

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on May 5, 2021, the following order was made and entered:

West Virginia Secondary Schools
Activities Commission and Bernie
Dolan, Executive Director,
Defendants Below, Petitioners

vs.) No. 21-0836

J.G.,
Plaintiff Below, Respondent

RULE TO SHOW CAUSE

On this day came the Court, on its own motion, and proceeded to consider sanctions against the respondent's counsel, D. Adrian Hoosier, II, for his failure to file a respondent's brief or summary response in the above-captioned matter and comply with orders of this Court.

Pursuant to the Court's October 26, 2021, order, the deadline to file a respondent's brief or summary response was March 3, 2022. When Mr. Hoosier failed to file a response on behalf of the respondent, the Court entered a Notice of Intent to Sanction on March 23, 2022, ordering Mr. Hoosier to file a respondent's brief or summary response together with a motion stating good cause why the filing was untimely on or before March 31, 2022. To date, Mr. Hoosier has not filed a respondent's brief or a summary response.

Upon consideration, the Court is of the opinion that a rule in contempt should be awarded. It is ORDERED that a rule does issue directed against counsel for the respondent and the respondent herein, D. Adrian Hoosier, II, Esq., returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, on Wednesday, September 7, 2022, commanding and

directing the said respondent to show cause, if any he can, why he should not be held in contempt of this Court for failure to file a response on behalf of the respondent in the above-captioned matter, unless sooner mooted by filing a brief or summary response that fully comply with the Rules of Appellate Procedure. The Clerk of Court will, on a later date, provide the parties with a Notice of Argument under Rule 19(b) containing further information on the time of argument.

The Court directs the Clerk of Court to refer the actions of D. Adrian Hoosier, II, Esq. in failing to file a response on behalf of the respondent, to the Office of Disciplinary Counsel.

It is ordered that D. Adrian Hoosier, II, shall provide a copy of this order to his client within 10 days of entry of this order.

It is further ordered that a copy of this order be sent to the Honorable Joshua Butcher, Judge.

Service of an attested copy of this order shall constitute sufficient notice of the contents.

Justice William R. Wooton voluntarily disqualified.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

