

STATE OF WEST VIRGINIA

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On October 5, 2026, at the Supreme Court of Appeals of West Virginia, the following order was made and entered:

West Virginia Board of Education, Nancy J. White, in her capacity as President of the Board of Education, Victor Gabriel, F. Scott Rotruck, L. Paul Hardesty, Robert W. Dunlevey, Christopher Stansbury, Deborah Sullivan, Gregory Wooten, Sarah Armstrong Tucker, and Cathy Justice, all in their capacities as members of the West Virginia Board of Education, Michele Blatt, in her official capacity as State Superintendent of Schools, Raleigh County Board of Education, Larry Ford, Richard Snuffer, Charlotte Hutchens, Marie Hamrick, and Marsha Smith, all in their official capacities as members of the Raleigh County Board of Education, and Serena L. Starcher, in her official capacity as Superintendent, Raleigh County Board of Education, and Jane Doe,
Petitioners

v.) No. 25-836 (Raleigh County No. CC-41-2025-C-230)

Miranda G., individually and on behalf of her minor child A.G., and Carley H., individually and on behalf of her minor child E.G.,
Respondents

And

State of West Virginia, ex rel. West Virginia Board of Education, Nancy J. White, in her capacity as President of the Board of Education, Victor Gabriel, F. Scott Rotruck, L. Paul Hardesty, Robert W. Dunlevey, Christopher Stansbury, Deborah Sullivan, Gregory Wooten, Sarah Armstrong Tucker, and Cathy Justice, all in their capacities as members of the West Virginia Board of Education, Michele Blatt, in her official capacity as State Superintendent of Schools,

Raleigh County Board of Education, Larry Ford,
Richard Snuffer, Charlotte Hutchens, Marie Hamrick,
and Marsha Smith, all in their official capacities as
members of the Raleigh County Board of Education,
and Serena L. Starcher, in her official capacity as
Superintendent, Raleigh County Board of Education,
and Jane Doe,
Petitioners

v.) No. 25-740 (Raleigh County No. CC-41-2025-C-230)

The Honorable Michael E. Froble, Judge of the
Circuit Court of Raleigh County, Miranda G.,
individually and on behalf of her minor child A.G.,
Carley H., individually and on behalf of her
minor child E.G., and on behalf of others similarly
situated,
Respondents

ORDER AND RULE TO SHOW CAUSE

On March 26, 2026, the petitioners in No. 25-836 West Virginia Board of Education, Nancy J. White, in her capacity as President of the Board of Education, Victor Gabriel, F. Scott Rotruck, L. Paul Hardesty, Robert W. Dunlevey, Christopher Stansbury, Deborah Sullivan, Gregory Wooten, Sarah Armstrong Tucker, and Cathy Justice, all in their capacities as members of the West Virginia Board of Education, Michele Blatt, in her official capacity as State Superintendent of Schools, Raleigh County Board of Education, Larry Ford, Richard Snuffer, Charlotte Hutchens, Marie Hamrick, and Marsha Smith, all in their official capacities as members of the Raleigh County Board of Education, and Serena L. Starcher, in her official capacity as Superintendent, Raleigh County Board of Education, and Jane Doe, by counsel Christopher D. Smith, Benjamin L. Bailey, and Denali S. Hedrick, Bailey & Glasser, LLP, and Leigh Ann Wilson, Corey L. Palumbo, and William M. Lorensen, Bowles Rice, LLP, and Thomas J. Hurney, Jr. and J. Parker Zopp, Jackson Kelly, PLLC, and Marc E. Williams and Anna J. Williams, Nelson Mullins Riley & Scarborough, LLP, perfected the appeal from an order of the Raleigh County Circuit Court entered on November 26, 2025, with the filing of the petitioner's brief and appendix. On May 11, 2026, the respondents

Miranda G., A.G., Carley H., and E.G., by counsel John H. Bryan, Chris Weist, Chris West Attorney at Law, PLLC, and Aaron Siri and Walker D. Moller, Siri & Glimstead, LLP, filed a respondents' brief. The petitioners, by counsel, filed a reply brief on June 10, 2026.

On November 5, 2025, the petitioners in No. 25-740 by counsel, filed a petition for writ of prohibition to be directed against the respondents the Honorable Michael E. Froble, Judge of the Circuit Court of Raleigh County, Miranda G., individually and on behalf of her minor child A.G., Carley H., individually and on behalf of her minor child, E.G., and on behalf of others similarly situated.

On December 5, 2025, the respondents by counsel filed a response to the petition.

Upon consideration and review, the Court is of the opinion that this matter be scheduled for oral argument under Rule 20 of the Rules of Appellate Procedure.

On July 3, 2026, amicus curiae Patrick Morrissey, Governor of the State of West Virginia, by counsel, Holly J. Wilson, Principal Deputy Solicitor General, Michael R. Williams, Solicitor General, and Mattie F. Shuler, Assistant Solicitor General, filed a motion for leave to participate in oral argument.

Upon consideration and review, the Court is of the opinion to, and does, grant the motion to participate in oral argument. Justice Kirkpatrick and Justice Flanigan would refuse.

It is ORDERED that amicus curiae Patrick Morrissey, Governor, has leave to participate in oral argument and shall be allotted five minutes of the respondents' 20-minute response time.

Further, it is ORDERED that State of West Virginia, ex rel. West Virginia Board of Education, Nancy J. White, in her capacity as President of the Board of Education, Victor Gabriel, F. Scott Rotruck, L. Paul Hardesty, Robert W. Dunlevey, Christopher Stansbury, Deborah Sullivan, Gregory Wooten, Sarah Armstrong Tucker, and Cathy Justice, all in their capacities as members of the West Virginia Board of Education, Michele Blatt, in her official capacity as State Superintendent of Schools, Raleigh County Board of Education, Larry Ford, Richard Snuffer, Charlotte Hutchens, Marie Hamrick, and Marsha Smith, all in their official capacities as members of the Raleigh County Board of Education, and Serena L. Starcher, in her official capacity as Superintendent, Raleigh County Board of Education, and Jane Doe, Petitioners v. the Honorable Michael E. Froble, Miranda G., individually and on behalf of her minor child A.G., Carley H., individually and on behalf of her minor child E.G., and on behalf of others similarly situated, No.

25-740, be consolidated for purposes of oral argument, consideration, and decision. Justice Wooton would refuse to consolidate the cases.

The Clerk of Court will, on a later date, provide counsel with a Notice of Argument under Rule 20(b) containing further information on the date and time of argument.

A True Copy

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

