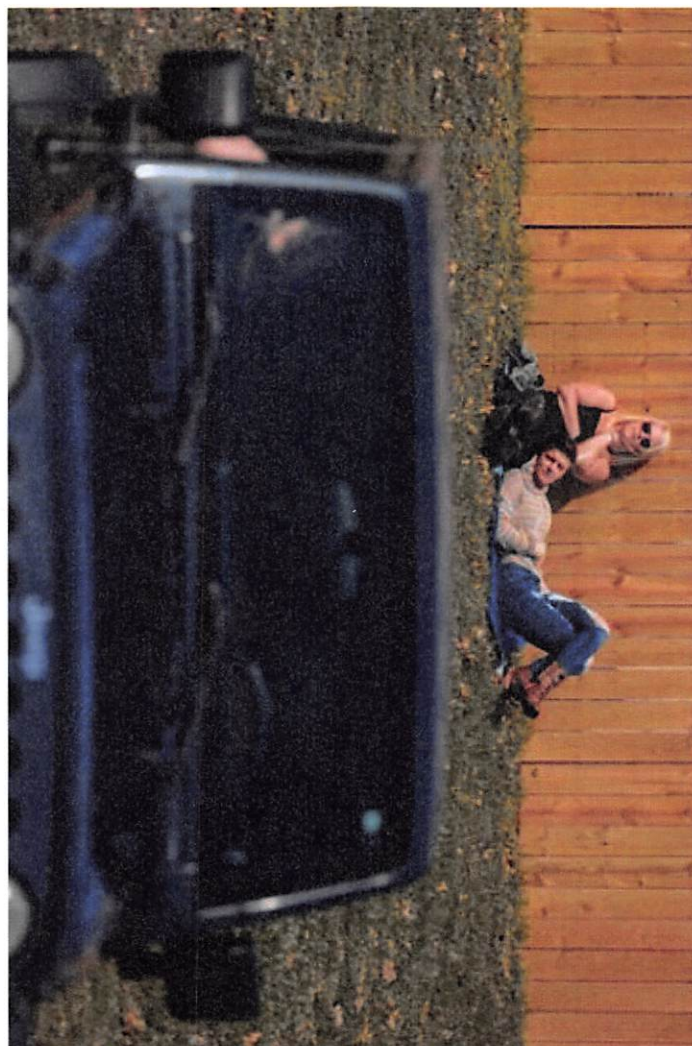


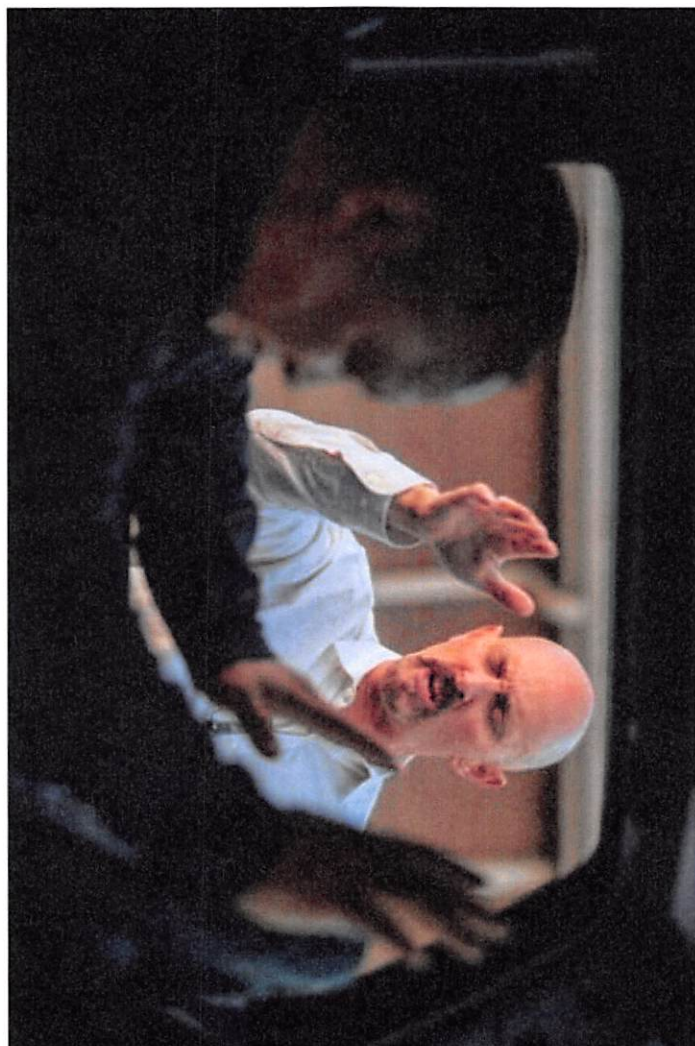




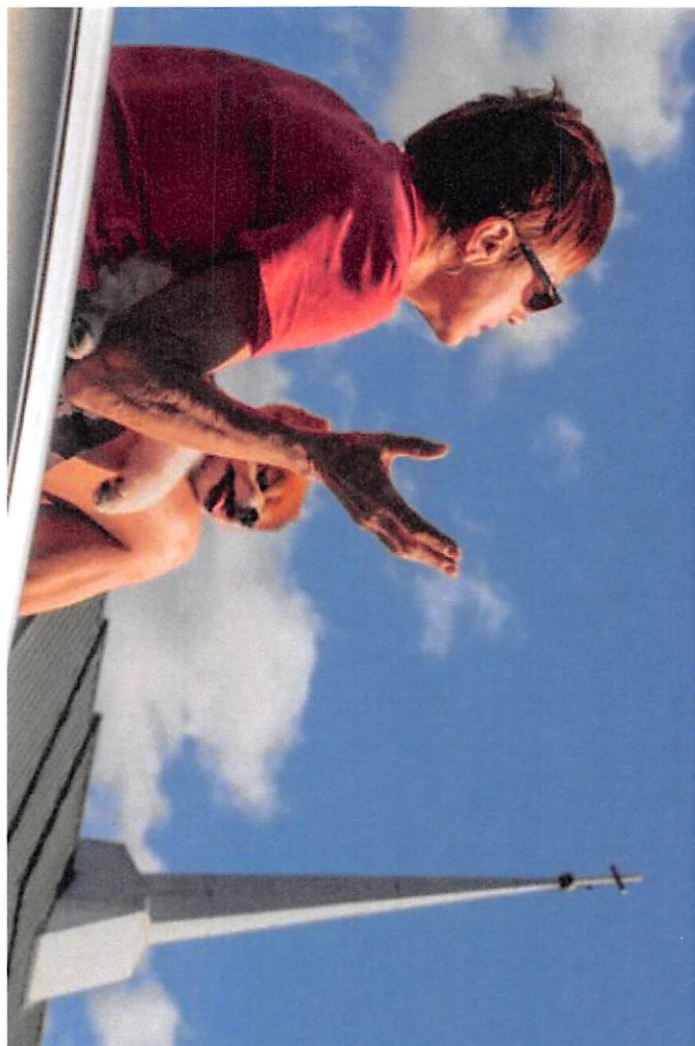


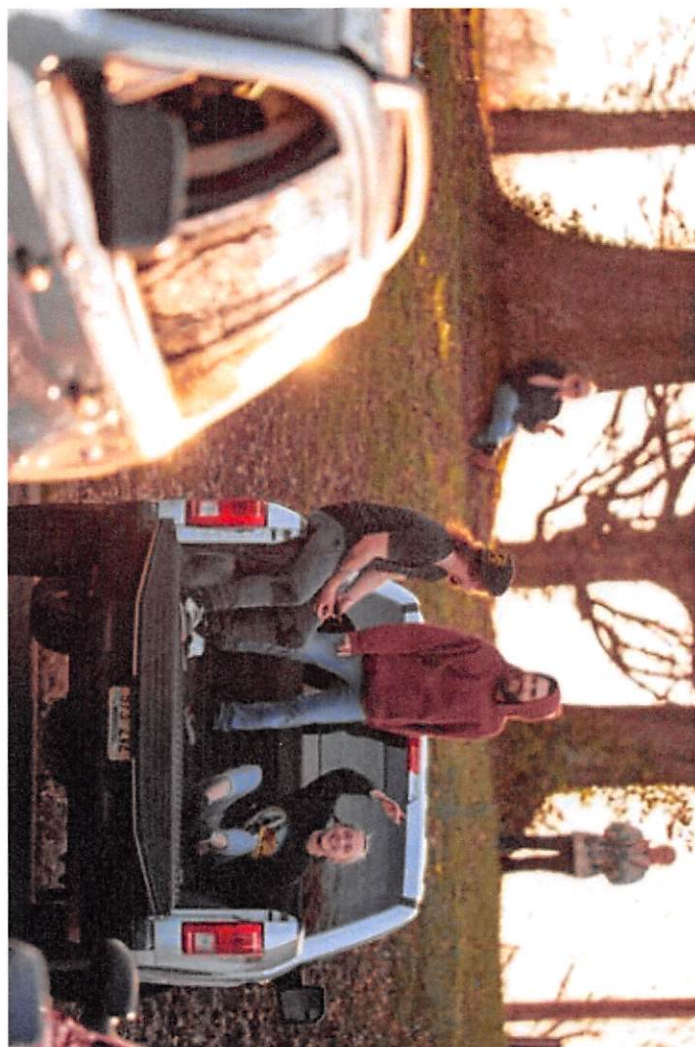




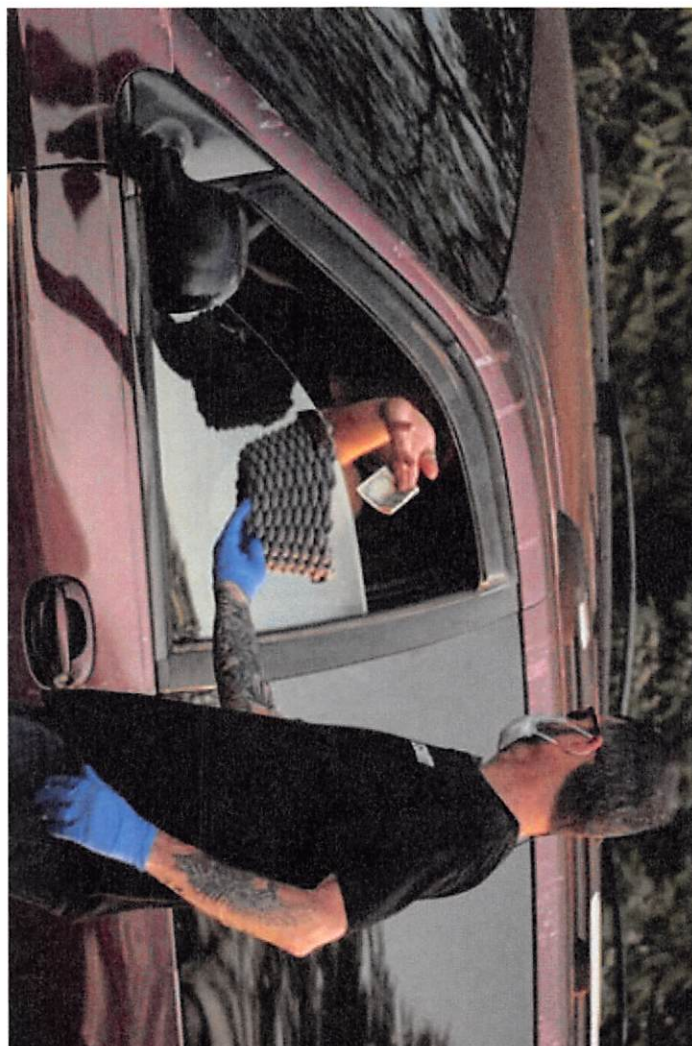




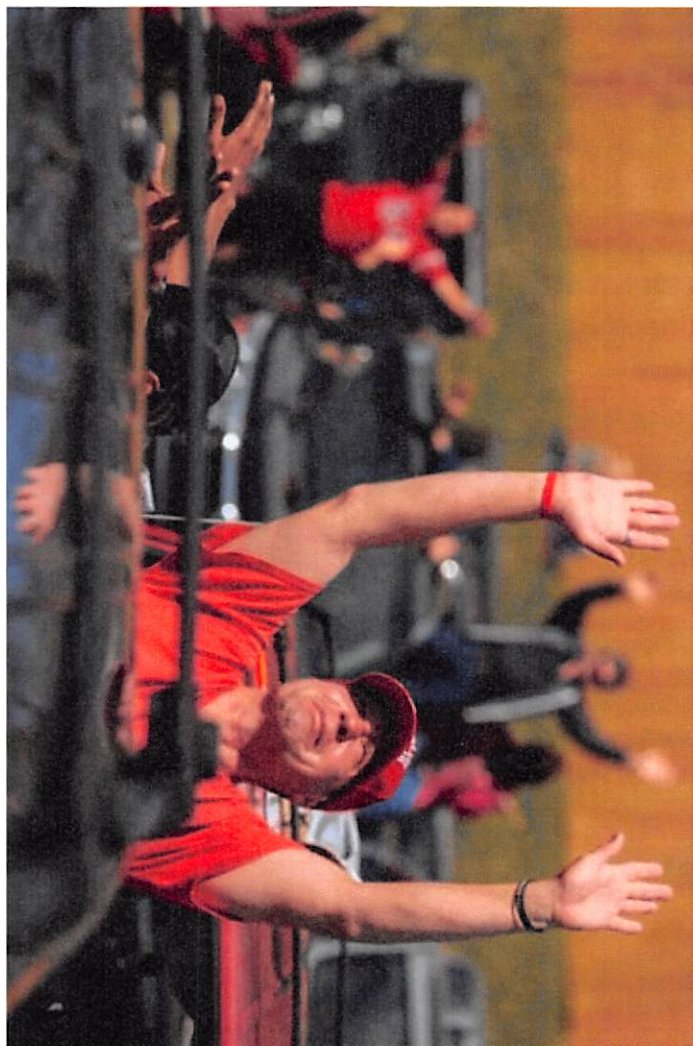


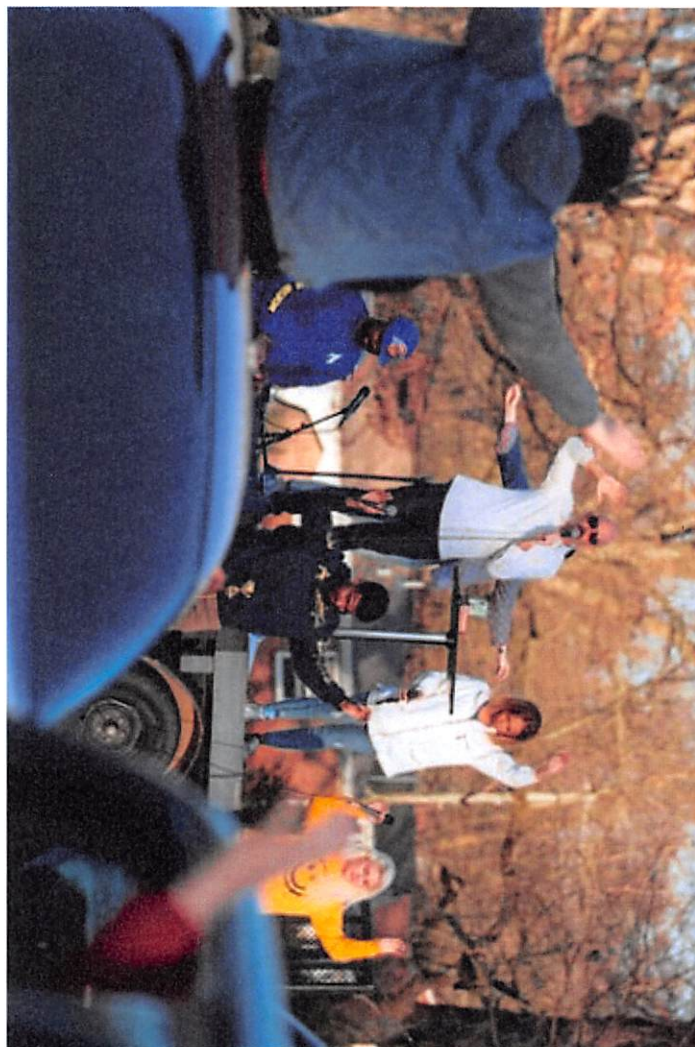


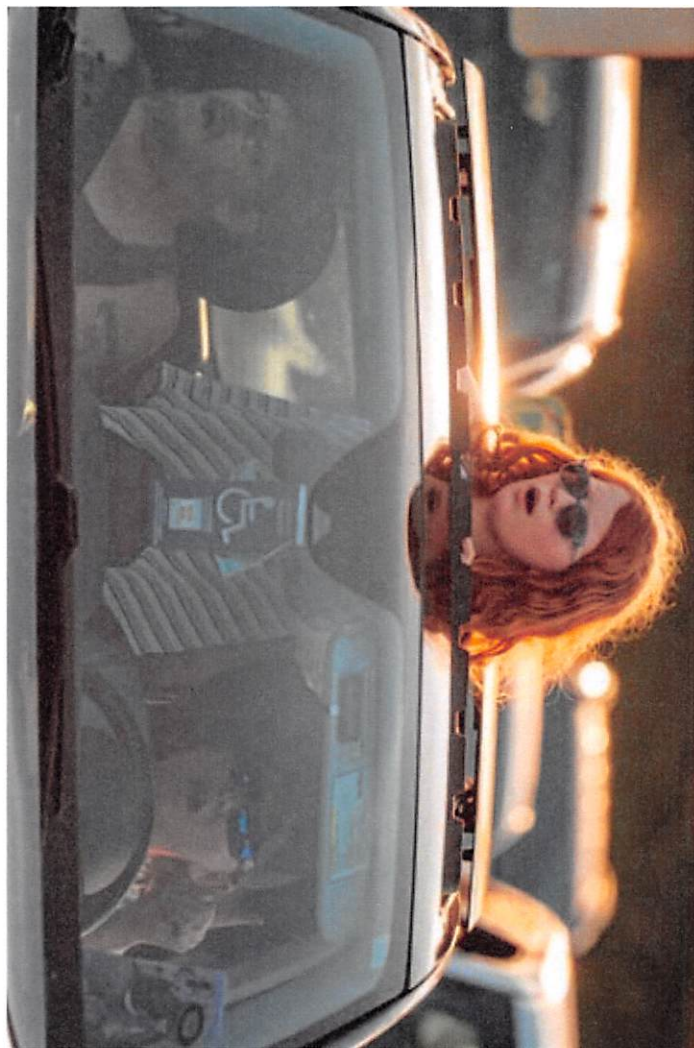


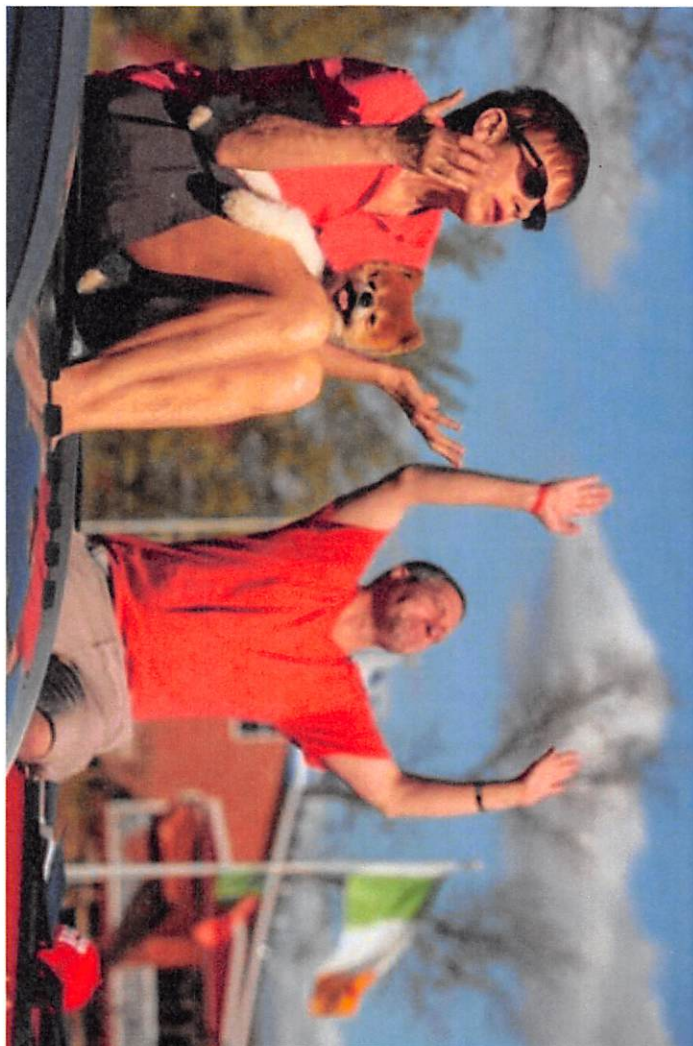




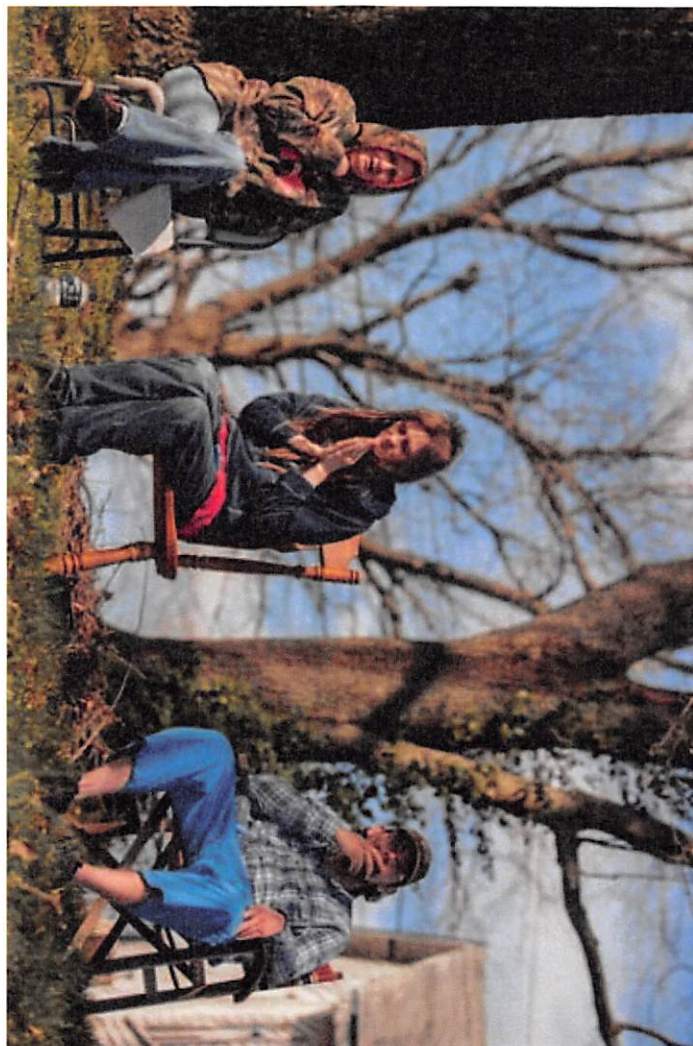






















**CABINET FOR HEALTH AND FAMILY SERVICES  
OFFICE OF LEGAL SERVICES**

**Andy Beshear**  
Governor

275 East Main Street, 5W-B  
Frankfort, KY 40621  
502-564-7905  
502-564-7573  
www.chfs.ky.gov

**Eric C. Friedlander**  
Acting Secretary

**Wesley W. Duke**  
General Counsel

**ORDER**

March 19, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, KRS Chapter 39A, and Executive Orders 2020-215 and 2020-243, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. All mass gatherings are hereby prohibited.
2. Mass gatherings include any event or convening that brings together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.
3. For the avoidance of doubt, a mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present, but maintain appropriate social distancing.
4. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the extent practicable implement Centers for Disease Control guidance, including:
  - maintaining a distance of 6 feet between persons;

**EXHIBIT**

"2"

- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

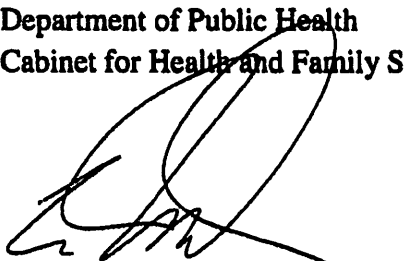
5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously and may extend the directives beyond their current expiration date. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



---

Steven J. Stack, M.D.  
Commissioner of Public Health  
Department of Public Health  
Cabinet for Health and Family Services



---

Eric Friedlander  
Acting Secretary  
Governor's Designee

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CASE NO: 3:20-CV-00264-JRW

Electronically filed

ON FIRE CHRISTIAN CENTER, INC.

PLAINTIFF

v.

GREG FISCHER, ET AL.

DEFENDANTS


**AFFIDAVIT OF CONNIE MENDEL**

Connie Mendel, Assistant Director at Louisville Metro Department of Public Health and Wellness, after first being duly sworn, states as follows:

1. I am the Assistant Director/Deputy Director of the Louisville Metro Department of Public Health and Wellness and have so held this position during the period of at least January 1, 2019 to the present.

2. In this position for Louisville/Jefferson County Metro Government, I have received sixteen (16) complaints/investigative reports that have resulted in social distancing violation Orders issued due to Covid-19.

Further the Affiant sayeth naught on this 13<sup>th</sup> day of April, 2020.

  
CONNIE MENDEL  
DIRECTOR/DEPUTY DIRECTOR AT  
