

# STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 24, 2022, the following order was made and entered:

Lewis Clark Tierney, III, et al.,  
Plaintiffs Below, Petitioners

vs.) No. 22-0201

Ann Tierney Smith,  
Defendant Below, Respondent

18-C-90

## SCHEDULING ORDER

On March 16, 2022, the petitioners Lewis Clark Tierney, III, et al., by counsel M. Shane Harvey and Vivian H. Basdekis, Jackson Kelly PLLC, presented a timely and complete notice of appeal from a final order of the Circuit Court of Kanawha County (Civil Action No. 18-C-90) entered on February 16, 2022. The appeal has been placed on the docket as No. 22-0201 in accord with Rule 5(b) of the Rules of Appellate Procedure. All filings related to this appeal must refer to this Court's docket number and use the case caption set forth in this order. The Court acknowledges receipt of the \$200 filing fee.

Portions of the record may be confidential pursuant to Rule 40 of the Rules of Appellate Procedure. Counsel must fully comply with Rule 40.

The petitioner has requested that a transcript be produced for purposes of appeal. Payment information for transcript preparation is not complete on the Appellate Transcript Request Form. If appropriate payment arrangements have been made with the official court reporter, the transcript shall be certified and filed by the official court reporter, Kathryn Little, on or before May 5, 2022, with a copy to be provided to counsel for the petitioners. If appropriate payment arrangements have not been made, the official court reporter should immediately notify the Deputy Clerk of this Court.

The parties to this appeal are encouraged to agree on the contents of the appendix. Pursuant to R.A.P. 7(e), if no agreement is reached, the petitioner must prepare a list of the parts of the record that the petitioner intends to include in the appendix, along with a list of any issues intended to be presented that were not included in the notice of appeal and serve the list on the respondent on or before May 16, 2022.

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CLERK  
KANAWHA COUNTY CIRCUIT COURT

The deadline for perfecting the appeal is June 16, 2022, with the filing of the brief and appendix. If the appeal is not perfected on or before June 16, 2022, the appeal will be dismissed. The petitioner may perfect the appeal at any time on or before the deadline for perfecting the appeal.

If the appeal is perfected, the respondent is hereby directed to file a respondent's brief, or a summary response, on or before August 1, 2022, or within forty-five days of the date the appeal is perfected if the appeal is perfected before its deadline. Any reply brief deemed necessary shall be filed by the petitioner on or before August 22, 2022, or within twenty days of receipt of the respondent's brief.

**SUMMARY of DEADLINES: Appeal No. 22-0201**

<b>Transcript:</b>	<b>May 5, 2022</b>
<b>Rule 7(e) List:</b>	<b>May 16, 2022</b>
<b>Appeal Perfected:</b>	<b>June 16, 2022</b>
<b>Respondent's Brief:</b>	<b>August 1, 2022</b>
<b>Reply Brief:</b>	<b>August 22, 2022</b>

Once the deadline for filing a reply brief has passed, the appeal will be mature for consideration by the Court pursuant to R.A.P. 5(h). Counsel of record will be notified in writing of any decision in the case.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

