

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 27th of February 2012, the following order was made and entered:

State of West Virginia ex rel. Donna J. Boley,
Petitioner

vs.) No. 12-0185

Natalie E. Tennant, Secretary of State of the
State of West Virginia; and Frank Deem,
Respondents

On a former day, to-wit, February 15, 2012, came the petitioner, Donna J. Boley, by Anthony J. Majestro, Powell & Majestro, PLLC, her attorney, and presented to the Court her petition praying for a writ of mandamus to be directed against the respondent, Natalie E. Tennant, Secretary of State and Frank Deem, as therein set forth.

Thereafter, on February 21, 2012, came the respondent, Natalie E. Tennant, Secretary of State, by Thomas W. Rodd, Assistant Attorney General, and presented to the Court her response thereto.

On the same day, came the respondent, Frank Deem, by Benjamin L. Bailey and Jonathan S. Deem, Bailey & Glasser, LLP, his attorneys, and presented to the Court his response thereto.

Upon consideration whereof, the Court is of opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule do issue directed against the respondents, commanding and directing the said respondents to show cause, if any they

can, why a writ of mandamus should not be awarded against the respondent, Natalie E. Tennant, Secretary of State, as prayed for by the petitioner in her said petition.

It is further ordered that this matter be, and it hereby is, scheduled for consideration and oral argument under Rule 20 of the Revised Rules of Appellate Procedure to be held on Wednesday, February 29, 2012, at the courtroom in the State Capitol in the City of Charleston.

The Clerk will furnish counsel of record with a Notice of Argument pursuant to Revised Rule 20(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.

Service of a copy of this order upon the respondents aforesaid shall have the same effect as the service of a formal writ.

A True Copy

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