LOUISVILLE METRO DEPARTMENT OF  
PUBLIC HEALTH AND WELLNESS



COMMONWEALTH OF KENTUCKY

COUNTY OF JEFFERSON

The foregoing Affidavit was subscribed and sworn to before me by Connie Mendel in her capacity as Director/Deputy Director at Louisville Metro Department of Public Health and Wellness, on this 13<sup>th</sup> day of April, 2020.

My commission expires: MARCH 18, 2024.

Judi L. Johnson

NOTARY PUBLIC

State at Large, Kentucky

Notary ID: KYNP2432



JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694529

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/02/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY:  
TYPE:  
ASSIGNED TO: ARE11,ARE11

PERSON OR PREMISES TO SEE:  
ASHLEY FURNITURE  
521 INDUSTRY RD  
LOUISVILLE KY, 40208

OWNER:

REQUESTED BY: ANONYMOUS

HOME:  
WORK:  
Cell:  
Email:

CONDITION REPORTED:  
DELIVERING FURNITURE TO RESIDENCES

## GENERAL COMMENTS:

1ST - DAN  
2ND - GRACE

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
DATE: 04/04/2020	HR/MT: 0/45	
EHS: GRACE ELLIS		I spoke to the manager Lucas Ziegert about the complaint on site. I saw two workers in the warehouse not practicing social distancing. They were standing less than six feet apart. The manager said workers are advised to practice social distancing. I issued an order to practice social distancing. I advised him social distancing should be practiced when making deliveries. The manager complied with the order immediately. I
EHS #: 01739		
INSP TYPE: ENFORCEMENT ACTIONS		
NEXT INSP DATE:		
ACT CODE: NOTICE TO CORRECT - E		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/04/2020

Complainant Contacted:

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694529

---

**REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT**

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	emailed the manger information about how to operate safely and stop if sick signs to post.
--	--

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Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/04/2020

Complainant Contacted:



PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
**PUBLIC HEALTH NOTICE AND ORDER**

Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120

NOTICE AND ORDER for the correction  
of condition at

(DSC) Dufresne Spencer Group  
511 Industry Road suite 300  
(owner) - CEO (manager)  
(DSC) Chad Spencer / Lucas Zieger +  
(Name)

Owner ☒  
Agent ☒  
Tenant ☐

ON April 4, 2020, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to practice social distancing,  
place six feet distance  
between workers and all who  
enter facility.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

Facility Representative

By order of the Director of Health

Grace Ellis  
AUTHORIZED REPRESENTATIVE  
4-4-20

Date

