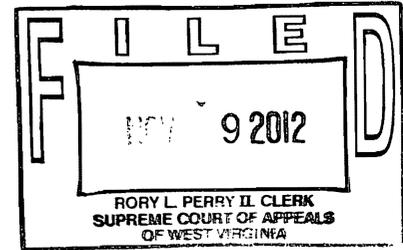


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel.
VERIZON WEST VIRGINIA INC.,
ANDREA L. CUSTIS, VICTORIA L.
BOSTON, ROBERT ANDERSON,
JUDY ISNER, MARY FREDERICK,
DAWN WATSON, BARBARA
TERWILLIGER AND JODI DENNIS,



Petitioners,

v.

No. 12-1209

THE HONORABLE JAMES A. MATISH,
STEPHANIE SNOW-MCKISIC, RITA L.
KNIGHT, DANNY KNIGHT SR., DAVID
MICHAEL BROSIUS, DANNY KNIGHT
JR., SARAH KNIGHT, RYAN P. BARKER,
LYNET WHITE, KIMBERLY A. RAY,
JEFFERY L. RAY, LISA M. THARP,
TRAVIS N. THARP, and CHARLES R. BYARD,

Respondents.

RESPONSE OF CORBY MILLER, A CO-DEFENDANT IN THE UNDERLYING PENDING
LITIGATION TO SERVICE OF THE VERIFIED PETITION FOR WRIT OF PROHIBITION

G. Thomas Smith, Esquire
W.Va. Bar #4617
Smith, McMunn & Glover PLLC
516 W. Main Street
Clarksburg, WV 26301
(304) 326-6000
attysmith@aol.com
Counsel for Co-Defendant Corby Miller

COMES NOW, Corby Miller, a Co-Defendant in the underlying pending Circuit Court litigation, who was not named in the Writ as either a petitioner or respondent, by counsel G. Thomas Smith, Esquire and the firm of Smith, McMunn & Glover, PLLC to file a Response pursuant to Rule 16 of the Revised Rules of Appellate Procedure.

It is this party's providence to give notice that he will not take a position at this time, pro or con to the arguments outlined in the Petitioner's Writ. As a result, he waives any right to participate in any oral arguments on the issues raised in said Writ and will await the ruling of the Court while continuing to monitor the matters argued by the Petitioners and Respondents.

None the less, this interested party requests that he continue to be copied on all filings, letters, and orders of the Court.

Respectfully submitted on this the 7th day of November, 2012:

**CORBY MILLER, A CO-DEFENDANT
IN THE UNDERLYING LITIGATION**

By Counsel

G. Thomas Smith w/ permission by 
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CERTIFICATE OF SERVICE

I, G. Thomas Smith, counsel for Co-Defendant Corby Miller, hereby certify that I caused to be served a true copy of the foregoing **Response of Corby Miller, a Co-Defendant in the Underlying Pending Litigation to Service of the Verified Petition for Writ of Prohibition** upon the following individuals by regular United States Mail, postage prepaid, on this the **7th day of November, 2012:**

The Honorable James A. Matish, Judge
Harrison County Circuit Court
Harrison County Courthouse
301 West Main Street
Clarksburg, WV 26301-2987

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