

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel.  
CITY OF WEIRTON,

Petitioner,

v.

No. 14-0279

HONORABLE DAVID J. SIMS,  
JUDGE OF THE CIRCUIT COURT  
OF BROOKE COUNTY,

Respondent.

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RESPONSE OF BOARD OF TRUSTEES OF THE POLICEMEN'S PENSION OR RELIEF  
FUND OF THE CITY OF WEIRTON, INC., CO-DEFENDANT IN THE UNDERLYING  
PENDING LITIGATION, TO SERVICE OF THE PETITION FOR WRIT OF PROHIBITION

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James C. Wright, Esquire  
W.Va. Bar # 6816  
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*Counsel for Co-Defendant Board of  
Trustees of the Policemen's Pension or  
Relief Fund of the City of Weirton, Inc.*

COMES NOW, Board of Trustees of the Policemen's Pension or Relief Fund of the City of Weirton, Inc., a Co-Defendant in the underlying pending Circuit Court litigation, who was not named in the Writ as either a petitioner or respondent, by counsel James C. Wright, Esq., William D. Wilmoth, Esq., Michelle Lee Dougherty, Esq. and the firm of Steptoe & Johnson PLLC to file a Response pursuant to Rule 16 of the Rules of Appellate Procedure.

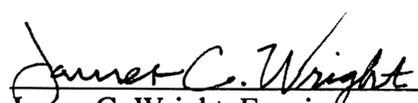
It is this party's providence to give notice that it will not take a position at this time, pro or con, to the arguments outlined in the Petition for Writ of Prohibition. As a result, it waives any right to participate in any oral arguments on the issues raised in said Petition and will await the ruling of the Court while continuing to monitor the matters argued by Petitioner and Respondent.

Nonetheless, this interested party requests that it continue to be copied on all filing, letters, and orders of the Court.

Respectfully submitted on this the 14<sup>th</sup> day of April, 2014.

BOARD OF TRUSTEES OF THE POLICEMEN'S  
PENSION OR RELIEF FUND OF THE CITY OF  
WEIRTON, INC., CO-DEFENDANT IN THE  
UNDERLYING PENDING LITIGATION

By Counsel,

 by   
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**CERTIFICATE OF SERVICE**

I certify that I have this 14<sup>th</sup> day of April, 2014, mailed to counsel as listed below a true copy of the foregoing *Response of Board of Trustees of The Policemen's Pension or Relief Fund of The City Of Weirton, Inc., Co-Defendant in the Underlying Pending Litigation* in envelopes properly addressed and stamped, by U.S. Mail, postage prepaid:

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