

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: REQUEST FOR THE IMPANELING OF A THREE-JUDGE COURT PURSUANT TO WEST VIRGINIA CODE § 6-6-7 IN THE PROCEEDING OF CITY OF RICHWOOD, PETITIONER VS. BOB HENRY BABER, RESPONDENT, NICHOLAS COUNTY CASE NO. 17-P-54

The Honorable James J. Rowe, Senior Status Judge sitting by temporary assignment in the Twenty-Eighth Judicial Circuit, has forwarded to the Chief Justice of the Supreme Court of Appeals a copy of a resolution and other pleadings filed in the above-styled proceeding, and has requested the impaneling and convening of a three-judge court consisting of three circuit judges of the State, all in accordance with the provisions of West Virginia Code § 6-6-7.

The Chief Justice deems Judge Rowe's request to be warranted.

IT IS, THEREFORE, ORDERED, that the Honorable Paul M. Blake, Jr., Judge of the Twelfth Judicial Circuit; the Honorable David H. Wilmoth, Judge of the Twentieth Judicial Circuit; and the Honorable Robert E. Richardson, Judge of the Eleventh Judicial Circuit, be, and they hereby are, designated and appointed to comprise such three-judge court, to be headed by Judge Blake, for the purpose of taking all actions necessary and authorized by West Virginia Code § 6-6-7, with such court to be convened at 9:00 a.m. on June 15, 2018, or on an alternate date and/or time set by the three-judge court, in the Circuit Court of Nicholas County, Nicholas County Courthouse, 700 Main Street, Summersville, West Virginia, with such hearing to extend thereafter until the referenced matter is concluded.

IT IS FURTHER ORDERED, that the parties exchange a list of witnesses, exhibits, and any stipulations by May 31, 2018. The parties are required to provide any rules, regulations, manuals, or other documents that either party asserts are relevant to the question of whether the alleged P-card use was proper by the same date. Dispositive motions, motions in limine, and all other pre-hearing motions are to be filed by June 8, 2018. Each of the forgoing documents, lists, etc. must be filed with the clerk and be delivered to the opposing party and each of the judges on the three-judge court simultaneously. If a dispositive motion is not timely filed and served, the court will decline to consider it prior to or at the hearing unless required by the interests of justice or judicial economy. Any response thereto shall be filed and served within five judicial days of the filing of any motion. The parties are also ordered to meet and confer to stipulate, if possible, the authenticity and admissibility of exhibits and to submit any such stipulations to the clerk and to each of the judges by June 12, 2018.

IT IS FURTHER ORDERED, that a copy of this order be transmitted to Judges Rowe, Blake, Wilmoth, and Richardson; Jared M. Tully, counsel for Petitioner City of Richwood; Richard A. Robb, counsel for Respondent Bob Henry Baber; and to the Circuit Clerk of Nicholas County.

ENTERED: MAY 17, 2018



MARGARET L. WORKMAN
Chief Justice