

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th of December, 2008, the following order was made and entered:

State of West Virginia ex rel. Kathryn Kutil
and Cheryl Hess, Petitioners

vs.) No. 34618

Honorable Paul M. Blake, Jr., Judge of the
Circuit Court of Fayette County, and the West
Virginia Department of Health and Human
Resources, Respondents

On a former day, to-wit, November 17, 2008, came the petitioners, Kathryn Kutil and Cheryl Hess, by Anthony Ciliberti, Jr., Ciliberti Law Office, PLLC, their attorney, and presented to the Court their petition praying for a writ of prohibition to be directed against the respondent, Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County, as therein set forth.

Thereafter, on November 18, 2008, pursuant to a request for a response under Rule 14(b) of the Rules of Appellate Procedure, came the respondent, West Virginia Department of Health and Human Resources, by Thomas J. Steele, Jr., Assistant Prosecuting Attorney, and presented to the Court its initial response thereto.

Thereafter, on December 3, 2008, pursuant to a request for a response under Rule 14(b) of the Rules of Appellate Procedure, came the infant child, by Thomas K. Fast, her guardian ad litem, and presented to the Court her initial response thereto.

On December 4, 2008, came the petitioners, by counsel, and presented to the Court their amended petition for writ of prohibition in the above-captioned matter.

Finally, on December 5, 2008, came the infant child, by her guardian ad litem, and presented to the Court her initial response to the amended petition for writ of prohibition.

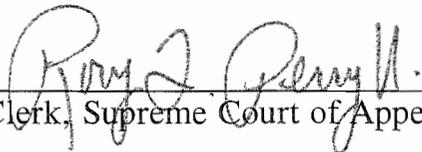
Upon consideration whereof, the Court is of opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule do issue directed against the respondent returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, at ten o'clock, a. m., on Wednesday, the 11th day of March, 2009, commanding and directing the said respondents to show cause, if any they can, why a writ of prohibition should not be awarded against the Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County, and the West Virginia Department of Health and Human Resources, as prayed for by the petitioners in their said amended petition.

Justice Albright did not participate in the consideration or decision of this matter. Senior Status Justice McHugh sitting by temporary assignment. Chief Justice Maynard would refuse.

Service of a copy of this order upon the respondents aforesaid shall have the same effect as the service of a formal writ.

A True Copy

Attest:


Clerk, Supreme Court of Appeals