400 E. Gray Street P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6657





To Whom It May Concern:

My name is Jon Yates. I am an employee/contractor of Dufresne Spencer Group ("DSG") or perform contract services for DSG, the operations of which are essential pursuant to the 16 Critical Infrastructure Sectors identified by the United States Department of Homeland Security Cybersecurity and Infrastructure Agency ("CISA"), as well as CISA's Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response (the "CISA Guidance"). Specifically, DSG's operations are essential in that they support the following the Critical Infrastructure Sectors: Critical Manufacturing, Commercial Facilities, Transportation and Logistics, and Other Community-Based Government Operations and Essential Functions. As such, I am permitted to travel to and from my residence and DSG's distribution and holding centers and/or to and from DSG's distribution and holding centers and the locations of DSG's customers and ultimate end-users in the supply chain.

If there are any questions about DSG's operations or the employment/contractor status of this individual, please contact the following individuals:

Jon Yates – EVP Operations, (615) 456-5445, joyates@dsghome.com  
 Connor Crim – Director of Operations East, 614-348-4866, ccrim@ashleydsg.com  
 Travis Demonbreum – DC Senior Manager, (859) 556-2805, tdemonbreum@ashleydsg.com

Thank you for your cooperation during this crisis as we work together as a community to thwart the COVID-19 pandemic.

Signature: Jon Yates

Jon Yates, Executive Vice President of Operations

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694273

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/01/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER: 34030

TAKEN BY: Metro Call  
TYPE: FOOD SERVICE  
ASSIGNED TO: AREA6, AREA6

PERSON OR PREMISES TO SEE:  
FRANCISCAN SHELTER HOUSE  
748 S PRESTON ST  
LOUISVILLE KY, 40203

OWNER:

REQUESTED BY: ANONYMOUS

HOME:

WORK:

Cell:

Email:

## CONDITION REPORTED:

PEOPLE ARE JUST LINED UP AND NOT PRACTICING SOCIAL DISTANCING AT THIS LOCATION.

## GENERAL COMMENTS:

This is the 3rd complaint.

DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: 04/02/2020 HR/MT: 0/20	COMMENTS
EHS: ALISON SCHLECK EHS #: 03061 INSP.TYPE: ENFORCEMENT ACTIONS NEXT INSP DATE: ACT CODE: NOTICE TO CORRECT - E	Spoke with Chuck Mattingly on site. Social distancing measures were adequate indoors, but needed improvement for people gathering outside of the establishment. Mr. Mattingly stated that he would have the sidewalk spray-painted to mark where guests in line should stand. Advised him to remove or block a bench in front of the property to prevent people from sitting too closely to one another. Orders issued to maintain appropriate social distancing measures pursuant to 2020-215.

