

IN THE WEST VIRGINIA SENATE WHILE SITTING AS  
A COURT OF IMPEACHMENT DURING THE EIGHTY-THIRD LEGISLATURE

IN RE: The Matter of Impeachment Proceedings against Justices of the West Virginia Supreme Court of Appeals

**ORDER GRANTING CONTINUANCE AND EXTENDING APPLICABLE  
DEADLINES – RESPONDENT ROBIN JEAN DAVIS**

On October 4, 2018, came former Justice Robin Jean Davis, by counsel Robert B. Allen and Pamela C. Deem, Kay, Casto, & Chaney, PLLC, and Lonnie C. Simmons and J. Timothy DiPiero, DiTrapano, Barrett, DiPiero, McGinley, & Simmons, PLLC, and provided the Court of Impeachment with notice of the withdrawal and substitution of counsel of record for Respondent Davis. For that reason, Mr. Allen and Ms. Deem are hereby withdrawn as counsel of record for Respondent Davis, and Mr. Simmons and Mr. DiPiero are hereby substituted as counsel of record for Respondent Davis.

On that same date, the newly substituted counsel for Respondent Davis filed a supplemental motion to continue the trial date and to extend the deadline to file motions, prepare reciprocal discovery, including a witness list, make application for subpoenas, and submit instructions to five days after the resolution of Respondent Margaret L. Workman's motions to dismiss and her legal challenge before the West Virginia Supreme Court of Appeals. Respondent Davis, by her former counsel, previously filed a motion to continue, and her new counsel supplemented that pending motion with the concern that they require more time to review the matter and prepare for trial.

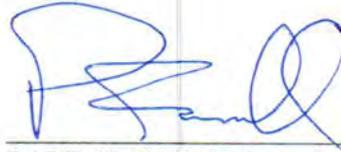
Further, on October 11, 2018, the West Virginia Supreme Court of Appeals issued a writ of prohibition against the West Virginia Senate and members and staff thereof prohibiting further proceedings by the Senate in the matter of the impeachment of Chief Justice Margaret L. Workman. *See State ex rel. Margaret L. Workman v. Mitch Carmichael, as President of the West Virginia Senate, et al.*, No. 18-0816, 2018 WL 4941057 (October 11, 2018). On October 12, 2018, Respondent Davis, by her new counsel, filed a motion to expand the writ issued in *Workman* to her impeachment proceedings.

Having reviewed the motion to continue and the supplemental motion to continue, particularly due to the need for new counsel to review the voluminous record, it is hereby **ORDERED** that the trial of Respondent Davis is continued generally.

The Clerk of the Court of Impeachment is hereby **ORDERED** to send certified copies of this order to Robert B. Allen, Pamela C. Deem, Lonnie C. Simmons, J. Timothy DiPiero, and all other counsel of record for former Justice Robin Jean Davis and Justice Allen H. Loughry II. The Clerk is further hereby **ORDERED** to make this order available to all Senators participating in

the trials of impeachment and to record this order in the Journal of the Court of Impeachment under Rule 6 of the Senate Impeachment Rules.

ENTERED: October 15, 2018



---

PAUL T. FARRELL  
Acting Chief Justice, Presiding Officer of  
The Court of Impeachment