



HEL G. ADAMS  
GOVERNOR OF THE STATE OF KENTUCKY  
400602-0718  
REGISTER TO VOTE

*Jim*

7019 2970 0001 6695 6143



THE CINCINNATI INSURANCE COMPANY  
P.O. BOX 145496  
CINCINNATI, OH 45250-5496

*CL*

Received  
JUN 22 2020

Region 2  
MCS

JUN 23 2020

J BROWN

EXHIBIT A



Michael G. Adams  
Secretary of State

**Commonwealth of Kentucky  
Office of the Secretary of State**

Summons Division  
PO BOX 718  
FRANKFORT, KY 40602-0718

June 17, 2020

THE CINCINNATI INSURANCE COMPANY  
P.O. BOX 145496  
CINCINNATI, OH 45250-5496

*CMS 3523308*

FROM: SUMMONS DIVISION  
SECRETARY OF STATE

RE: CASE NO: 20-CI-00691

COURT: Circuit Court Clerk  
Warren County, Division: II  
1001 Center St., Ste 102  
Bowling Green, KY 42102-2184  
Phone: (270) 746-7400

Legal action has been filed against you in the captioned case. As provided under Kentucky law, the legal documents are enclosed.

**Questions regarding this action should be addressed to:**

- (1) Your attorney, or**
- (2) The attorney filing this suit whose name should appear on the last page of the complaint, or**
- (3) The court or administrative agency in which the suit is filed at the clerk's number printed above.**

The Kentucky Secretary of State has NO POWER to make a legal disposition of this case. Your responsive pleadings should be filed with the clerk of the court or agency where the suit is filed and served directly on your opposing party.

No copy of future pleadings need be sent to this office unless you wish us to serve the pleading under a particular statute or rule and pay for said service.

AOC-105 Rev. 1-07 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.courts.ky.gov CR 4.02; CR Official Form 1	Doc. Code: CI		Case No. <u>20-CI-00691</u> Court <input checked="" type="checkbox"/> Circuit <input type="checkbox"/> District County <u>Warren II</u> <input checked="" type="checkbox"/>
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CIVIL SUMMONS

PLAINTIFF

Bluegrass Oral Health Center, PLLC

VS.

The Cincinnati Insurance Company  
P.O. Box 145496

Cincinnati

Ohio

45250 5496

RECEIVED  
JUN 16 2020  
SECRETARY OF STATE

DEFENDANT

Service of Process Agent for Defendant:

Michael Adams

Kentucky Secretary of State

700 Capital Avenue, Suite 152

Frankfort KY 40601

THE COMMONWEALTH OF KENTUCKY  
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a legal action has been filed against you in this Court demanding relief as shown on the document delivered to you with this Summons. Unless a written defense is made by you or by an attorney on your behalf within 20 days following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: 06/11, 2020

By: Brandi Duval Clerk  
du D.C.

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Served by: \_\_\_\_\_  
Title \_\_\_\_\_

FILED

COMMONWEALTH OF KENTUCKY  
WARREN CIRCUIT COURT  
DIVISION II  
CIVIL ACTION NO. 20-CI-00091

2020 JUL 16 10 52

BLUEGRASS ORAL HEALTH CENTER, PLLC

PLAINTIFF

VS.

**COMPLAINT**

THE CINCINNATI INSURANCE COMPANY

DEFENDANT

Comes the Plaintiff and for its claim for relief and states:

1. The Plaintiff is a professional limited liability company organized and existing by and under the authority of the laws of the Commonwealth of Kentucky with rights to sue and be sued.

2. The Defendant is a foreign insurance company with its mailing address being P.O. Box 145496, Cincinnati, Ohio 45250-5496. The Defendant maintains its headquarters at 6200 South Gilmore Road, Fairfield, Ohio 45014-5141. As a foreign insurance company doing business within the Commonwealth of Kentucky and having been granted a Certificate of Authority to do business in the Commonwealth, the Defendant has, by reason of KRS 304.3-230, designated and appointed the Secretary of State as Attorney to receive lawful service of process issued against the Defendant.

3. In the year 2020 and at all times relevant and pertinent hereto, the Defendant issued Policy # ECP 056 91 48 insuring the Plaintiffs against certain losses as enumerated therein.

4. The Plaintiff paid the premium for the above referenced policy and said policy was in full force and effect at all times relevant and pertinent hereto.