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/02/2020

Complainant Contacted:



JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694273

---

**REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT**

---

	Complainant anonymous.
--	------------------------

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Next Inspection Date:

Status of Complaint: RESOLVED  
Complainant Contacted:

Resolved Date: 04/02/2020



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**FOOD SAFETY REPORT**

<b>Area:</b>	6
<b>Name of Facility:</b>	Franciscan Shelter House
<b>Facility Address:</b>	748 S. Preston Street
<b>Permit #:</b>	34030
<b>Service Request #:</b>	694273

San. Last Name	San #	Type	Date	Reporting Area	Time In	Time Out	Action Code	Quantity (quarantine # & in-service attendees)	Next Insp. Date	Clerical Initials
Schleck	3061	12	4/2/20	834	1140	1200	E	N/A	DRS	

Spoke with Chuck Mattingly on site. Social distancing measures were adequate indoors, but needed improvement for people gathering outside of the establishment. Mr. Mattingly stated that he would have the sidewalk spray-painted to mark where guests in line should stand. Advised him to remove or block a bench in front of the property to prevent people from sitting too closely to one another. Orders issued to maintain appropriate social distancing measures pursuant to 2020-215.

Complainant anonymous.

\_\_\_\_\_  
REPRESENTATIVE



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY**

Mailed \_\_\_\_\_ Certified \_\_\_\_\_  
Delivered Time: Apr 11 2, 2020

**ORDER** for the correction  
of condition at \_\_\_\_\_

748 S. Preston Street

(Address)

Franciscan Shelter House

(Name)

Owner ☒

Agent ☒

Tenant ☒

748 S. Preston Street

(Address)

**Pursuant to** Executive Order 2020-215, March 29A, 100 MMA 025, 2020-010  
and 2020-130

You are hereby ordered to ensure all patrons and employees engage  
in appropriate social distancing of 6 feet away from  
each other. This order shall remain in effect throughout  
the State of Kentucky under Executive Order 2020-215.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

immediately

(Date)

If necessary, court proceedings may be initiated for the enforcement thereof

By order of the Director of Health

Alana Schell, D.S.

Representative

**Administrative Conference Notice**

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before 4/14

If you so elect, you may be represented by an attorney or other representative

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

SAN #14 (rev. 6/13)

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693960

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/27/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: acc/las  
TYPE:  
ASSIGNED TO: 00028,00028

PERSON OR PREMISES TO SEE:  
UPS  
911 GRADE LN  
LOUISVILLE KY, 40213

OWNER:

REQUESTED BY: ANONYMOUS

HOME:  
WORK:  
Cell:  
Email:

#### CONDITION REPORTED:

COMPLAINANT REPORTS THAT NO SOCIAL DISTANCING AT THIS LOCATION. NO SUPPLY OF SANITIZER.  
CONGREGATING WAITING FOR SHUTTLES TO TAKE THEM TO THE BUILDING.

DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: 03/30/2020 HR/MT: 1/0	COMMENTS
EHS: CHRISTOPHER MCKINNEY EHS #: 03029 INSP.TYPE: FIELD NEXT INSP DATE: ACT CODE: ADVISED - #B	observed reasonable distancing...folks limited to 20 or less on shuttles

Next Inspection Date:

Status of Complaint: RESOLVED  
Complainant Contacted:

Resolved Date: 03/31/2020

**Resolved Date:**



40213

P1" 28

Metro Info, Development & Asset System  
for Louisville**WORK ORDER: 20-HEC-00175**

Printed: 3/24/2020 8:35:54AM

**Work Order #:** 20-HEC-00175**Activity:** Health Inspection**ASSET ID FROM:****ASSET ID TO:****From Address** 911 GRADE LN**Intersection:****To Address:****Area:** 011901-3**Map #:****District:** 21**Location:** N/A/N/A**Initiated By:** JDUNCAN - Jody Duncan**Initiated:** 03/23/2020**Scheduled:****Assigned To:****Due:****Assigned Dept****Priority:****Application Name:****Work Order Costs:****Costs****Cost Total:****GRAND TOTAL****Work Order Fees:****Work Order Description:**

UPS still operating...in close quarters

**Work Order Comments:****Date****Comment**

3/23/2020 2:09:00PM

Work Order Created at 3/23/2020 2:09 PM.

**Workflow History:****Task Name:** Investigation**Task Status:****Due Date:** 03/30/2020**Completed By:** ()**Complete Date:****SR Customer Comments****SR Nbr:****SR Comments:****SR Nbr:****Date****Comment****Work Order Tasks:****Task Code:****Task Description:****Comments:****Work Orders for the Same Activity Code and Asset Completed in the Last 90****Work Order #****Activity****Completed****Completed By****Outstanding Work Orders:****Work Order #****Activity****Initiated****Initiated By****Scheduled****Due**

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693415

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/23/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY:  
TYPE:  
ASSIGNED TO: 00028,00028

PERSON OR PREMISES TO SEE:  
UPS  
911 GRADE LANE  
LOUISVILLE KY, 40213

OWNER:

REQUESTED BY: ANONYMOUS

HOME:

WORK:

Cell:

Email:

## CONDITION REPORTED:

CITIZENS STATE THAT THE THIRD SHIFT AT THE UPS WORLDPORT HAS TO TAKE A CROWDED BUS FROM THE SECURTIY STATION TO THE BUILDING THEY WORK IN. CALLER STATES THAT IT IS STANDING ROOM ONLY. AND PEOPLE ARE CROWDED TOGETHER FOR THAT RIDE OF OVER A MILE. THERE ARE NO HAND SANITIZER STATIONS IN BUILDING

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		

Next Inspection Date:

Status of Complaint: OPEN

Resolved Date:

Complainant Contacted:

40213

Pg 26

Metro Info, Development & Asset System  
for Louisville**WORK ORDER: 20-HEC-00092**

Printed: 3/24/2020 8:28:10AM

**Work Order #:** 20-HEC-00092**Activity:** Health Inspection**ASSET ID FROM:****ASSET ID TO:****From Address:** 911 GRADE LN**Intersection:****To Address:****Area:** 011901-3**Map #:****District:** 21**Location:** N/A/N/A**Initiated By:** GSHORT - Gary Short**Initiated:** 03/23/2020**Scheduled:****Assigned To:****Due:****Assigned Dept****Priority:****Application Name:****Work Order Costs:****Costs****Cost Total:****GRAND TOTAL****Work Order Fees:****Work Order Description:**

CITIZEN STATES THAT THE THIRD SHIFT AT THE UPS WORLDPORT HAS TO TAKE A CROWDED BUS FROM THE SECURITY STATION TO THE BUILDING THEY WORK IN. CALLER STATES THAT IT IS STANDING ROOM ONLY, AND PEOPLE ARE CROWDED TOGETHER FOR THAT RIDE OF OVER A MILE. CALLER ADDS THAT THERE ARE NO HAND SANITIZER STATIONS IN THE WORKPLACE BUILDING. THANK YOU.

**Work Order Comments:**

Date	Comment
3/23/2020 7:27:44AM	Work Order Created at 3/23/2020 7:27 AM.

**Workflow History:****3/23/2020**

<b>Task Name:</b> Investigation	<b>Task Status:</b> No Violation - Closing	<b>Due Date:</b> 03/30/2020
<b>Completed By:</b> Michelle Robinson ()		<b>Complete Date:</b> 03/23/2020
<b>Workflow Comment:</b> REFER TO TARC FOR FOLLOW UP		
<b>Task Name:</b> Closure	<b>Task Status:</b> Closed	<b>Due Date:</b> 03/23/2020
<b>Completed By:</b> Michelle Robinson ()		<b>Complete Date:</b> 03/23/2020
<b>Workflow Comment:</b> CLOSE FILE		

**SR Customer Comments****SR Nbr:****SR Comments:****SR Nbr:****Date****Comment****Work Order Tasks:**

Task Code:	Task Description:	Comments:
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**Work Orders for the Same Activity Code and Asset Completed in the Last 90**

Work Order #	Activity	Completed	Completed By
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JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693404

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/24/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY:  
TYPE:  
ASSIGNED TO: 00028,00028

PERSON OR PREMISES TO SEE:  
UPS  
911 GRADE LANE  
LOUISVILLE KY, 40209

OWNER:

REQUESTED BY: ANONYMOUS

HOME:  
WORK:  
Cell:  
Email:

## CONDITION REPORTED:

THEY ARE NOT TAKING ANY PRECAUTIONS. NO GLOVES FOR WORKERS, LOADING, SORTING AND DISTRIBUTING PACKAGES

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
INSP.TYPE:		
NEXT INSP DATE:		
ACT CODE:		

Next Inspection Date:

Status of Complaint: OPEN  
Complainant Contacted:

Resolved Date:

28

Metro Info, Development & Asset System  
for Louisville

**WORK ORDER: 20-HEC-00249**

Printed: 3/24/2020 9:23:55AM

Work Order #: 20-HEC-00249

Activity: Health Inspection

ASSET ID FROM:

ASSET ID TO:

From Address

Intersection:

To Address:

Area:

Map #:

District:

Location:

Initiated By: VELLIOTT - Victoria Elliott

Initiated: 03/24/2020

Scheduled:

Assigned To:

Due:

Assigned Dept

Priority:

Application Name:

Work Order Costs:

Costs

Cost Total:

GRAND TOTAL

Work Order Fees:

**Work Order Description:**

Twitter @LouMetro311 Please check out UPS and any precautions that they're not taking. No gloves for workers loading, sorting and distributing packages. Thank you for the vital work that you're doing. I appreciate each of you. Stay safe and stay well!

**Work Order Comments:**

Date	Comment
3/24/2020 9:14:29AM	Work Order Created at 3/24/2020 9:14 AM.

