

FILED
5-26-15

IN THE CIRCUIT COURT OF MORGAN COUNTY, WEST VIRGINIA

**ROBERT DONADIEU, RITA DONADIEU,
GEORGE N. SPARKS, PATIENCE T. SPARKS,
DONNA FALLIN and
MARTHA A. MACNAMARA,**

Petitioners,

v.

**CIVIL ACTION NOS. 15-P-15,
15-P-16, 15-P-17 and 15-P-17
(Consolidated into 15-P-15)**

MORGAN COUNTY PLANNING COMMISSION,

Respondent.

ORDER FROM STATUS HEARING

On the 15th day of May, 2015, the parties appeared before Judge Christopher C. Wilkes, for a status hearing. Present for Petitioners, was their attorney, Lawrence M. Schultz, Esquire and the Petitioners. Present for Respondent, Morgan County Planning Commission, was Richard G. Gay, Esquire and Respondent Morgan County Planning Commission by Jack Soronen and Alma Gorse.

WHEREUPON, the parties jointly moved the Court to consolidate Civil Action Nos. 15-P-15, 15-P-16, 15-P-16, 15-P-17 and 15-P-18. The Court GRANTED the consolidation of the cases into first numbered case, Civil Action No. 15-P-15, being the file in which all future pleadings and papers shall be filed as may relate to any or all of the above referenced civil actions.

WHEREUPON, the Court issued the Writ of Certiorari and ORDERED that Respondent shall file its Return to the Writ along with a certified copy of the Planning Commission record within 20 days from the date of this hearing. The Court further established the following briefing schedule on the Petition for Writ of Certiorari and/or Mandamus:

- 1) Petitioners shall file their Brief in Support of the Petition for Writ of Certiorari and/or Mandamus within 30 days of Respondent's filing of the Return to the Writ and submit a copy of the Brief to opposing counsel and to the Court via U.S. Mail and electronic mail;
- 2) Respondent shall file its Response to the Brief in Support of the Petition for Writ of Certiorari and/or Mandamus, along with its proposed Findings of Fact and Conclusions of Law, within 20 days of Petitioners' filing of their Brief in Support and submit copies of the same to opposing counsel and to the Court via U.S. Mail and electronic mail;
- 3) Petitioners shall thereafter file their Reply Brief, along with their proposed Findings of Fact and Conclusions of Law, within 15 days of the filing of Respondent's Response Brief and submit copies of the same to opposing counsel and to the Court via U.S. Mail and electronic mail.

WHEREUPON, Petitioners made a request to the Court for discovery of the matter based on a claim of an inadequate record below. Respondent objected stating that discovery is not permitted in writ of certiorari cases as they are simply a review of the record below. The Court DENIED Petitioners' request for discovery reserving the option to remand to the Planning Commission to correct any omissions in the record.

The Clerk is directed to enter this Order as of the day and date first above written and transmit attested copies to all counsel of record and pro se parties.

IT IS SO ORDERED.

DATED: May 28, 2015



CHRISTOPHER C. WILKES

A TRUE COPY, ATTEST:

Ginny J. Harbeck
 Clerk of the Circuit Court
 of Morgan County, West Virginia
 By John H. Martin

CC: 5-27-15

*This Order prepared by:
Law Office of Richard G. Gay, LC*

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