

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on November 10, 2015, the following order was made and entered.

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Robert Donadieu, Rita Donadieu,
George N. Sparks, Patience T. Sparks,
Donna Fallin and Martha A. MacNamara,
Petitioners Below, Petitioners

vs.) No. 15-1058

Morgan County Planning Commission,
Respondent Below, Respondent

SCHEDULING ORDER

On October 28, 2015, came the petitioners, Robert Donadieu, Rita Donadieu, George N. Sparks, Patience T. Sparks, Donna Fallin and Martha A. MacNamara, by counsel Lawrence M. Schultz, Esq., Burke, Schultz, Harman and Jenkinson, and presented a timely and complete notice of appeal, from an order of the Circuit Court of Morgan County (Case No. 15-P-15) entered on September 28, 2015. The appeal has been placed on the docket as No. 15-1058 in accord with Rule 5(b) of the Rules of Appellate Procedure ("R.A.P. 5(b)"). All filings related to this appeal must refer to this Court's docket number and use the case caption set forth in this order. The Court acknowledges receipt of the \$200 filing fee.

The petitioner has indicated that transcripts are not necessary for the Court to consider the assignments of error in this case.

The parties to this appeal are encouraged to agree on the contents of the appendix. Pursuant to R.A.P. 7(e), if no agreement is reached, the petitioners must prepare a list of the parts of the record that the petitioners intend to include in the appendix, along with a list of any

issues intended to be presented that were not included in the notice of appeal, and serve the list on the respondent on or before December 28, 2015.

The deadline for perfecting the appeal is January 29, 2016, with the filing of the brief and appendix. If the appeal is not perfected on or before January 29, 2016, the appeal will be dismissed. The petitioners may perfect the appeal at any time on or before the deadline for perfecting the appeal.

If the appeal is perfected, the respondent is hereby directed to file a respondent's brief, or a summary response, on or before March 14, 2016, or within forty-five days of the date the appeal is perfected, if the appeal is perfected before January 29, 2016. Any reply brief deemed necessary shall be filed by the petitioner within twenty days of receipt of the respondent's brief.

SUMMARY of DEADLINES: Appeal No. 15-1058

Rule 7(e) List: December 28, 2015

Appeal Perfected: January 29, 2016

Respondent's Brief: March 14, 2016

Once the deadline for filing a reply brief has passed, the appeal will be mature for consideration by the Court pursuant to R.A.P. 5(h). Counsel of record will be notified in writing of any decision in the case.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court