**Workflow History:**

Task Name: Investigation	Task Status:	Due Date: 03/31/2020
Completed By: ()		Complete Date:

SR Customer Comments SR Nbr:

SR Comments:	SR Nbr:
Date	Comment

**Work Order Tasks:**

Task Code:	Task Description:	Comments:
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**Work Orders for the Same Activity Code and Asset Completed in the Last 90**

Work Order #	Activity	Completed	Completed By
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RE: INITIAL INSPECTION REPORT

ADDRESS OF PROBLEM SITE: 911 Grade Ln. UPS

DATE OF INITIAL INSPECTION: 3-25-20 ARRIVAL: DEPARTURE:

CONDITIONS FOUND: I met w/ Kelly Geiger (Security Supervisor) Chad Bolling (Health & Safety Mgr), Rick Lann (Operations Manager) for Shuttle Services, Jennifer Shepherd (Occupational Health Supervisor). They are encouraging to separate employees when entering multiple locations for work. Employees are restricted to 15 people for large Shuttles, 10 for smaller Shuttles. A gate to separate employees only allows small groups at a time to hold for shuttle arrivals & departure. Twenty Shuttles have been added to the fleet for a total of 50. The buses are sanitized 3x daily along w/ mopping floors. UPS has initiated single file lines - no congregation during times of entrance & waiting for Shuttles. Health & Safety is also encouraging employees to walk to their destinations and have provided maps for walking paths. Health & Safety team has been following CDC recommendations during this time. Photos were taken during investigation.

John McKin

REPRESENTATIVE



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY**

In-Person \_\_\_\_\_ Mailed \_\_\_\_\_ Certified \_\_\_\_\_  
Time delivered : 2:05  
Date 3-25-20, 20\_\_\_\_

**ORDER** for the correction  
of condition at \_\_\_\_\_

911 Grade Ln.  
(Address)

United Parcel Service  
(Name)

Owner ☒  
Agent ☐  
Tenant ☐

(Address)

Pursuant to Executive Order 2020-215, KRS Chapters 39A.100, 194A.025, 214.020, 241.090 and 244.120

You are hereby ordered to ensure all employees engage in appropriate social distancing of 6 feet away from each other. This order shall remain in effect throughout the State of Emergency under Executive Order 2020-215.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

ASAP  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

Facility Representative

By order of the Director of Health

Representative

**Administrative Conference Notice**

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-665  
Louisville Metro Department of Public Health and Wellness on or before N/A

If you so elect, you may be represented by an attorney or other representative.

400 E. Gray Street . P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6651

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694629

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/04/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: kydph/las  
TYPE:  
ASSIGNED TO: ARE12,ARE12

PERSON OR PREMISES TO SEE:  
HOME DEPOT  
964 BRECKENRIDGE LN  
LOUISVILLE KY, 40207

OWNER:

REQUESTED BY: KYDPH

HOME:  
WORK:  
Cell:  
Email:

CONDITION REPORTED:  
CROWDING ISSUES

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
DATE: 04/04/2020	HR/MT: 0/30	
EHS: ALISON SCHLECK		
EHS #: 03061		
INSP.TYPE: ENFORCEMENT ACTION		
NEXT INSP DATE:		
ACT CODE:		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/04/2020

Complainant Contacted:





DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**FOOD SAFETY REPORT**

<b>Area:</b>	10
<b>Name of Facility:</b>	Home Depot
<b>Facility Address:</b>	964 Breckenridge Lane
<b>Permit #:</b>	N/A
<b>Service Request #:</b>	694629

San. Last Name	San #	Type	Date	Reporting Area	Time In	Time Out	Action Code	Quantity (quarantine # & in-service attendees)	Next Insp. Date	Clerical Initials
Schleck	3061	12	4/4/20	834	1550	1620	E	N/A	DRS	

Conducted on-site investigation per KDPH request. Spoke with manager on duty, Todd Murdoch, who stated that the facility is only allowing 100 people in the store at a time; and has placed markings on the floor at the check-out lines to keep people at least 6 feet apart. At the time of the visit, crowds inside the store allowed for appropriate spacing; however, an assistant manager advised that it was more crowded earlier in the day. Numerous employees were observed not adhering to social distancing requirements.

Orders issued to correct. Follow-up may be conducted upon receipt of additional complaint(s) or upon request of KPDH.

\_\_\_\_\_  
REPRESENTATIVE





PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
**PUBLIC HEALTH NOTICE AND ORDER**

Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257, Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120

NOTICE AND ORDER for the correction  
of condition at \_\_\_\_\_

964 Beckenridge Ave  
(Address)

Home Depot  
(Name)

Owner: ☐  
Agent: ☐  
Tenant: ☒

ON April 4, 2020, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to maintain appropriate social distancing  
6 feet or more between all persons on the premises  
including employees.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

X [Signature]  
Facility Representative Talbot M. Miller

By order of the Director of Health

[Signature]  
AUTHORIZED REPRESENTATIVE

April 4, 2020  
Date

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694238

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/01/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER: 94951

TAKEN BY: Metro Call  
TYPE: FOOD SERVICE  
ASSIGNED TO: AREA6, AREA6

PERSON OR PREMISES TO SEE:  
DAIRY DEL #3  
1516 S SHELBY ST  
LOUISVILLE KY, 40217

OWNER:

REQUESTED BY: ANONYMOUS

HOME:

WORK:

Cell:

Email:

## CONDITION REPORTED:

DAIRY DEL IS NOT PRACTICING SOCIAL DISTANCING. I HAVE OBSERVED LARGE CROWDS OUTSIDE EVERY DAY FOR THE LAST 5 DAYS.

## GENERAL COMMENTS:

This is the 3rd complaint.

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
DATE: 04/02/2020	HR/MT: 0/5	
EHS: ALISON SCHLECK		Spoke with employee on site regarding complaint. C.J. stated that they are doing the best they can to control the crowds that sometimes gather waiting to order. The outside tables were covered up to prevent patrons from eating on-site. Signage was posted and markings were on the property designating appropriate places for customers in line to stand. At the time of the visit, the drive-thru was open; however, no
EHS #: 03061		
INSP.TYPE: ENFORCEMENT ACTIONS		
NEXT INSP DATE:		
ACT CODE: NOTICE TO CORRECT - E		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/02/2020

Complainant Contacted:

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694238

---

**REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT**

---

patrons were in line at the walk-up windows.

Issued orders to adhere to all provisions of Executive Order  
2020-215.

Complainant anonymous.

---

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/02/2020

Complainant Contacted:



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**FOOD SAFETY REPORT**

<b>Area:</b>	6
<b>Name of Facility:</b>	Dairy Del
<b>Facility Address:</b>	1516 S. Shelby Street
<b>Permit #:</b>	94951
<b>Service Request #:</b>	694238

San. Last Name	San #	Type	Date	Reporting Area	Time In	Time Out	Action Code	Quantity (quarantine # & in-service attendees)	Next Insp. Date	Clerical Initials
Schleck	3061	12	4/2/20	834	1205	1210	E	N/A	DRS	

Conducted on-site visit at the above establishment. Orders were issued to maintain appropriate social distancing on the premises at all times pursuant to Executive Order 2020-215.

Complainant anonymous. No further action indicated at this time.

\_\_\_\_\_  
REPRESENTATIVE



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY**

Mailed \_\_\_\_\_ Certified \_\_\_\_\_

Delivered Time \_\_\_\_\_  
\_\_\_\_\_ 20 \_\_\_\_\_

**ORDER** for the correction of the condition at \_\_\_\_\_  
(Address)

\_\_\_\_\_ Dairy Del # 3 \_\_\_\_\_  
(Name)

Owner ☐  
Agent ☐  
Tenant ☐

\_\_\_\_\_ 1300 S. 2nd Street \_\_\_\_\_  
(Address)

**Pursuant to** \_\_\_\_\_

You are hereby ordered to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by

\_\_\_\_\_ (Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

By order of the Director of Health

\_\_\_\_\_ Representative

**Administrative Conference Notice**

An opportunity for an administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before

If you so elect, you may be represented by an attorney or other representative.

400 East Gray Street . P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6657

SAN#14 (Rev. 10/2011)



JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694627

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/04/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: kydph/las  
TYPE:  
ASSIGNED TO: ARE12,ARE12

PERSON OR PREMISES TO SEE:  
LOWES HOME IMPROVEMENT  
2100 BASHFORD MANOR LN  
LOUISVILLE KY, 40218

OWNER:

REQUESTED BY: KYDPH

HOME:  
WORK:  
Cell:  
Email:

CONDITION REPORTED:  
CROWDING ISSUES.

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE: 04/04/2020	HR/MT: 0/35	COMMENTS
EHS: ALISON SCHLECK		
EHS #: 03061		
INSP.TYPE: ENFORCEMENT ACTION		
NEXT INSP DATE:		
ACT CODE:		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/04/2020

Complainant Contacted:



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**FOOD SAFETY REPORT**


<b>Area:</b>	6
<b>Name of Facility:</b>	Lowe's Home Improvement
<b>Facility Address:</b>	2100 Bashford Manor Lane
<b>Permit #:</b>	N/A
<b>Service Request #:</b>	694627

San. Last Name	San #	Type	Date	Reporting Area	Time In	Time Out	Action Code	Quantity (quarantine # & in-service attendees)	Next Insp. Date	Clerical Initials
Schleck	3061	12	4/4/20	834	1445	1520	E	N/A	DRS	

Conducted on-site investigation per KDPH request. Spoke with Manager on duty, Jim Dumke, at the time of the visit. Mr. Dumke stated that they are only allowing 200 people in the store at a time; and have placed markings on the floor at the registers to keep customers 6 feet apart while in line to check out. Despite these efforts, numerous people in line outside of the store were not appropriately spaced. Employees were also observed in several areas not adhering to the social distance mandate.

Orders issued to correct. Follow up will be conducted upon receipt of additional reports of non-compliance.

