

STATE OF WEST VIRGINIA

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At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on February 21, 2024, the following order was made and entered:

The Board of Education of the County of Cabell,
Petitioner

v.) No. 23-691

The Cabell County Public Library and
The Greater Huntington Park and Recreation District,
Respondents

ORDER

On January 3, 2024, the petitioner Board of Education of the County of Cabell, by counsel Kenneth E. Webb, Jr., Joshua A. Cottle, and William M. Lorensen, Bowles Rice LLP, perfected the appeal from an order of the Circuit Court of Cabell County (No. 23-C-339) entered on December 1, 2023, with the filing of the petitioner's brief and appendix record. On January 17, 2024, the respondents, the Cabell County Public Library and the Greater Huntington Park and Recreation District, by counsel Marc E. Williams, Randall L. Saunders, Thomas M. Hancock, Alexander C. Frampton, and D. Martin Warf, Nelson Mullins Riley & Scarborough LLP, Dennis C. Taylor and Debra C. Price, Taylor Conway Price PLLC, filed a respondents' brief. The petitioner, by counsel, filed a reply brief on January 24, 2024.

Acting without undue delay based on the nature of the matter at issue, the Court scheduled oral argument to be held on February 20, 2024. At the conclusion of oral argument, the case was submitted for consideration.

After careful review of all filings, the record on appeal, and the oral arguments presented by the parties, the Court is of the opinion to, and does, reverse the December 1, 2023, order of the Circuit Court of Cabell County and vacate the writ of mandamus.

Given the need for accelerated consideration and resolution of the issue presented, the Court issues its decision through this order with a detailed opinion to follow in due course.

The Clerk of this Court is directed to issue the mandate contemporaneously with this order.
Service of an attested copy of this order upon all parties constitutes sufficient notice of its contents.

A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

