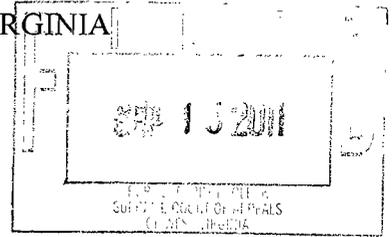


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



RONALD J. HICKS,  
ROBERT J. CLAUS, JR.,  
BENSON B. FLANAGAN,  
and TERRY NICHOLS,  
on their own behalves and on behalf  
of retired W.V. State Troopers similarly situated,  
Petitioners,

vs.) NO. 11-0748

ERICA M. MANI, Director, West Virginia  
Consolidated Public Retirement Board;  
WEST VIRGINIA CONSOLIDATED PUBLIC  
RETIREMENT BOARD, a West Virginia state  
agency and public corporate body; State of West Virginia;  
COLONEL TIMOTHY S. PACK, Superintendent,  
West Virginia State Police; and  
WEST VIRGINIA STATE POLICE,  
Respondents.

**WEST VIRGINIA STATE POLICE AND COLONEL TIMOTHY S. PACK  
RESPONSE ADOPTING BRIEF OF WEST VIRGINIA  
CONSOLIDATED PUBLIC RETIREMENT BOARD**

These Respondents hereby join and adopt the Respondent Consolidated Public Retirement Board's Brief filed this date and respectfully requests that this honorable Court dismiss the *Petition for Appeal* and affirm the lower court's *Order Dismissing Petition for Injunctive Relief*.

West Virginia State Police and  
Colonel Timothy S. Pack  
By Counsel,

John A. Hoyer, WV State Bar No. 7921  
West Virginia State Police  
725 Jefferson Road  
S. Charleston, West Virginia 25309  
Phone (304) 746-2113  
Fax (304) 746-2421

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

RONALD J. HICKS,  
ROBERT J. CLAUS, JR.,  
BENSON B. FLANAGAN,  
and TERRY NICHOLS,  
on their own behalves and on behalf  
of retired W.V. State Troopers similarly situated,  
Petitioners,

vs.) No. 11-0748

ERICA M. MANI, Director, West Virginia  
Consolidated Public Retirement Board;  
WEST VIRGINIA CONSOLIDATED PUBLIC  
RETIREMENT BOARD, a West Virginia state  
agency and public corporate body; State of West Virginia;  
COLONEL TIMOTHY S. PACK, Superintendent,  
West Virginia State Police; and  
WEST VIRGINIA STATE POLICE,  
Respondents.

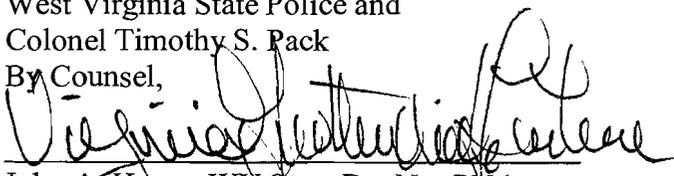
**CERTIFICATE OF SERVICE**

The undersigned, counsel of record for Respondents, West Virginia State Police and Colonel Timothy S. Pack, do hereby certify on this 15<sup>th</sup> day of September, that a true copy of the foregoing "*West Virginia State Police and Colonel Timothy S. Pack Response Adopting Brief of West Virginia Consolidated Public Retirement Board*" was served upon opposing counsel by depositing same to them in the U.S. Mail, postage prepaid, sealed in an envelope, and addressed as follows:

Marvin W. Masters, Esquire  
The Masters Law Firm, LC  
181 Summers Street  
Charleston, West Virginia 25301

J. Jeaneen Legato, Esquire  
WV Consolidated Public Retirement Board  
4101 MacCorkle Ave. S.E.  
Charleston, West Virginia 25304

West Virginia State Police and  
Colonel Timothy S. Pack  
By Counsel,

  
John A. Hoyer, WV State Bar No. 7921  
West Virginia State Police  
725 Jefferson Road  
S. Charleston, West Virginia 25309