\_\_\_\_\_  
REPRESENTATIVE

  
 PUBLIC HEALTH AND WELLNESS  
 DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
 LOUISVILLE, KENTUCKY  
**PUBLIC HEALTH NOTICE AND ORDER**

Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257, Louisville Metro Executive Orders 2020-01 and 2020-02, EMS Chapters 385.100, 394A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120

NOTICE AND ORDER for the correction  
 of condition at 2100 Bushard Manor Lane  
Laure's (Owner)  
 (Agent)  
 (Tenant)

ON April 4, 2020, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the direction issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID-19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to enforce appropriate social distancing of  
6 feet or more between all persons at the above  
premises.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

Order received by [Signature]  
 Health Department

By order of the Director of Health  
[Signature]  
 AUTHORIZED REPRESENTATIVE  
April 4, 2020  
 Date

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694416

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/02/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: LMH  
TYPE:  
ASSIGNED TO: AREA8, AREA8

PERSON OR PREMISES TO SEE:  
UPS  
2210 OUTER LOOP  
LOUISVILLE KY, 40219

OWNER:

REQUESTED BY: LAQUISHA ARCHIE

HOME:  
WORK:  
Cell:  
Email:

#### CONDITION REPORTED:

UPS BUILDING 2019-MEDICAL SUPPLY BUILDING CITIZEN REPORTS UPS HAS NOT PROVIDED GLOVES. FACE MASKS OR HAND SANITIZER FOR THE EMPLOYEES EVEN THOUGH THEY ARE SUPPOSED TO BE ESSENTIAL. THE CITIZEN STATES EMPLOYEES ARE WORKING ON TOP OF THE ONE ANOTHER AND THIS IS UNSAFE ESPECIALLY BECAUSE THEY CAN INFECT ONE ANOTHER.

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
DATE: 04/08/2020	HR/MT: 0/45	
EHS: JORDAN CAPPEL		
EHS #: 03056		
INSP.TYPE: ENFORCEMENT ACTIONS		
NEXT INSP DATE:		
ACT CODE: NOTICE TO CORRECT - E		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/07/2020

Complainant Contacted:



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**COMPLAINT INVESTIGATION REPORT**

<b>Date/Time In/Time Out:</b>	4-7-20/1:50 PM/3:00 PM
<b>Facility Name:</b>	UPS
<b>Facility Address:</b>	2210
<b>Permit #:</b>	NA
<b>Service Request #:</b>	694416

**Conditions Found:**

4-7-20 I spoke to Matt Clark and advised on the complaint. I visited the facility to check for compliance. I was told that they are allowing time for employees to wash their hands as needed. Most work stations were separated by at least 6 feet, but some employees were observed working close together. Some employees were also observed walking through the building while close to each other. An order was given to maintain social distancing of at least 6 feet. I advised that they also mark spots at security for employees to stand on while waiting.

Jordan Cappel

REPRESENTATIVE





**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & EMERGENCY PREPAREDNESS  
LOUISVILLE, KENTUCKY**

In-Person ☒ Mailed ☐ Certified ☐  
Time delivered: 3:10 PM  
Date: 4-7-20, 20\_\_

ORDER for the correction  
of condition at

2210 Outer Loop  
(Address)

Matt Clark c/o VPS SES  
(Name)

Owner ☐  
Agent ☒  
Tenant ☐

2210 Outer Loop  
(Facility)

Pursuant to Exec order 2020-015, KRS Chapters 39A.100, 194.025, 214.020, 241.090, 244.120

You are hereby ordered to maintain social distancing of at least 6ft. Ensure employees practice appropriate hygiene measures, including regular handwashing. Ensure sick employees remain home. Regularly clean and disinfect frequently touched objects and surfaces.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

immediately  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

[Signature] 4-7-20  
Facility Representative

By order of the Director of Health

[Signature]  
Representative

**Administrative Conference Notice**

502-791-0011

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before AAA

If you so elect, you may be represented by an attorney or other representative.

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

SAN, #14 (rev. 12/19)

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693320

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/24/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: RS  
TYPE:  
ASSIGNED TO: AREA8, AREA8

PERSON OR PREMISES TO SEE:  
CHARTER SPECTRUM  
4701 COMMERCE CROSSINGS DRIVE  
LOUISVILLE KY, 40229

OWNER:

REQUESTED BY: ANONYMOUS

HOME:

WORK:

Cell:

Email:

#### CONDITION REPORTED:

THE CITIZEN STATES SHE WORKS FOR CHARTER COMMUNICATIONS AND SHE IS IN A CALL CENTER AND THEY ARE STILL SITTING CLOSE TO EACH OTHER. THEY DON'T HAVE ANY SUPPLIES. THERE HAS ALREADY BEEN 1 PERSON TESTED POSITIVE AND THEY ARE STILL TELLING THE STAFF THEY NEED TO COME TO WORK. CITIZEN WOULD LIKE THIS TO BE REPORTED.

#### GENERAL COMMENTS:

See duplicate complaints - 693328, 693369, 693378

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP. TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP. TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP. TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP. TYPE:		
NEXT INSP DATE:		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 03/25/2020

Complainant Contacted:

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693320

**REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT**

DATE: 03/25/2020 HR/MT: 1/0	COMMENTS
EHS: JORDAN CAPPEL EHS #: 03056 INSP.TYPE: ENFORCEMENT ACTION NEXT INSP DATE: ACT CODE:	I spoke to George Winfrey and advised on the complaint. Employees at cubicles were observed as being separated by at least 6 feet. I issued orders to maintain social distancing, practice good hygienic practices, and to disinfect frequently.

Next Inspection Date:

Status of Complaint: RESOLVED  
Complainant Contacted:

Resolved Date: 03/25/2020



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**COMPLAINT INVESTIGATION REPORT**

<b>Date/Time In/Time Out:</b>	3-25-20/11:30 AM/12:30 PM
<b>Facility Name:</b>	Spectrum
<b>Facility Address:</b>	4701 Commerce Crossing
<b>Permit #:</b>	NA
<b>Service Request #:</b>	693320, 693328, 693369, 693378

**Conditions Found:**

I spoke to George Winfrey and advised on the complaint. Employees at cubicles were observed as being separated by at least 6 feet. I issued orders to maintain social distancing, practice good hygienic practices, and to disinfect frequently.

Jordan Cappel

REPRESENTATIVE



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & EMERGENCY PREPAREDNESS  
LOUISVILLE, KENTUCKY**

In-Person ☒ Mailed ☐ Certified ☐  
Time delivered: 12:30 PM  
Date: 3-25, 2020

ORDER for the correction  
of condition at

4701 Commerce Crossing  
(Address)

County Wildlife Ctr Spectrum  
(Name) Owner ☐  
Agent ☐  
Tenant ☐

4701 Commerce Crossing  
(Facility)

Pursuant to Executive Order 2020-215, KRS Chapter 21A.010, 21A.020, 21A.030, 21A.040, 21A.050, 21A.060, 21A.070, 21A.080, 21A.090, 21A.100, 21A.110, 21A.120, 21A.130, 21A.140, 21A.150, 21A.160, 21A.170, 21A.180, 21A.190, 21A.200, 21A.210, 21A.220, 21A.230, 21A.240, 21A.250, 21A.260, 21A.270, 21A.280, 21A.290, 21A.300, 21A.310, 21A.320, 21A.330, 21A.340, 21A.350, 21A.360, 21A.370, 21A.380, 21A.390, 21A.400, 21A.410, 21A.420, 21A.430, 21A.440, 21A.450, 21A.460, 21A.470, 21A.480, 21A.490, 21A.500, 21A.510, 21A.520, 21A.530, 21A.540, 21A.550, 21A.560, 21A.570, 21A.580, 21A.590, 21A.600, 21A.610, 21A.620, 21A.630, 21A.640, 21A.650, 21A.660, 21A.670, 21A.680, 21A.690, 21A.700, 21A.710, 21A.720, 21A.730, 21A.740, 21A.750, 21A.760, 21A.770, 21A.780, 21A.790, 21A.800, 21A.810, 21A.820, 21A.830, 21A.840, 21A.850, 21A.860, 21A.870, 21A.880, 21A.890, 21A.900, 21A.910, 21A.920, 21A.930, 21A.940, 21A.950, 21A.960, 21A.970, 21A.980, 21A.990, 21A.1000

You are hereby ordered to maintain social distancing of at least 6 ft.  
Ensure employees practice appropriate hygiene measures, including  
regular hand washing. Ensure sick employees remain home.  
Regularly clean and disinfect frequently touched objects and  
surfaces.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

March 25, 2020  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

Facility Representative

By order of the Director of Health

Representative

**Administrative Conference Notice**

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before NA

If you so elect, you may be represented by an attorney or other representative.

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

SAN. #14 (rev. 12/19)





**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
PUBLIC HEALTH NOTICE AND ORDER**

**Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120**

**NOTICE AND ORDER for the correction  
of condition at**

4902 Poplar Level Louisville 40219  
(Address)

Jim Dandy Food Mart  
(Name)

Owner ☒  
Agent ☒  
Tenant ☒

ON 4-10-20, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to cease and desist the non-life sustaining  
retail which includes the sale of hair/beauty products.  
Cease and desist grocery operations for violating the six  
foot distancing rule as indicated by Commonwealth of KY by Governor  
Andy Beshear and the Louisville Metro Department of Public Health & Wellness  
**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC  
HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

**Order received by:**

Sam Park  
Facility Representative  
owner

**By order of the Director of Health**

Leslie Jenks  
Leslie Jenks  
4-10-20  
AUTHORIZED REPRESENTATIVE  
Date

**400 E. Gray Street . P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6657**

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 694630

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 04/04/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: kydph/las  
TYPE:  
ASSIGNED TO: ARE12,ARE12

PERSON OR PREMISES TO SEE:  
LOWES HOME IMPROVEMENT  
4930 NORTON HEALTHCARE BLVD  
LOUISVILLE KY, 40241

OWNER:

REQUESTED BY: KYDPH

HOME:  
WORK:  
Cell:  
Email:

CONDITION REPORTED:  
CROWDING ISSUES

DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE:	HR/MT:	COMMENTS
EHS:		
EHS #:		
ACT CODE:		
INSP.TYPE:		
NEXT INSP DATE:		
DATE: 04/04/2020	HR/MT: 0/40	COMMENTS
EHS: ALISON SCHLECK		
EHS #: 03061		
INSP.TYPE: ENFORCEMENT ACTION		
NEXT INSP DATE:		
ACT CODE:		

Next Inspection Date:

Status of Complaint: RESOLVED

Resolved Date: 04/04/2020

Complainant Contacted:



DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**

Louisville Metro Department of Public Health and Wellness  
Division of Environmental Health and Emergency Preparedness  
400 E. Gray Street  
Louisville, Kentucky 40202

**FOOD SAFETY REPORT**

<b>Area:</b>	2
<b>Name of Facility:</b>	Lowe's Home Improvement
<b>Facility Address:</b>	4930 Norton Healthcare Boulevard
<b>Permit #:</b>	N/A
<b>Service Request #:</b>	694630

San. Last Name	San #	Type	Date	Reporting Area	Time In	Time Out	Action Code	Quantity (quarantine # & in-service attendees)	Next Insp. Date	Clerical Initials
Schleck	3061	12	4/4/20	834	1635	1715	E	N/A	DRS	

Conducted on-site investigation per KPDH request. Spoke with manager, Jim Merckle, who stated that they are allowing 200 persons in the store at one time. He added that they have placed markings on the floor 6 feet apart at each register to indicate where customers checking out are to stand.