5. Among other coverages under the terms of the aforementioned policy, the Defendant contracted and agreed that they would pay for the actual loss of business income

and necessary extra expense sustained by reason of civil authority that prohibited access to the Plaintiff's premises, provided access to the area was prohibited by civil authority and the civil authority's action was taken in response to dangerous physical conditions.

6. On or about March 6, 2020, Andy Beshear, Governor of the Commonwealth of Kentucky, signed Executive Order No. 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus, a public health emergency. As a consequence of that Order, on March 23, 2020, the Cabinet for Health and Family Services, Office of Legal Services, directed that all non-urgent in person medical, surgical, dental or other health care practice or procedures should immediately cease effective the close of business on March 18, 2020. A copy of these documents are attached hereto and incorporated herein as though copied in full.

7. In compliance with the mandates of the above referenced civil authorities, the Plaintiff ceased the practice of all non-emergent dentistry effective close of business on March 18, 2020 of all non-emergent dental care. The practical effect was that the Plaintiff's practice was closed.

8. As a direct result of the action of the civil authority as aforesaid, the Plaintiffs have sustained damages in excess of the jurisdictional limits of this Court.

9. This loss or damage sustained by the Plaintiffs is a covered loss under the terms of the aforementioned policy, which policy was and continues to be in full force and effect.

10. The subject policy has no exclusion for virus contamination.

11. The Plaintiff has presented a claim against the Defendant for this covered loss and the Defendant has denied liability or responsibility for this loss.

12. The Plaintiff has, individually and through Counsel, attempted to negotiate this

matter with the Defendant and/or its duly authorized representatives but the Defendant has not entered into meaningful negotiation and has refused to negotiate and/or modify its position.

13. The Plaintiff and the Defendant are parties to a valid insurance contract, for which the Plaintiff had paid the required premium. The Defendant has breached this contract by their failure and refusal to pay the Plaintiff's damages.

14. By failing to acknowledge liability under the terms of the above referred to policy, and by failing further to negotiate in good faith with the Plaintiff, the Defendant has engaged in unfair claim settlement practices in violation of the provisions of KRS 304.12-230, and has required the Plaintiff to institute litigation to recover amounts due under the subject insurance policy.

WHEREFORE, Plaintiff prays for Judgment against the Defendant in such an amount as will fairly and reasonably compensate the Plaintiff for the damages the Plaintiff has sustained, prays for their costs herein expended and for any and all other proper relief to which this Plaintiff may appear entitled.

Plaintiff demands trial by jury.

This the 10<sup>th</sup> day of June, 2020.

Respectfully Submitted,  
MILLIKEN LAW FIRM  
1039 College Street  
First Floor  
P.O. Box 1640  
Bowling Green KY 42102-1640  
Telephone: 270-843-0800  
Facsimile: 270-842-1237

  
W. Currie Milliken



**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

March 23 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 the COVID-19 virus, a public health emergency. On March 14, 2020 Governor Beshear recommended that Kentucky hospitals cease performing elective procedures on March 18, 2020. Therefore, pursuant to the authority in KRS Chapter 39A, KRS 194A.025, KRS 214.020 and Executive Order 2020-215 the Cabinet for Health and Family Services, Department of Public Health states that the following directives are in effect during the this state of emergency:

**Aggressive social distancing measures have been mandated by emergency order as a necessary measure to limit and contain the spread of the COVID-19 infection. As a consequence of these mandates:**

1. ~~ALL non-emergent, non-urgent in-person medical, surgical, dental, and any other healthcare practice or procedure must have immediately ceased effective close of business on March 18, 2020.~~
2. The Commonwealth of Kentucky relies upon licensed healthcare professionals within the state to exercise their best clinical judgment in the implementation of this restriction.
3. To assist licensed healthcare professions in the exercise of their judgment, the following guidelines are offered:
  - a. Emergent – Any healthcare service that, were it not provided, is at high risk of resulting in serious and/or irreparable harm to a patient if not provided within 24 hours.
  - b. Urgent – Any healthcare service that, were it not provided, is at high risk of resulting in serious and/or irreparable harm to a patient if not provided within 24 hours to 30 days.
  - c. Non-Urgent – Any healthcare service that, were it not provided, is unlikely to result in any serious and/or irreparable harm to a patient if not provided for more than 30 days. (For example, chiropractic medicine.)
4. When considering the above guidance, clinicians are urged to consider whether the service provided would still be retrospectively deemed necessary if the patient (or close contact of the patient) were to become infected by COVID-19 as a result and suffer serious and/or irreparable harm as a result.
5. Under all circumstances where clinically possible, use of telephonic or video communication to provide telemedicine services is strongly urged. Medicare and Medicaid have WAIVED<sup>1</sup> typical telemedicine and HIPAA requirements and you may even use non-HIPAA compliant video services such as FaceTime, Skype, and others during the current state of emergency.

