

## **STATE OF WEST VIRGINIA**

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on June 7, 2017, the following order was made and entered:

The West Virginia Investment Management Board,  
a public body corporate and  
The West Virginia Consolidated Public Retirement Board,  
a public agency,  
Plaintiffs Below, Petitioners

vs.) No. 17-0486

The Variable Annuity Life Insurance Company,  
Defendant Below, Respondent

### **SCHEDULING ORDER**

On May 26, 2017, came the petitioners, The West Virginia Investment Management Board, et al., by counsel Gerard R. Stowers, J. Mark Adkins, S. Andrew Stonestreet, Bowles Rice, LLP and Benjamin L. Bailey, Thomas B. Bennett, Jonathan R. Marshall, and Raymond S. Franks II, Bailey Glasser LLP, and presented a notice of appeal from a final order of the Circuit Court of Kanawha County (Civil Action No. 09-C-2104) entered on April 28, 2017. The appeal has been placed on the docket as No. 17-0486 in accord with Rule 5(b) of the Rules of Appellate Procedure ("R.A.P. 5(b)"). 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 this case are confidential pursuant to Rule 40 of the Rules of Appellate Procedure. Full compliance by counsel with Rule 40 is ordered.

The petitioners have indicated that transcripts are necessary and that the transcripts have already been prepared.

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 petitioners must prepare a list of the parts of the record that the petitioners intend 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 July 31, 2017.

The deadline for perfecting the appeal is August 29, 2017, with the filing of the brief and appendix. If the appeal is not perfected on or before August 29, 2017, the appeal will be dismissed. The petitioners 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 October 13, 2017, or within forty-five days of the date the appeal is perfected, if the appeal is perfected before August 29, 2017. Any reply brief deemed necessary shall be filed by the petitioner within twenty days of receipt of the respondent's brief.

**SUMMARY of DEADLINES: Appeal No. 17-0486**

<b>Rule 7(e) List:</b>	<b>July 31, 2017</b>
<b>Appeal Perfected:</b>	<b>August 29, 2017</b>
<b>Respondent's Brief:</b>	<b>October 13, 2017</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// Rory L. Perry II  
Clerk of Court