At the time of the visit, the volume of persons in the store did not allow for appropriate social distancing near the check-out area. Employees were also observed not adhering to safe social distancing requirements.

Orders issued to correct. Follow up may be conducted upon request of KDPH or upon receipt of additional complaints.

\_\_\_\_\_  
REPRESENTATIVE



PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
**PUBLIC HEALTH NOTICE AND ORDER**

Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120

NOTICE AND ORDER for the correction  
of condition at \_\_\_\_\_

(Address)

4930 Norton Healthcare Boulevard

Lowe's

(Name)

Owner ☒  
Agent ☒  
Tenant ☒

ON April 4, 2020, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to maintain appropriate social distancing  
of 6 feet or more between all persons at the above  
premises, including employees.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

Facility Representative

Tom Merkle

By order of the Director of Health

Allen Schleck, RS

AUTHORIZED REPRESENTATIVE

April 4, 2020

Date

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693344

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/24/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: LMH  
TYPE:  
ASSIGNED TO: AREA3, AREA3

PERSON OR PREMISES TO SEE:  
SPECTRUM  
10300 ORMSBY PARK PL  
LOUISVILLE KY, 40223

OWNER:

REQUESTED BY: JANET GRAY

HOME:  
WORK:  
Cell:  
Email:

#### CONDITION REPORTED:

CALLER IS REPORTING ON SPECTRUM. CALLER REPORTS EMPLOYEES IN CUBICLES SIDE BY SIDE. CALLER REPORTS BUSINESS AS USUAL. NO OPPORTUNITY TO WORK FROM HOME. NO GUIDELINES AS FAR AS SOCIAL DISTANCING.

DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: HR/MT:	COMMENTS
EHS: EHS #: ACT CODE: INSP.TYPE: NEXT INSP DATE:	
DATE: 03/31/2020 HR/MT: 1/0	COMMENTS
EHS: TIMOTHY MONTGOMERY EHS #: 01666 INSP.TYPE: FOLLOWUP NEXT INSP DATE: ACT CODE: ABATED/CORRECTED - C	Michelle Montgomery and I arrived on site to conduct a follow-up inspection to the Order issued on 3/24/20 concerning social distancing of the Charter Communications Employees. Once again, we met with Charles Cooper, VIP Customer Care. We investigated the facility and found a lot less people than were in the building on our first inspection. Employees were sitting in cubicles and were spaced out with more than six feet in between people. Mr. Cooper advised that 50 people are already working from home and there are plans to send another

Next Inspection Date: 03/31/2020

Status of Complaint: RESOLVED

Resolved Date: 03/31/2020

Complainant Contacted:



JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693344

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

	one hundred people home to work. According to Mr. Cooper their plans is to on day have half their customer service staff working from home.
<b>DATE:</b> 03/24/2020 <b>HR/MT:</b> 1/15 <b>EHS:</b> TIMOTHY MONTGOMERY <b>EHS #:</b> 01666 <b>INSP.TYPE:</b> ENFORCEMENT ACTION <b>NEXT INSP DATE:</b> <b>ACT CODE:</b>	<b>COMMENTS</b> <p>I was accompanied on a joint inspection by Michelle Montgomery at Spectrum and we spoke to Charles Cooper, VP customer care and Terri Lloyd, Director of Human Resources with Charter Communications and advised of the complaint. Mr. Cooper advised that if an employee shows up to work showing any kind of symptoms of illness that they are sent home. Employees are offered up to two weeks additional days paid time off due to the Covid 19 Outbreak. Currently Charter Communications is working on a plan to allow a number Of employees to work from home. Mr. Cooper advised that at the end of each shift All surfaces in each cubicle are sanitized before being used by another employee. All employees have their own head set so there is no sharing of phones. I asked that we be able to inspect the work floor where the employees are stationed. After waiting for a while to be cleared by security and legal counsel, we toured one of the work floors. We noticed that the workstations were set up with four person cubicles that only had approximately three feet clearance between employees. I advised that the minimum clearance between people during this Covid 19 outbreak is to be six feet. I issued an order for correction to Charter Communications, care of Charles Cooper requiring social distancing be increased within seven days but asking that work start immediately to solve the health concerns.</p>

Next Inspection Date: 03/31/2020

Status of Complaint: RESOLVED

Resolved Date: 03/31/2020

Complainant Contacted:

JEFFERSON COUNTY  
PO BOX 34277  
LOUISVILLE, KY 40232

TEL:

FAX:

Request ID: 693344

### REQUEST FOR SERVICE/COMPLAINT INVESTIGATION REPORT

REQUEST DATE: 03/24/2020  
SECTION: DISASTER/EMERGENCY SERVICE  
PROPERTY NUMBER:  
ESTABLISHMENT NUMBER:

TAKEN BY: LMH  
TYPE:  
ASSIGNED TO: AREA3, AREA3

PERSON OR PREMISES TO SEE:  
SPECTRUM  
10300 ORMSBY PARK PL  
LOUISVILLE KY, 40223

OWNER:

REQUESTED BY: JANET GRAY

HOME:  
WORK:  
Cell:  
Email:

## CONDITION REPORTED:

CALLER IS REPORTING ON SPECTRUM. CALLER REPORTS EMPLOYEES IN CUBICLES SIDE BY SIDE. CALLER REPORTS BUSINESS AS USUAL. NO OPPORTUNITY TO WORK FROM HOME. NO GUIDELINES AS FAR AS SOCIAL DISTANCING.

DATE: 3-24-20 HR/MT: 1.25 EHS: Tim Montgomery EHS #: 1666 ACT CODE: E INSP. TYPE: 12 NEXT INSP DATE: 4-1-20	COMMENTS
DATE: 3-31-20 HR/MT: 1.0 EHS: Tim Montgomery EHS #: 1666 ACT CODE: C INSP. TYPE: 02 NEXT INSP DATE: File	COMMENTS
DATE: HR/MT: EHS: EHS #: ACT CODE: INSP. TYPE: NEXT INSP DATE:	COMMENTS
DATE: HR/MT: EHS: EHS #: ACT CODE: INSP. TYPE: NEXT INSP DATE:	COMMENTS
DATE: HR/MT: EHS: EHS #: ACT CODE: INSP. TYPE: NEXT INSP DATE:	COMMENTS

Next Inspection Date: 03/31/2020

Status of Complaint: OPEN

Resolved Date:

Complainant Contacted:



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY**

Mailed \_\_\_\_\_ Certified \_\_\_\_\_  
Delivered Time: 3:21, 2020

**ORDER** for the correction  
of condition at \_\_\_\_\_

10300 Olmick Park Place  
(Address)

Channel Communications - Charles Cooper  
(Name)

Owner ☐  
Agent ☒  
Tenant ☐

10300 Olmick Park Place Louisville Ky 40222  
(Address)

**Pursuant to** 2020-246 Executive Order

You are hereby ordered to increase social distancing to at  
least 6 feet between employees  
and effective immediately

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

Tim Montgomery April 1, 2020  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

By order of the Director of Health

Charles Cooper Tim Montgomery  
Representative

**Administrative Conference Notice**

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before \_\_\_\_\_

If you so elect, you may be represented by an attorney or other representative.

## RE: INSPECTION REPORT

NAME OF PROBLEM SITE: Charter Communications	
ADDRESS OF PROBLEM SITE: 10300 Ormsby Park Place	
DATE OF INITIAL INSPECTION: 3/24/20	DATE OF FOLLOW UP:
ARRIVAL: 3:45	ARRIVAL:
DEPARTURE: 5:00	DEPARTURE

## CONDITIONS

I was accompanied on a joint inspection by Michelle Montgomery and

We spoke to Charles Cooper, VP customer care and Terri Lloyd, Director of Human

Resources with Charter Communications and advised of the complaint.

Mr. Cooper advised that if an employee shows up to work showing any kind of

symptoms of illness that they are sent home.

Employees are offered up to two weeks additional days paid time off due to the Covid 19

Outbreak. Currently Charter Communications is working on a plan to allow a number

Of employees to work from home. Mr. Cooper advised that at the end of each shift

All surfaces in each cubicle are sanitized before being used by another employee.

All employees have their own head set so there is no sharing of phones.

I asked that we be able to inspect the work floor where the employees are stationed.

After waiting for a while to be cleared by security and legal counsel, we toured one of

The work floors. We noticed that the workstations were set up with four person cubicles

That only had approximately three feet clearance between employees. I advised that

The minimum clearance between people during this Covid 19 outbreak is to be six feet.

I issued an order for correction to Charter Communications, care of Charles Cooper

Requiring social distancing be increased within seven days but asking that work start

Immediately to solve the health concerns.

X Tim Montgomery

REPRESENTATIVE

RE: INSPECTION REPORT

2:00 - 3:00

3/31/20 Michelle Montgomery and I arrived on site to conduct a follow-up inspection to the

**Order issued on 3/24/20 concerning Social distancing of the Charter Communications**

**Employees. Once again, we Met with Charles Coper, VIP Customer Care.**

**We investigated the facility and found a lot less people than were in the**

**Building on our first inspection Employees were setting in cubicles and were spaced out**

With more than six feet in between people. Mr. Cooper advised that 50 people are

**Already working from home and there are plans to send another one hundred people**

Home to work. According to Mr. Cooper their plan is to one day have half their customer

**Service staff working from home.**

X Tim Montgomery  
REPRESENTATIVE

## REPRESENTATIVE





PARK Sangyeon

**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & EMERGENCY PREPAREDNESS  
LOUISVILLE, KENTUCKY**

In-Person ☒ Mailed ☐ Certified ☐  
Time delivered: 4:00 PM  
Date: 4-7, 20 20

ORDER for the correction  
of condition at

4902 Paplar Level Rd.  
(Address)

Sang Park c/o Jim Dandy Food Mart  
(Name)

Owner ☐  
Agent ☒  
Tenant ☐

4902 Paplar Level Rd.  
(Facility)

Pursuant to State executive orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090 and 244.120  
You are hereby ordered to Maintain social distancing of at least

six feet. Cease and desist all barber and/or  
salon activities.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

immediately  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

[Signature]  
Facility Representative

By order of the Director of Health

[Signature]  
Representative

**Administrative Conference Notice**

502-791-0011

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before N/A

If you so elect, you may be represented by an attorney or other representative.

