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 SUPREME COURT OF APPEALS



My reputation for promoting diversity in all aspects of the workplace and our social lives is well known. And, I applaud Colgan Air and Mr. Dombroff for their

I simply chose to "call Mr. Dombroff's hand" by pointing out what I consider the "argument prop," the "window dressing" that he was using - hoping to enhance his argument, in my opinion.

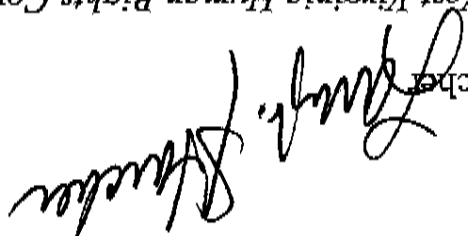
Second, I want to assure Mr. Dombroff and Ms. Altaf that absolutely nothing I said during our September 18 oral argument session should be construed to be a showing of bias or discrimination on my part toward their client, Colgan Air. Quite frankly, it was a "brusque" response to Mr. Dombroff's somewhat strident, finger-pointing, daring presentation to the Court.

First, Mr. Dombroff, counsel for the appellant, should be advised that a tentative discussion has been made by the full Court on the subject case on September 20, 2007, at the Court's Decision Conference. Therefore, the recusal issue is likely moot.

A Motion for Disqualification of Justice Starcher was filed in the proceedings in the above-named case on September 21, 2007. I first saw it on my desk on September 25, 2007. The basis for the motion is some remarks that I made during oral argument of this case on September 18, 2007.

RE: Colgan Air, Inc. v. West Virginia Human Rights Commission
Appeal No. 07-0285

FROM: Justice Larry V. Starcher
TO: Roy Perry, Clerk



MEMORANDUM

September 25, 2007

www.state.wv.us/wvscs
larry.starcher@courtswv.gov

SUPREME COURT OF APPEALS

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LARRY V. STARCHER

Justice



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xc: Other Justices (with motion)
Brian J. Moore, Esq.
Dwight J. Staples, Esq.
Paul R. Sheridan, Esq.

LVS:jw

I respectfully decline to step aside.

Therefore, I respectfully decline to recuse myself from this matter pursuant to Rule 29 of our Rules of Appellate Procedure. I have and can continue to fairly sit on this matter – through its conclusion, and correctly and fairly apply the law.

I have no financial interest in this case, do not know any of the litigants, and certainly have never socialized with any of the litigants, nor do I have personal knowledge of any disputed facts in the litigation.

commitment to diversity within our profession. But it seems to me that it should not be put on display as a prop in arguing a case before our Court.