

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 9, 2016, the following order was made and entered:

Brent D. Benjamin, candidate for the  
Supreme Court of Appeals of West Virginia  
Petitioner

vs.) No. 16-0228

Elizabeth D. Walker, candidate for the  
Supreme Court of Appeals of West Virginia; and  
West Virginia Secretary of State Natalie Tennant;  
West Virginia State Election Commission members  
Gary A. Collias and Vincent P. Cardi,  
Respondents

On this day, March 9, 2016, the Honorable Menis E. Ketchum, Chief Justice, the Honorable Robin Jean Davis, Justice, the Honorable Brent D. Benjamin, Justice, the Honorable Margaret L. Workman, Justice, and the Honorable Allen H. Loughry II, Justice, of the Supreme Court of Appeals of West Virginia, notified the Clerk of this Court of their voluntary disqualification from participating in the above-captioned proceeding, pursuant to Cannon 2, Rule 2.11 of the Code of Judicial Conduct.

A True Copy

Attest: //s// Rory L. Perry II  
Clerk of Court



ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: RECALL THE HONORABLE THOMAS H. KEADLE TO ACTIVE SERVICE TO THE SUPREME COURT OF APPEALS OF WEST VIRGINIA TO PARTICIPATE IN THE PROCEEDING STYLED BRENT D. BENJAMIN, PETITIONER VS. ELIZABETH D. WALKER, RESPONDENT, CASE NO. 16-0228

Menis E. Ketchum, Chief Justice of the Supreme Court of Appeals of West Virginia, and Justices Robin Jean Davis, Brent D. Benjamin, Margaret L. Workman, and Allen H. Loughry II have advised the Clerk of said Court that they have voluntarily recused themselves from participating in the above styled case.

Pursuant to the Supreme Court Rules of Appellate Procedure, Chief Justice Ketchum, after consulting with Justices Davis, Workman and Loughry appointed the Honorable Thomas H. Keadle, Senior Status Judge, to be the acting Chief Justice in the above styled case and directed that Judge Keadle shall appoint four acting justices to preside with him in the above styled case.

IT IS, THEREFORE, ORDERED, that the Honorable Thomas H. Keadle, Senior Status Judge, be, and he is hereby recalled for temporary assignment to the Supreme Court of Appeals of West Virginia, as the acting Chief Justice, under the provisions of Article VIII, § 8 of the Constitution of West Virginia in the above styled case. It is further ORDERED that acting Chief Justice Keadle shall appoint four other acting justices to preside with him in the above styled case; and

IT IS FURTHER ORDERED, that the Clerk of the Supreme Court of Appeals of West Virginia record this Order in the Office of said Clerk and that proceedings be held in the manner provided by law.

ENTERED: MARCH 9, 2016



MENIS E. KETCHUM  
Chief Justice

Attest:



Rory L. Perry II, Clerk  
Supreme Court of Appeals

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

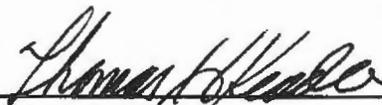
RE: ASSIGNMENT OF THE HONORABLE JOHN W. HATCHER JR., THE HONORABLE JAMES P. MAZZONE, THE HONORABLE THOMAS C. EVANS III, AND THE HONORABLE JAMES O. HOLLIDAY TO THE SUPREME COURT OF APPEALS OF WEST VIRGINIA TO PARTICIPATE IN THE PROCEEDING STYLED BRENT D. BENJAMIN, PETITIONER VS. ELIZABETH D. WALKER, RESPONDENT, CASE NO. 16-0228

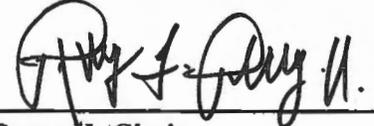
Acting Chief Justice, Thomas H. Keadle, pursuant to the Supreme Court's Administrative order dated March 9, 2016, does appoint and it is ordered that the following Judges shall serve as Justices on the above styled case:

1. The Honorable John W. Hatcher Jr., Judge of the Twelfth Judicial Circuit;
2. The Honorable James P. Mazzone, Judge of the First Judicial Circuit;
3. The Honorable Thomas C. Evans III, Judge of the Fifth Judicial Circuit; and
4. The Honorable James O. Holliday, Senior Status Judge.

IT IS FURTHER ORDERED, that the Clerk of the Supreme Court of Appeals of West Virginia record this Order in the Office of said Clerk and that proceedings be held in the manner provided by law.

ENTERED: MARCH 9, 2016

  
THOMAS H. KEADLE  
Acting Chief Justice

Attest:   
Rory L. Perry II, Clerk  
Supreme Court of Appeals

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ORDER

On March 8, 2016, came the petitioner, Brent D. Benjamin, by counsel Benjamin Bailey, Jonathan Marshall, and Maryl Sattler, Bailey & Glasser LLP, and presented a timely and complete notice of appeal from an order of the Circuit Court of Kanawha County (No. 16-AA-17) entered March 4, 2016, along with the two-hundred (\$200.00) dollar filing fee. The appeal has been placed on the docket as No. 16-0228, in accord with Rule 5(b) of the Rules of Appellate Procedure (R.A.P. 5(b)). All filings related to this appeal must refer to this Court's docket number and use the case caption set forth in this order.

Pursuant to Rule 2 of the Rules of Appellate Procedure, in the interest of expediting decision, the parties are hereby ordered to proceed as set forth herein.

The parties to this appeal are directed to file a joint appendix record prepared in accordance with Rule 7 of the Rules of Appellate Procedure, on or before Friday, March 11, 2016.

The petitioner has requested that a transcript of the February 26, 2016 hearing be produced for purposes of appeal, and has certified that appropriate arrangements have been made with the court reporter pursuant to R.A.P. 9(b). Accordingly, it is ordered that an official transcript of the aforementioned proceeding, as described in detail in the transcript request form attached to the notice of appeal, be certified and filed in the circuit court by the official court reporter, Natalie Wandling, on or before Thursday, March 10, 2016, with a copy to be provided to counsel for the petitioner.

The parties are directed to file briefs in this matter, addressing the assignments of error, on or before Thursday, March 17, 2016. Any amicus curiae briefs may be filed on or before Thursday, March 17, 2016.

Upon consideration, the Court is of the opinion that this matter be scheduled for oral argument under Rule 20 of the Rules of Appellate Procedure at 11 o'clock a.m. on Wednesday, March 23, 2016. Accompanying this order is a Notice of Argument pursuant to Rule 20(b).

Chief Justice Menis E. Ketchum, Justice Robin Jean Davis, Justice Brent D. Benjamin, Justice Margaret L. Workman, and Justice Allen H. Loughry II have voluntarily recused themselves from participating in this appeal. Senior Status Judge Thomas H. Keadle has been appointed by temporary assignment as the acting Chief Justice in this matter. Acting Chief Justice Keadle has appointed by temporary assignment Senior Status Judge James O. Holliday, Judge John W. Hatcher Jr., Judge James P. Mazzone, and Judge Thomas C. Evans, III to preside over this matter.

A True Copy

Attest: //s// Rory L. Perry II  
Clerk of Court

