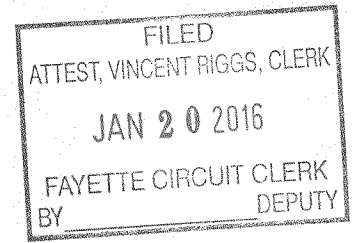


**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT**

CIVIL BRANCH

DIVISION 9

CASE NO: 15-C1-4417



KENTUCKY MEDICAL SERVICES FOUNDATION, INC

PLAINTIFF/APPELLANT

v.

LACHIN HATEMI, M.D.

DEFENDANT/APPELLEE

DEFENDANT'S RESPONSE

Lachin Hatemi M.D., as a pro se defendant, files this answer and alleges as follows:

INTRODUCTION

1. This response is to confirm that defendant fully agrees with Kentucky Attorney General's decision 15-ORD-205, which declares Kentucky Medical Services Foundation Inc. ("KMSF") as a public entity subject to Kentucky Open Records Act.

2. In the process of KMSF's Open Record Appeal, both defendant and plaintiff submitted detailed analysis of KMSF's lineage, operations and management, supported by voluminous documents dating back to 1978.

3. KMSF is a long standing affiliate of University of Kentucky ("UK") and its operations, finances and existence depends on its symbiotic relationship with University of Kentucky.

4. KMSF's persistence on describing itself as a private entity is a legal tactic to deceive UK Board of Trustees, state regulators and private citizens in an attempt to avoid accountability.

5. President of University of Kentucky and top administrators within UK Healthcare had always been aware of KMSF's finances and used their dual appointments at UK and KMSF to transfer funds seamlessly between KMSF and UK to fund certain projects without seeking approval of UK Board of Trustees.

6. KMSF is essentially a shell corporation benefitting from the labor of hundreds of UK physicians, whose salaries and benefits are paid by the University of Kentucky, a public entity.

7. KMSF was established and created by University of Kentucky and its College of Medicine.

8. KMSF continues to be controlled by University of Kentucky and its College of Medicine since 1979.

9. Defendant will provide this court within 4 weeks with a detailed summary of KMSF's scope of operations, internal documents, bylaws, which will clearly show UK's extensive involvement with KMSF.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for the following:

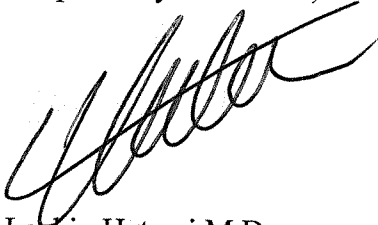
A. Upholding Attorney general's decision in 15-ORD-205.

B. Judgment that KMSF's denial of defendant's open record request was improper and violated Kentucky Open Records Act.

C. Judgment that KMSF is subject to the Kentucky Open Records Act and effect of such judgment applies both retrospectively and prospectively.

D. All other relief in law or equity to which defendant may be entitled.

Respectfully Submitted,



Lachin Hatemi M.D.

Pro Se Defendant

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I certify that a copy of this document had been mailed with certified mail and hand-delivered to the listed persons below on 1/20/2016



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