

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on October 18, 2017, the following order was made and entered:

State of West Virginia ex rel.
The West Virginia Investment Management Board, and
The West Virginia Consolidated Public Retirement Board,
Petitioners

vs.) No. 17-0682

Honorable Christopher C. Wilkes, Panel Arbitrator
Judge of the Business Court Division; and
The Variable Annuity Life Insurance Company,
Respondents

ORDER

On August 4, 2017, the petitioners, The West Virginia Investment Management Board and The West Virginia Consolidated Public Retirement Board, by counsel Benjamin L. Bailey, Jonathan R. Marshall, Thomas B. Bennett, and Raymond S. Franks II, Bailey & Glasser LLP; and Gerald R. Stowers, J. Mark Adkins, and S. Andrew Stonestreet, Bowles Rice LLP, presented to the Court a petition praying for a writ of prohibition to be directed against the respondents, as therein set forth.

Thereafter, on September 1, 2017, the respondent, Honorable Christopher C. Wilkes, filed a summary response to the petition. On September 19, 2017, the respondent, Variable Annuity Life Insurance Company, by counsel, Thomas J. Hurney, Michael M. Fisher, and Erin R. Stankewicz, Jackson Kelly PLLC; and Richard J. Doren, Gibson, Dunn & Crutcher LLP, filed a response to the petition.

Upon consideration whereof, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioners is hereby refused.

A True Copy

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



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KANAWHA COUNTY CIRCUIT COURT
CLERK'S OFFICE

09-C-2104