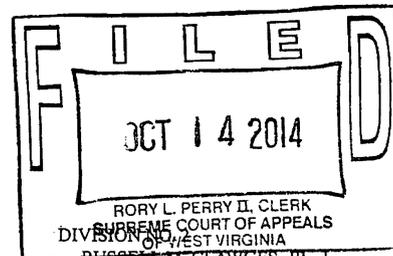


State of West Virginia



Seventeenth Judicial Circuit
Monongalia County

DIVISION NO. 1
SUSAN B. TUCKER, CJ
243 HIGH STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 291-7265
FAX: (304) 284-7315



RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
DIVISION OF WEST VIRGINIA
RUSSELL M. CLAWGES, JR., J
243 HIGH STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 291-7216
FAX: (304) 284-7317

DIVISION NO. 3
PHILLIP D. GAUJOT, J
265 SPRUCE STREET, SUITE 301
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7375
FAX: (304) 284-7377

October 10, 2014

The Supreme Court of Appeals
of West Virginia
State Capitol Rm E-317
1900 Kanawha Blvd. East
Charleston, WV 25305

In RE: State of West Virginia ex rel., Tallman v. Tucker, et al.
No. 14-0948

Please accept this letter as this Court's response to the above noted Petition for Writ of Prohibition previously filed in this matter.

On September 19, 2014, this Court entered its Order granting the Plaintiff's Motion in Limine to Exclude Defendant's Expert Opinion in the case underlying this matter, which is captioned as *Patricia M. Powell, as Executrix of the Estate of Robert L. Powell, and Patricia M. Powell, individually, Plaintiffs, v. Dr. Todd D. Tallman, M.D., Defendant*, Civil Action No. 12-C-511, and which is the subject of the Petition for Writ of Prohibition. A copy of the Order is contained in Exhibit 1 of the Petitioner's Appendix to his Petition.

Please be advised that this Court reasserts its findings of fact and opinion contained in its September 19, 2014 Order in response to the Petitioner's Petition, and respectfully requests that the Court deny the Petitioner's Petition on that basis.

Very truly yours,

A handwritten signature in cursive script that reads "Susan B. Tucker".

Susan B. Tucker, Judge

SBT/esb

Cc: Stephen Brooks, Esq.
Kristine Burdette, Esq