

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED  
Cathy S. Gatson, Clerk  
Kanawha Co. Circuit Court

STATE OF WEST VIRGINIA, ex rel.  
HOWARD STONE,

APR - 3 2020

Petitioner,

v.

Case No. 20-P-123  
Judge Tera L. Salango

MAC WARNER,  
SECRETARY OF STATE  
OF THE STATE OF WEST VIRGINIA,  
and KEN REED

Defendants.

**ORDER ISSUING RULE TO SHOW CAUSE WHY A WRIT OF MANDAMUS SHOULD NOT ISSUE DIRECTING THE RESPONDENT SECRETARY OF STATE TO WITHDRAW THE CERTIFICATION OF CANDIDACY OF RESPONDENT KEN REED AND DECLARE KEN REED INELIGIBLE TO RUN FOR THE WEST VIRGINIA HOUSE OF DELEGATES DISTRICT 59 IN THE 2020 ELECTION**

On or about March 31, 2020, Petitioner Howard Stone filed an *Emergency Petition for Mandamus*, by counsel, Patrick Lane, Esq., and The Lane Law Firm, seeking an order requiring the Respondent Secretary of State to withdraw its prior certification of candidacy of Respondent Ken Reed and declare Respondent Ken Reed ineligible to run for the West Virginia House of Delegates District 59 in the 2020 election; order the Secretary of State to direct the ballot commissioners for Morgan and Berkeley Counties not to include Respondent Ken Reed on the primary election ballots; and order the Secretary of State to further direct all election officials, county commissioners, clerks of county commissioners, ballot commissioners, elections commissioners, poll clerks, and any and all other persons associated with the administration of the 2020 primary election to refrain from tallying, tabulating, certifying, or returning any and all vote(s) cast, absentee, write-in, or otherwise for Respondent Ken Reed.

After a careful review of the *Emergency Petition for Writ of Mandamus*, it is hereby **ORDERED** that a Rule to Show Cause does issue against Respondent Mac Warner, Secretary of

State of the State of West Virginia, and Respondent Ken Reed, to appear **FORTHWITH** and show cause, if any they can, why this Court should not grant the relief prayed for in the *Emergency Petition for Mandamus*.

It is further **ORDERED** that Mac Warner, Secretary of State of the State of West Virginia, and Ken Reed, appear for a hearing before this Court on **April 21, 2020, at 1:30 p.m.**, and show cause why the relief prayed for should not be granted.

The Court **FURTHER ORDERS** that any and all responses to the *Emergency Petition for Mandamus* as well as proposed final orders from all parties shall be submitted to the Court in Word format to alan.nichols@courts.wv.gov on or before 5:00 p.m., on April 15, 2020.

The Clerk of this Court is directed to send a certified copy of this Order by mail and facsimile or email to all parties or counsel of record as follows:

- 1) Patrick Lane, Esq., The Lane Law Firm, 5402 Morning Dove, Cross Lanes, West Virginia 25313 and [Patrick.lane@wvlanelaw.com](mailto:Patrick.lane@wvlanelaw.com);
- 2) The Honorable Mac Warner, West Virginia Secretary of State, Rm. 157 K, Bldg. 1, State Capitol, 1900 Kanawha Blvd., East, Charleston, West Virginia 25305 and FAX: (304) 558-0900;
- 3) The Honorable Patrick Morrissey, West Virginia Attorney General, Bldg. 1, State Capitol, 1900 Kanawha Blvd., East, Charleston, West Virginia 25305 and FAX: (304) 558-0140;
- 4) Ken Reed, 4235 Martinsburg Rd., Berkeley Springs, West Virginia 25411 and kenreed59th@gmail.com

ENTERED this 3<sup>rd</sup> day of April, 2020.

  
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Judge Tera L. Salango

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STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 3<sup>rd</sup>  
DAY OF April 2020  
Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA