

In the Circuit Court of Morgan County, West Virginia

Dale Kirchner,
Plaintiff,

v.

Case No. CC-33-2023-P-12
Judge Debra McLaughlin

Brett W. McMillion,
The West Virginia Division of Natural
Resources,
Defendants

RULE TO SHOW CAUSE

On the 14th day of April, 2023, came the Petitioner, by counsel, Lawrence M. Schultz, Esquire, of BURKE, SCHULTZ, HARMAN & JENKINSON, and filed his verified "Petition for Writ of Mandamus" in this Court.

Petitioner has argued that the language is mandatory and the failure to post the notice until 4 days before the hearing voids the public notice required to be given. Petitioner has requested a writ of mandamus seeking the canceling of public meeting on April 18 and an order compelling Respondent to comply with public notice requirements.

The Court having reviewed the same and found these to be meritorious legal and factual issues raised therein does hereby order the Respondents to show cause, if any they can, why the Court should not find that the legal notice of public hearing set for Morgan County on April 18, 2023, is faulty as a matter of law.

Accordingly, this matter shall come on for a hearing on April 17, 2023 at 4:00 p.m. This hearing shall take place in the Circuit Court of Morgan County located at the Morgan County Courthouse 77 Fairfax Street, Berkeley Springs, WV ; Respondent may appear via Teams by contacting the Court's

administrative assistant at Stephanie.Stotler@courtsv.gov and requesting a TEAMS link.

/s/ Debra McLaughlin
Circuit Court Judge
23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsv.gov/e-file/ for more details.