All healthcare providers are instructed to follow these recommendations when considering what procedures to cancel. This directive became effective at midnight March 18, 2020.

<sup>1</sup> See <https://chfs.ky.gov/agencies/dms/Documents/ProviderTelehealth%20FAQs%203-19-2020.pdf> and <https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak>.

**All healthcare providers are instructed to follow these recommendations when considering what procedures to cancel. This directive became effective at midnight March 18, 2020.**

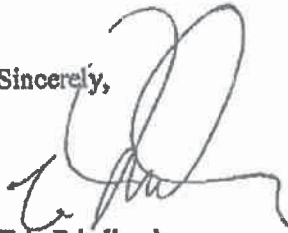
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<sup>1</sup> See <https://chfs.ky.gov/agencies/dms/Documents/ProviderTelehealth%20FAQs%203-19-2020.pdf> and <https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak>.

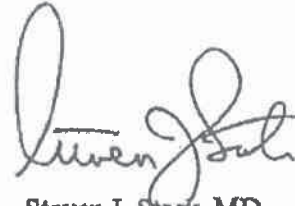
The Secretary for the Cabinet for Health and Family Services has been designated by the Governor to deliver these directives during this public health emergency.

The Cabinet for Health and Family Services will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.

Sincerely,



Eric Friedlander  
Acting Secretary  
Governor's Designee



Steven J. Stack, MD  
Commissioner





**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

2020-215

March 6, 2020

**STATE OF EMERGENCY**

**WHEREAS**, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel coronavirus (COVID-19), beginning on January 27, 2020; and

**WHEREAS**, there are numerous confirmed lab cases of COVID-19 throughout the United States; and

**WHEREAS**, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

**WHEREAS**, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS**, the World Health Organization currently indicates there are 98,192 confirmed cases of COVID-19 worldwide, and the CDC currently indicates that 164 of those cases are in the United States; and

**WHEREAS**, the planning and preparedness of all state and local agencies for a COVID-19 public health emergency in the Commonwealth is a concern to all Kentuckians; and

**WHEREAS**, the Kentucky Department of Emergency Management has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss and suffering, and to mitigate the effects of such an event; and



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
**Frankfort**  
**Kentucky**

**NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Chapter 39A of the Kentucky Revised Statutes, declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby order and direct the issuance of appropriate state active duty orders for the necessary officers, troops, personnel, equipment, including the resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. I further order and direct as follows:**

- 1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.**
- 2. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the relief and response activities of all state agencies and private relief organizations in response to this emergency.**
- 3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.**
- 4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.**
- 5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.**
- 6. The Kentucky Department of Public Health and all other state agencies shall provide**



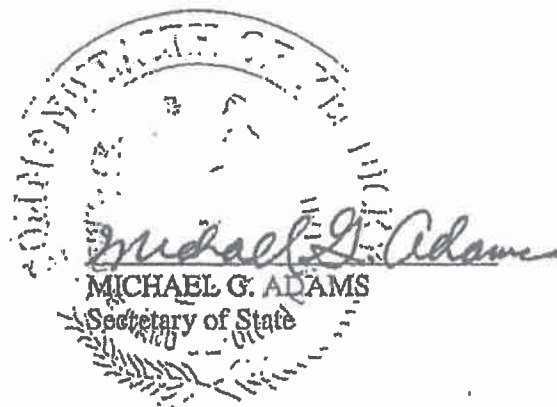
**ANDY BESHEAR**  
**GOVERNOR**


**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

7. The Kentucky Office of Homeland Security ("KOHS") shall provide information to individuals and private organizations, including volunteer and religious organizations, regarding how they can best prepare for and respond to the COVID-19 emergency described herein and whom to contact to volunteer help or services. Further, the KOHS shall specifically identify and encourage private organizations to commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to the COVID-19 emergency. Additionally, the KOHS shall coordinate its efforts with the federal Department of Homeland Security, as necessary, and administer the Kentucky Intelligence Fusion Center to facilitate information sharing about COVID-19 among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.

This order is effective March 6, 2020.



  
ANDY BESHEAR, Governor  
Commonwealth of Kentucky

RECEIVED AND FILED

DATE 3/6/2020

MICHAEL G. ADAMS  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY

BY 