

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

No. 24-

**STATE OF WEST VIRGINIA, ex rel.
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION,**

Respondent Below, Petitioner

v.

**THE HONORABLE JOHN D. BEANE,
JUDGE OF THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA,
AND WOOD COUNTY BOARD OF EDUCATION,
Petitioner Below, Respondents.**

Civil Action No. CC- 2024-P-275

PETITIONER'S MOTION FOR EXPEDITED RELIEF

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*Counsel for Petitioner, West Virginia Secondary
School Activities Commission*

COMES NOW your petitioner, the West Virginia Secondary School Activities Commission (hereinafter “Petitioner” or WVSSAC”), pursuant to Rule 29 of the West Virginia Rules of Appellate Procedure, and moves this Court to enter an order granting expedited relief to the Petitioner, prohibiting enforcement of an injunction issued by the Honorable John D. Beane (hereinafter “Respondent”).

1. On November 8, 2024, The Board of Education of the County of Wood (“Wood County”) filed its Petition for Emergency Temporary Restraining Order and Injunctive Relief.

2. On November 9, 2024, the Wood County Circuit Court entered its Temporary Restraining Order Granting Injunctive Relief (“Wood County order”).

3. On November 11, 2024, Point Pleasant Junior Senior High School filed its Petition for Emergency Injunctive Relief in Mason County Circuit Court. That case is styled Point Pleasant Junior Senior High School by its Principal, William Cottrill and Athletic Director James Higginbotham, Frederick W. Hunt, Guardian, Plaintiffs, v. West Virginia Secondary Schools Activities Commission.

4. Later on that same day, November 11, 2024, the Circuit Court of Mason County, in Case No. CC-26-2024-P-70, entered its Order Granting Emergency Injunctive Relief (“Mason County order”).

5. This pending Verified Petition for Writ of Prohibition arises from the issuance of the Wood County order. The petitioner anticipates filing a Petition for Writ of Prohibition arising from the Mason County order imminently.

6. Together, the Wood County order and the Mason County order are sometimes herein referred to as “the injunction orders” or “the orders”.

7. The WVSSAC football playoffs were scheduled to begin play on November 15, 2024.

8. The injunction orders impose requirements on the WVSSAC with regard to the teams competing and with regard to scheduling which are inconsistent with each other, rendering it impossible for WVSSAC to comply with both orders.

9. As a result of WVSSAC's practical impossibility of complying with both orders, it was necessary that the West Virginia State Football playoffs be postponed. The WVSSAC publicly announced the postponement of the playoffs on November 12, 2024.

10. In order for the West Virginia State Football playoffs to begin play, it is necessary that the conflicting orders be resolved so that WVSSAC can be in compliance with all legal mandates when the playoffs resume.

11. Each week the playoffs are postponed constitutes an irreparable harm to the WVSSAC member schools participating in the playoffs.

12. Without immediate adjudication by this Court, the WVSSAC West Virginia State Football playoff cannot be played without violating one or another of the Circuit Court's injunction orders.

Conclusion

For the foregoing reasons, the West Virginia Secondary School Activities Commission respectfully requests that this Court grant it this Motion for Expedited Relief and grant such other and further relief as the Court deems just and proper.

Dated this 14th day of November, 2024.

Respectfully submitted,

**WEST VIRGINIA SECONDARY SCHOOL
ACTIVITIES COMMISSION**

By Counsel
ROBINSON & McELWEE PLLC

/s/ Stephen F. Gandee

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PARKERSBURG SOUTH HIGH SCHOOL AND WILLIAMSTOWN HIGH SCHOOL,
Petitioner Below, Respondents.

Civil Action No. CC-2024-275

CERTIFICATE OF SERVICE

I, Stephen F. Gandee, counsel for petitioner, West Virginia Secondary School Activities Commission, do hereby certify that on this 14th day of November, 2024, a true and correct copy of the foregoing Petitioner's Motion for Expedited Relief was served upon the following counsel of record via File & ServeXpress:

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