

September 7, 2018

**RECEIVED**  
CLERK OF THE SENATE  
DATE: 9-7-18 TIME: 10:57am  
By: LC

*Via Hand Delivery*

The Honorable Lee Cassis  
Clerk of the West Virginia Senate  
1900 Kanawha Boulevard, East  
Room M-211 State Capitol Complex  
Charleston, WV 25305

Re: Matter of Impeachment Proceeding Against Respondent  
Retired Justice Robin Davis

Dear Clerk Cassis:

Enclosed for filing in the referenced matter please find a "Motion for Continuance of Deadlines." Copies have been served on other counsel as reflected on the certificate of service and a courtesy copy provided to Justice Farrell.

Please let me know if there are questions.

Very truly yours,



*RBA*  
ROBERT B. ALLEN

RBA:pcd  
Enclosure

cc: Justice Paul T. Farrell  
Counsel of Record

IN THE WEST VIRGINIA SENATE  
SITTING AS A COURT OF IMPEACHMENT

IN RE: Matter of Impeachment Proceeding  
Against Respondent Retired Justice Robin Davis

APPLICATION TO JUSTICE PAUL T. FARRELL, PRESIDING OFFICER:

**MOTION FOR CONTINUANCE OF DEADLINES**

Comes now Respondent Retired Justice Robin Davis, by counsel, Robert B. Allen and the firm of Kay Casto & Chaney PLLC, pursuant to Senate Resolution 203, Rules of the West Virginia Senate, while sitting as a Court of Impeachment during the Eighty-Third Legislature (hereinafter "Senate Rules") and moves this tribunal to grant a continuance of the deadlines for her to submit motions, reciprocal discovery, a witness list, an application for issuance of subpoenas and instructions for the trial, until 20 days after a date has been set for her trial. As noted in Justice Paul Farrell's letter dated August 28, 2018, the trial of Retired Justice Davis may be obviated by a motion filed under Rule 13 of the Senate Rules, and, as such, there is currently no scheduled date for the trial of Retired Justice Davis to begin. In addition, in her request for discovery filed on August 24, 2018, Retired Justice Davis noted that she would "be assembling additional documents, witnesses, and other evidence for use in her defense at the trial and will provide the required reciprocal discovery of that evidence as it becomes available." Much of that has not yet been gathered and is not yet available.

In light of these circumstances, Retired Justice Davis respectfully submits that a continuance of the deadlines for her to submit motions, reciprocal discovery, a witness list, an application for issuance of subpoenas and instructions for the trial is in order as it will allow for a

more orderly process and avoid the expenditure of unnecessary effort on the part of this tribunal if her trial is obviated.

WHEREFORE, Respondent requests that she be given 20 days after a date is set for her trial to file motions, provide reciprocal discovery including a witness list, make application for issuance of subpoenas and submit instructions for the trial.

RETIRED JUSTICE ROBIN DAVIS

RESPONDENT

BY COUNSEL

Robert B Allen by PCS  
ROBERT B. ALLEN (WV Bar No. 110)  
PAMELA C. DEEM (WV Bar No. 976)  
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Charleston, WV 25327  
(304) 345-8900

**CERTIFICATE OF SERVICE**

I, ROBERT B. ALLEN, counsel for Respondent, do hereby certify that the foregoing “*Motion for Continuance of Deadlines*” has been served upon the following individuals this 7<sup>th</sup> day of September, 2018, by hand delivering a true and exact copy thereof as follows:

Benjamin L. Bailey, Esq.  
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*Robert B. Allen by PLS*

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