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

SAN. #14 (rev. 12/19)



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
PUBLIC HEALTH NOTICE AND ORDER**

**Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120**

**NOTICE AND ORDER for the correction**

of condition at 3121 S. 2<sup>nd</sup> St Louisville, Ky 40208  
(Address)

Little Caesars

(Name)

Owner ☒  
Agent ☒  
Tenant ☒

ON 4-11-2020, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to ensure physical separation of employees and customers by at least six feet.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

**Order received by:**

Trevor Woodard  
Facility Representative

**By order of the Director of Health**

Erika [Signature]  
AUTHORIZED REPRESENTATIVE

4-11-2020  
Date

400 E. Gray Street . P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6657



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & EMERGENCY PREPAREDNESS  
LOUISVILLE, KENTUCKY**

In-Person ☒ Mailed ☐ Certified ☐  
Time delivered: 3:10 PM  
Date: 4-7-20, 20   

ORDER for the correction  
of condition at

2210 Outer Loop  
(Address)

Matt Clark c/o VPS SES  
(Name)

Owner ☐  
Agent ☒  
Tenant ☐

2210 Outer Loop  
(Facility)

Pursuant to Exec order 2020-215, KRS chapters 39A.100, 194A.025, 214.020, 241.090, 244.120

You are hereby ordered to maintain social distancing of at least 6ft. Ensure employees practice appropriate hygiene measures, including regular handwashing. Ensure sick employees remain home. Regularly clean and disinfect frequently touched objects and surfaces.

Louisville Metro Department of Public Health and Wellness expects you to comply with this order by:

immediately  
(Date)

If necessary, court proceedings may be initiated for the enforcement thereof.

Order received by:

[Signature] 4-7-20  
Facility Representative

By order of the Director of Health

[Signature] Verdon Cappel  
Representative

**Administrative Conference Notice**

502-791-0011

An opportunity for administrative conference will be provided to you if requested, either in writing or by telephone (502) 574-6650 to Louisville Metro Department of Public Health and Wellness on or before AA.

If you so elect, you may be represented by an attorney or other representative.

400 E. Gray Street • P.O. Box 1704 • Louisville, Kentucky 40201-1704 • (502) 574-6650 • Fax (502) 574-6657

SAN. #14 (rev. 12/19)



**PUBLIC HEALTH AND WELLNESS  
DIVISION OF ENVIRONMENTAL HEALTH & PROTECTION  
LOUISVILLE, KENTUCKY  
PUBLIC HEALTH NOTICE AND ORDER**

**Pursuant to State Executive Orders 2020-215, 2020-246, 2020-257; Louisville Metro Executive Orders 2020-01 and 2020-02; KRS Chapters 39A.100, 194A.025, 212.245 (6), 214.020, 241.090, 243.490 and 244.120**

**NOTICE AND ORDER** for the correction

of condition at 1860 Outer loop, Louisville, Ky 40219

(Address)

UPS Supply Chain Solutions Inc

(Name)

Owner ☒  
Agent ☒  
Tenant ☒

ON 4-7-20, Louisville Metro Government has reason to believe a violation, either knowingly or unknowingly, of the directives issued during the current State of Emergency has occurred or is occurring. In order to stop the spread of COVID 19 it is imperative that you comply with all Federal, State, Local Government and Agency Health Orders.

You are hereby ordered to ensure physical separation of employees + customers by at least six feet.

**DUE TO THE CURRENT STATE OF EMERGENCY, LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH AND WELLNESS EXPECTS YOU TO IMMEDIATELY COMPLY WITH THIS ORDER.**

Continued violation could subject said business to closure and, if necessary, court proceedings may be initiated for the enforcement thereof.

**Order received by:**

Faxed Order

Facility Representative

**By order of the Director of Health**

[Signature]

AUTHORIZED REPRESENTATIVE

4-7-20

574-8256

Date

400 E. Gray Street . P.O. Box 1704 . Louisville, Kentucky 40201-1704 . (502) 574-6650 . Fax (502) 574-6657

SAN. #14 (rev. 12/19)

Metro Info. Development & Asset System  
for Louisville

**WORK ORDER: 20-HEC-01719**

Printed: 4/13/2020 11:32:04AM

Work Order #: 20-HEC-01719

Activity: Health Inspection

ASSET ID FROM:

ASSET ID TO:

From Address 5627 NEW CUT RD

Intersection:

To Address:

Area: 009104-3

Map #: MAN18E

District: 13

Location: KY-1865/2.2

Initiated By: MSBENNETT - Michael Bennett

Initiated: 04/13/2020

Scheduled:

Assigned To:

Due:

Assigned Dept

Priority:

Application Name:

Work Order Costs:

Costs

Cost Total:

GRAND TOTAL

Work Order Fees:

Work Order Description:

COVID ON FIRE CHRISTIAN CHURCH: On Fire Christian Church on New Cut Road is still planning on holding services tonight for Good Friday and Sunday for Easter, despite local government orders.

Work Order Comments:

Date	Comment
4/13/2020 10:37:00AM	Work Order Created at 4/13/2020 10:37 AM.

Workflow History:

Task Name: Investigation

Task Status:

Due Date: 04/20/2020

Completed By: ()

Complete Date:

SR Customer Comments

SR Nbr:

SR Comments:

SR Nbr:

Date	Comment
------	---------

Work Order Tasks:

Task Code: Task Description:

Comments:

Work Orders for the Same Activity Code and Asset Completed in the Last 90

Work Order #	Activity	Completed	Completed By
--------------	----------	-----------	--------------



Metro Info, Development & Asset System  
for Louisville

**WORK ORDER: 20-HEC-01719**

Printed: 4/13/2020 11:32:04AM

**Outstanding Work Orders:**

Work Order #	Activity	Initiated	Initiated By	Scheduled	Due
--------------	----------	-----------	--------------	-----------	-----

<b>Started</b>				<b>Completed</b>							
<b>Date:</b>		<b>Time:</b>		<b>By:</b>		<b>Date:</b>		<b>Time:</b>		<b>Hours:</b>	
<b>Result:</b>		<b>Condition:</b>		<b>Quantity:</b>		<b>Unit of Meas.</b>					
<b>Data Group:</b>				<b>Sign-off:</b>							

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CASE NO: 3:20-CV-00264-JRW

Electronically filed

ON FIRE CHRISTIAN CENTER, INC.

PLAINTIFF

v.

GRG FISCHER, ET AL.

DEFENDANTS

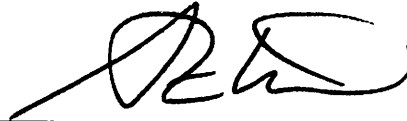
**AFFIDAVIT OF CHIEF STEVE CONRAD**

Steve Conrad, the Chief of Police of The Louisville Metro Police Department of Louisville/Jefferson County Metro Government, after first being duly sworn, states as follows:

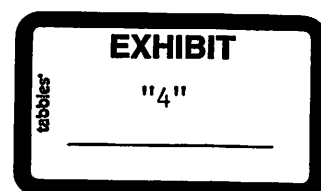
1. I am the Chief of Police of The Louisville/Jefferson County Metro Police Department of Louisville/Jefferson County Metro Government. I have held this position at all times during 2020;

2. During the recent State of Emergency due to Covid-19 in Kentucky, there have been no criminal citations issued in Jefferson County, Kentucky for violations of Covid-19 related emergency orders. I am aware of one citation for Criminal Trespass for an individual who refused to leave an area closed to the public during the State of Emergency.

Further the Affiant sayeth naught on this 13<sup>th</sup> day of April, 2020.



STEVE CONRAD, CHIEF OF POLICE OF THE  
LOUISVILLE METRO POLICE DEPARTMENT



COMMONWEALTH OF KENTUCKY

COUNTY OF JEFFERSON

The foregoing Affidavit was subscribed and sworn to before me by Steve Conrad in his capacity as Chief of Police of the Louisville Metro Police Department of the Louisville/Jefferson County Metro Government, on this 13 day of April, 2020.

My commission expires: 5/22/22



NOTARY PUBLIC  
State at Large, Kentucky

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CASE NO: 3:20-CV-00264-JRW

Electronically filed

ON FIRE CHRISTIAN CENTER, INC.

PLAINTIFF

v.

GREG FISCHER, in his official capacity as Mayor, and  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT

DEFENDANTS

**ORDER DISSOLVING TEMPORARY RESTRAINING ORDER AND DENIAL OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Upon Defendants Motion to Dissolve the Court's Temporary Injunction Order entered in this case and the Court being otherwise sufficiently advised and after reviewing the Defendants' Motion to Dissolve/Response in Opposition to Plaintiff's Motion for Preliminary Injunction;

The Court hereby reconsiders its ruling and grants Defendants' Motion to Dissolve Temporary Restraining Order. The Court has reviewed photographs taken of recent drive-in services held by Plaintiff and finds such practices are not in compliance with CDC Covid-19 guidelines and the photos show numerous violations with people congregating in public at risk of transmitting the disease. Therefore, and based on the law cited by Defendants, the Court hereby dissolves its Temporary Injunction Order entered April 11, 2020. The Court also hereby denies Plaintiff's Motion for a Preliminary Injunction.

It is so Ordered this \_\_\_\_ day of \_\_\_\_\_, 2020.

TENDERED BY:

MICHAEL J. O'CONNELL  
JEFFERSON COUNTY ATTORNEY

/s/ John F. Carroll  
JOHN F. CARROLL  
JASON D. FOWLER  
Assistant Jefferson County Attorneys  
531 Court Place, Suite 900  
Louisville, Kentucky 40202  
Phone (502) 574-6321  
Fax (502) 574-4215  
*Counsel for Defendants*  
*Louisville/Jefferson County Metro*  
*Government, et al.*

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