

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 13, 2022, the following order was made and entered:

State of West Virginia ex rel.

The County Commission of Tyler County,
Petitioner

vs) No. 21-0620

Honorable Christopher C. Wilkes, Senior Judge
of the Business Court Division; and
Antero Resources Corporation,
Respondents

ORDER

On August 4, 2021, the petitioner, the County Commission of Tyler County, by D. Luke Furbee, Prosecuting Attorney, presented to the Court a petition praying for a writ of prohibition, to be directed against the respondents.

On September 27, 2021, the respondent, Antero Resources Corporation, by counsel, Ancil G. Ramey and John J. Meadows, Steptoe & Johnson PLLC, filed a response to the petition. On the same day, the West Virginia Chamber of Commerce, by counsel, Thomas J. Hurney, Jr. and Blair E. Wessels, Jackson Kelly PLLC; and the Defense Trial Counsel of West Virginia, by counsel, Mychal S. Schulz, Babst Calland and Todd A. Mount, Shaffer & Shaffer, PLLC, filed separate amicus curiae briefs in support of the respondent.

Upon consideration and review, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioner is refused. *See State ex rel. Appalachian Power Co. v. MacQueen*, 198 W. Va. 1, 479 S.E.2d 300 (1996) applied in *State ex rel. Allman v. MacQueen*, 209 W. Va. 726, 551 S.E.2d 369 (2001).

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

