

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on November 19, 2018, the following order was made and entered **in-vacation**:

State of West Virginia ex rel. Margaret L. Workman,
Petitioner

vs.) No. 18-0816

Mitch Carmichael, President of the West Virginia Senate;
Donna J. Boley, President Pro Tempore of the West Virginia Senate;
Ryan Ferns, Majority Leader of the West Virginia Senate;
Lee Cassis, Clerk of the West Virginia Senate;
and the West Virginia Senate,
Respondents

ORDER

On November 5, 2018, the respondents, J. Mark Adkins, Floyd E. Boone Jr., Richard R. Heath, Jr., and Lara R. Brandfass, Bowles Rice LLP, filed motion to recall the mandate to allow the respondents to file a petition for rehearing. Thereafter, on November 15, 2018, the petitioner, by counsel Marc E. Williams, Melissa Foster Bird, Thomas M. Hancock, and Christopher D. Smith, Nelson Mullins Riley & Scarborough LLP, filed a response in opposition to the motion to recall the mandate.

“Issuance of the mandate terminates jurisdiction of the Supreme Court in an action before this Court, *unless the Court has provided by order* pursuant to Rule 25(a) that a petition for rehearing may be filed after a mandate has issued (emphasis added).” Rule 26(a) of the Rules of Appellate Procedure. No order providing for the filing of a petition for rehearing was entered in this matter.

This Court does not have inherent authority to recall its mandate and there are no extraordinary circumstances that exist that warrant recalling the mandate. The Court no longer has jurisdiction of this matter. Therefore, a petition for rehearing will not be filed or considered in this matter.

Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker disqualified. Justice Tim Armstead and Justice Evan H. Jenkins not participating. Acting Chief Justice James A. Matish, Judge Ronald E. Wilson, Judge Louis H. Bloom, Judge Rudolph J. Murensky II, and Judge Jacob E. Reger sitting by temporary assignment.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

