

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on December 3, 2010, the following order was made and entered in vacation:

State of West Virginia ex rel. Citizen Action Group, Petitioner

vs.) No. 101494

Earl Ray Tomblin, President of the West Virginia Senate, Richard Thompson, Speaker of the West Virginia House of Delegates, and Natalie Tennant, Secretary of State of West Virginia, Respondents

--AND--

State of West Virginia ex rel. Thornton Cooper, Petitioner

vs.) No. 10-4004

Earl Ray Tomblin, Acting Governor of the State of West Virginia, and President of the West Virginia Senate, Richard Thompson, Speaker of the West Virginia House of Delegates, and Natalie Tennant, Secretary of State of West Virginia, Respondents

SCHEDULING ORDER

On a former day, to-wit, December 2, 2010, came the petitioner Thornton Cooper, *pro se*, and filed a petition for a writ of mandamus, together with an appendix. The original jurisdiction matter has been placed on the docket as No. 10-4004, in accord with Rule 16(b) of the Revised Rules of Appellate Procedure ("Rev. R.A.P.").

On the Court's own motion, it is hereby ORDERED that this matter be, and hereby is, consolidated with State ex rel. Citizen Action Group v. Tomblin, et al., No. 101494, for purposes of briefing, consideration and decision. All filings related to this consolidated matter must refer to this Court's docket numbers and use the case caption set forth above.

The deadlines set forth in this Court's prior order of November 22, 2010 remain in effect. It is hereby ORDERED, in accord with Rev. R.A.P. 1(d), that all motions, responses, amicus briefs and other requests for relief in this consolidated matter must comply with the Revised Rules of Appellate Procedure.

Pursuant to Rev. R.A.P. 16(g), each respondent in this consolidated matter is hereby directed to file a consolidated response to both of the petitions on or before December 27, 2010.

Motions to intervene pursuant to Rev. R.A.P. 32 may be filed on or before December 15, 2010. Motions for leave to file a brief as amicus curiae in support of any party under Rev. R.A.P. 30 must be filed on or before December 15, 2010.

Once the deadline for filing the responses has passed, the matter will be mature for consideration by the Court pursuant to Rev. R.A.P. 16(i). In due course thereafter, counsel of record will be notified in writing of any decision in the case.

Chief Justice Davis disqualified. Judge Lawrance S. Miller sitting by temporary assignment.

A True Copy

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

