

# FAX TRANSMISSION

## WV SUPREME COURT OF APPEALS

### Administrative Office

1900 Kanawha Blvd., East, Bldg. 1 Room E-100

Charleston, WV 25305

VOICE: 304-340-2305

TTY: 304-558-4219

FAX: 304-558-7990

**To:**

**Date:** *March 20, 2008*

**Fax #:**

**Pages:** *4*, (including cover)

**From:**

Jennifer Bundy  
Information Services Director

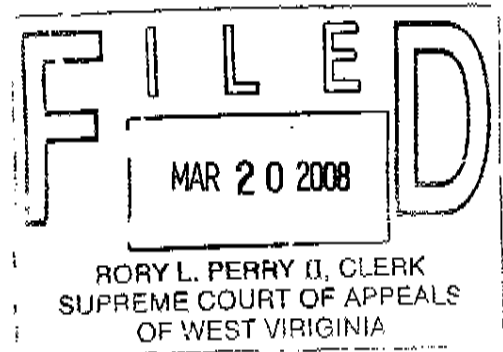
**Subject:**

*Notice of Hearing on Motion to Recuse*

COMMENTS:

## IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

CENTRAL WEST VIRGINIA  
ENERGY COMPANY and  
MASSEY ENERGY COMPANY,  
Petitioners,



v.

Case Nos. 080182 & 080183

WHEELING PITTSBURGH STEEL  
CORPORATION and MOUNTAIN  
STATE CARBON, LLC,  
Respondents.

**NOTICE OF HEARING ON MOTION TO RECUSE**

On the 10<sup>th</sup> day of March, 2008, the Petitioners/Appellants filed a **Renewed Joint Motion to Recuse the Honorable Larry Starcher** in this matter. After due consideration of the motion and exhibits attached thereto, this justice is of the opinion that the recusal issue in this case has become a matter of heightened public interest and concern and, therefore, a decision on this matter should not be made entirely "behind closed doors." Also, there should be an opportunity for the judge whose recusal is being sought to hear oral presentation by the movants, through counsel, to properly evaluate the

merits of the recusal request. Furthermore, counsel for the respondents should likewise be afforded the opportunity to be heard on the issue.

Therefore, you are hereby notified that a Hearing on the **Renewed Joint Motion to Recuse the Honorable Larry Starcher** will be held in this case on the **10<sup>th</sup> day of April, 2008, at 10:00 a.m.** in the Courtroom of the Supreme Court of Appeals of West Virginia, at which time counsel for the Petitioners/Appellants shall orally present said motion before Justice Larry V. Starcher; counsel for the Respondents shall likewise be given the opportunity to speak to the motion.

This Notice shall be sent by the Clerk of this Court by first class mail to the following parties:

James A. Walls, Esq.  
SPILMAN THOMAS & BATTLE, PLLC  
150 Clay Street, Second Floor  
Post Office Box 615  
Morgantown WV 26507-0615  
*Counsel for Central West Virginia Energy Company*

W. Henry Jernigan, Jr., Esq.  
DINSMORE & SHOAL, LLP  
Post Office Box 11887  
Charleston WV 25311-1887  
*Counsel for Massey Energy Company*

and

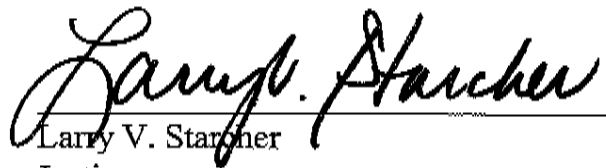
David B. Fawcett, Esq.  
BUCHANAN INGERSOLL & ROONEY, PC  
One Oxford Centre  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh PA 15219-1410  
*Counsel for the Respondents/Appellees*

David B. Cross, Esq.  
727 Charles Street  
Wellsburg WV 26070  
*Counsel for the Respondents/Appellees*

The Clerk of this Court is further directed to provide a courtesy copy of this notice to other members of this Court.

ENTER:

*March 20, 2008*

  
Larry V. Starcher  
Justice