

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: RECALL OF THE HONORABLE JAMES O. HOLLIDAY TO ACTIVE SERVICE TO PARTICIPATE IN THE PROCEEDING STYLED HUGH M. CAPERTON, et al. vs. A. T. MASSEY COAL COMPANY, INC., et al., CASE NO. 33350

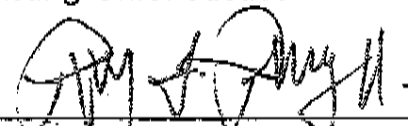
WHEREAS, the Honorable Brent D. Benjamin, Chief Justice of the Supreme Court of Appeals of West Virginia, is disqualified from participating in the above-referenced proceeding pursuant to the decision of the Supreme Court of the United States issued June 8, 2009, Caperton, et al. v. Massey Coal Co., Inc., et al., 556 U.S. \_\_\_ (2009);

IT IS, THEREFORE, ORDERED, that the Honorable James O. Holliday, Senior Status Judge, be, and he hereby is, recalled for temporary assignment to the Supreme Court of Appeals of West Virginia under the provisions of Article VIII, § 8 of the Constitution of West Virginia, for the purpose of consideration and deliberation in the above-referenced case; and

IT IS FURTHER ORDERED, that the Clerk of the Supreme Court of Appeals of West Virginia record this Order in the Office of said Clerk and that proceedings be held in the manner provided by law.

ENTERED: JUNE 11, 2009

  
ROBIN JEAN DAVIS  
Acting Chief Justice

Attest:   
Rory L. Perry II, Clerk  
Supreme Court of Appeals