

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on the 13th day of January, 2016, the following order was made and entered:

State of West Virginia ex rel. Belinda Biafore,
Chair of the West Virginia State Democratic Committee;
and Stephen Davis, Linda Klopp, David Thompson,
Linda Phillips, Stephen Evans, and Patricia Blevins,
members of the West Virginia Democratic Executive
Committee for the Ninth Senatorial District,
Petitioners

vs.) No. 16-0013

Earl Ray Tomblin, Governor of the State of West Virginia;
and Beverly R. Lund, Justin M. Arvon, Sue “Naomi” Cline,
Tony Paynter, John Doe, and Jane Doe, members
of the West Virginia Republican Executive Committee
for the Ninth Senatorial District,
Respondents

State of West Virginia, by its Attorney General
Patrick Morrissey,
Intervenor

RULE TO SHOW CAUSE

On January 8, 2016, the petitioners, Belinda Biafore, Chair of the West Virginia State Democratic Executive Committee, and the members of the West Virginia Democratic Executive Committee for the Ninth Senatorial District, by counsel Anthony J. Majestro, Powell & Majestro, PLLC, presented to the Court a petition praying for a writ of mandamus to be directed against the respondents, Governor Earl Ray Tomblin and members of the West

Virginia Republican Executive Committee for the Ninth Senatorial District, as therein set forth.

Thereafter, on January 11, 2016, the respondent, Governor Earl Ray Tomlin, by counsel Peter G. Markham, filed a summary response to the petition. On January 12, 2016, the respondent members of the West Virginia Republican Executive Committee for the Ninth Senatorial District, by counsel J. Mark Adkins and Patrick C. Timony, Bowles Rice LLP; and Mark A. Carter, Dinsmore & Shohl LLP, filed a response in opposition to the petition.

On January 12, 2016, Patrick Morrissey, Attorney General, by Elbert Lin, Solicitor General, and J. Zak Ritchie, Assistant Attorney General, filed a motion to intervene on behalf of the State of West Virginia, and an intervenor's brief. The motion to intervene is hereby granted, and the brief is ordered filed. The State of West Virginia has leave to participate as a party in this matter.

The West Virginia Chamber of Commerce, by counsel John M. Canfield, filed a motion for leave to file an *amicus curiae* brief on January 12, 2016, and attached the *amicus curiae* brief thereto. The motion for leave to file an *amicus curiae* brief is granted and the brief is ordered filed.

An *amicus curiae* brief in support of the respondents was also filed on January 12, 2016, on behalf of William P. Cole, III, President of the West Virginia Senate, by counsel Jeffrey M. Wakefield, Wesley P. Page, and Keith R. Hoover, Flaherty Sensabaugh & Bonasso.

Upon consideration, the Court is of the opinion that a rule to show cause should be awarded herein. It is therefore considered and ordered that a rule does hereby issue commanding and directing the said respondents, to show cause, if any they can, why a writ of

mandamus should not be awarded as prayed for by the petitioners in the said petition. Justice Benjamin has voluntarily recused himself from participating in this proceeding.

It is ordered that this matter shall be scheduled for consideration and oral argument under Rule 20 of the Rules of Appellate Procedure at 1:00 p.m. on Tuesday, January 19th, 2016. This order constitutes the Notice of Argument pursuant to Rule 20(b).

It is finally ordered that any party who wishes to file a supplemental brief in this matter may do so on or before noon on Friday, January 15, 2016.

A True Copy

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

