

**STATE OF WEST VIRGINIA**

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on August 15, 2012, the following order was made and entered **in vacation**:

State of West Virginia ex rel. Allen H. Loughry II,  
Candidate for the Supreme Court of Appeals of  
West Virginia, Petitioner

vs.) No. 12-0899

Natalie E. Tennant, West Virginia Secretary of State;  
Natalie E. Tennant, Gary A. Collias, William N. Renzelli,  
And Robert Rupp, members of the West Virginia State  
Election Commission; Glen B. Gainer III, West Virginia  
State Auditor; and John Perdue, West Virginia State  
Treasurer, Respondents

On August 1, 2012 the Court issued a scheduling order in this action directing that responses to the petition be filed on or before August 9, 2012. Each of the named respondents filed a response by the deadline. On that same day, Michael Callaghan filed a Motion To Intervene as a respondent. Mr. Callaghan did not submit a response to the petition with his motion.

By order entered August 10, 2012, the Court issued a rule to show cause, set a date for oral argument, and further set a deadline of August 14, 2012, for responses to the Motion to Intervene. The Court received timely responses from the petitioner and the respondents.

Upon careful consideration, Mr. Callaghan's Motion to Intervene as a party is denied. However, Mr. Callaghan may file a response to the petition as *amicus curiae*, but may not participate in oral argument.

The Court further invites the Attorney General, by Barbara H. Allen, Managing Deputy Attorney General, to file a response to the petition as *amicus curiae*, and to participate in oral argument, in support of the opinion of the Attorney General issued on July 28, 2011.

The responses to the petition as *amicus curiae* must be filed on or before Friday, August 24, 2012. The petitioner and/or the respondents may file a reply to the *amicus curiae* briefs on or before Friday, August 31, 2012.

Justices Davis, Workman and Benjamin disqualified. Judge Marks, Mazzone, and Wilkes sitting by temporary assignment.

A True Copy

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

