

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on March 18, 2024, the following order was made and entered:

State of West Virginia ex rel.  
American Bituminous Power Partners, LP,  
Petitioner

v.) No. 23-672

Honorable Michael D. Lorensen, Judge of the  
Business Court Division, Circuit Court of Marion County, and  
Horizon Ventures of West Virginia, Inc.,  
Respondents

**ORDER**

On November 20, 2023, the petitioner American Bituminous Power Partners, LP, by counsel Roberta F. Green, Shuman McCuskey Slicer PLLC, filed a petition for writ of prohibition, together with an appendix record, and a motion to stay the proceedings in the Circuit Court of Marion County, Business Court Division.

On November 30, 2023, the respondent Horizon Ventures of West Virginia, Inc., by counsel Mark A. Kepple, Bailey & Wyant, PLLC, and Joseph Nogay, Sellitti, Nogay & Nogay, filed a response to the motion to stay. The respondent, by counsel, filed a response to the petition for writ of prohibition on December 21, 2023.

Upon consideration and review on March 14, 2024, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioner is refused. The motion to stay is refused as moot.

A True Copy

Attest: /s/C. Casey Forbes  
Clerk of Court

