

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 18<sup>th</sup> of May, 2016, the following order was made and entered:

State of West Virginia ex rel. John Veard,  
Veard-Masontown Limited Partnership,  
And United Property Management Company,  
Petitioners

vs.) No. 16-0346

The Honorable Lawrance S. Miller, Judge of  
the Circuit Court of Preston County;  
and Arthur J. Summers,  
Respondents

RULE TO SHOW CAUSE

On April 8, 2016, the petitioners, John Veard, et al., by counsel Richard M. Wallace and J. Todd Bergstrom, Littler Mendelson, PC, presented to the Court their petition praying for a writ of prohibition to be directed against the respondent, the Honorable Lawrance S. Miller, Judge of the Circuit Court of Preston County, as therein set forth. Thereafter, on April 29, 2016, the respondent, Arthur J. Summers, by counsel Jacques R. Williams and Brianna W. McCardle, Hamstead, William & Shook, PLLC, filed a response to the petition.

Upon consideration, the Court is of the opinion that a rule 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

prohibition should not be awarded as prayed for by the petitioners in the said petition. Justices Davis and Benjamin would refuse the petition.

It is ordered that this matter shall be scheduled for consideration and oral argument under Rule 19 of the Rules of Appellate Procedure on Wednesday, September 21, 2016. The Clerk will, at a later date, furnish counsel of record with a Notice of Argument pursuant to Rule 19(b), which will contain additional information regarding argument.

It is finally ordered that this matter shall be submitted on the pleadings previously filed, without further briefing.

A True Copy

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

