

No. 33195 - *State of West Virginia ex rel. R. E. Hamrick, J. R., M.D. v. The Honorable James C. Stucky, Judge of the Circuit Court of Kanawha County, et al.*

FILED

December 13, 2006

Starcher, J., dissenting:

released at 3:00 p.m.

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

I dissent from the majority opinion, not because I disagree with everything in the opinion, but because I think that this is a classic example of how *this* Court should not be micro-managing the procedural operations of our circuit courts.

The respondent, the Hon. James C. Stucky, is quite competent to manage procedural conflicts in his court and to referee contentious lawyers. I would not interfere with or second guess his methodology in doing so.

Respectfully, I therefore dissent to this Court's interference in the procedural aspects of this litigation.