

STATE OF WEST VIRGINIA
CLERK OF KANAWHA COUNTY CIRCUIT COURT
111 COURT STREET
CHARLESTON, WEST VIRGINIA 25301

CATHY S. GATSON
CIRCUIT CLERK



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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AM 10:38

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA, ex rel.,

G. ISAAC SPONAUGLE, III,
West Virginia citizen and taxpayer,
Petitioner,

v.

Civil Action Number: 18-P-442
Honorable Daniel P. O'Hanlon, Judge

JAMES CONLEY JUSTICE, II,
Governor of the State of West Virginia,
Respondent.

DISMISSAL ORDER

On November 20, 2020, the West Virginia Supreme Court of Appeals defined the meaning of "reside" as that term is used in Section I, Article VII of the West Virginia Constitution. Respondent has represented through counsel that he intends to "reside" in Charleston consistent with the definition of "reside" in the Supreme Court of Appeals' opinion. The parties agree that Respondent's voluntary agreement to reside at the seat of government within the meaning of the Constitution renders this case moot and that the case should be dismissed.

Under certain circumstances, a petitioner in a mandamus action may receive all or a portion of his attorney fees and costs incurred in pursuing the action. *State ex rel. W. Va. Highlands Conservancy, Inc. v. W. Va. Div. of Env'tl. Prot.*, 193 W. Va. 650, 458 S.E.2d 88 (1995). The parties agree to the entry of an award of \$65,000 to Petitioner for attorney fees and costs.

The agreements of the parties as set forth in this Order are effective as of the date of the Order.

WHEREFORE, the Court hereby ORDERS that the petition for writ of mandamus is dismissed with prejudice and that this case be stricken from the docket. The Court awards

Close
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SCANNED

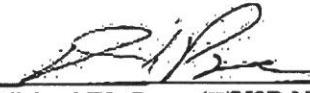
Petitioner attorney fees and costs in this matter in the amount of \$65,000.00.

The Clerk is directed to forward certified copies of this Order to counsel of record.


Entered this 1 day of March, 2021.


Honorable Daniel P. O'Hanlon, Judge

Prepared by:


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