

**IN THE CIRCUIT COURT OF HAMPSHIRE COUNTY, WEST VIRGINIA
DIVISION II**

**HAMPSHIRE COUNTY HIGH SCHOOL and
THE BOARD OF EDUCATION
OF THE COUNTY OF HAMPSHIRE,
PETITIONERS,**

v.

CIVIL ACTION NO.: 24-P-60

**WEST VIRGINIA SECONDARY SCHOOLS
ACTIVITIES COMMISSION,
RESPONDENT.**

ORDER FOLLOWING HEARING HELD NOVEMBER 15, 2024

On the 15th day of November 2024, this matter came on for a telephonic conference by agreement and at the request of the Court, relative to the *Petition Requesting Emergency Injunctive Relief*, filed on Wednesday, November 13, 2024, at 5:37 p.m., on behalf of Hampshire County High School and the Hampshire County Board of Education, upon the appearance of the Petitioners, by Nathan H. Walters, Esq., and the Law Firm of Walters, Heishman & Vance, PLLC; and the Respondent, West Virginia Secondary Schools Activities Commission (WVSSAC), by and through its Counsel, Stephen F. Gandee, Esq.

WHEREUPON, the Court **FINDS** that subsequent to certain negotiations entered into between Counsel, the parties do hereby **AGREE** and **STIPULATE** to a **STAY** of this proceeding and the Court's ruling on the underlying petition, until such time as the Supreme Court of Appeals of West Virginia issues a final decision upon the Petitions for Writ of Prohibition concerning recent

Orders entered by the Wood County Circuit Court and the Mason County Circuit Court relative to the West Virginia State Football Playoffs.

Specifically, the Court was advised by Counsel for the Respondent that the WVSSAC filed a Petition for Writ of Prohibition with the Supreme Court of Appeals of West Virginia, seeking to set aside, dissolve, and abate the Wood County Circuit Court Order, and to reinstate the point distribution system that existed at the outset of the entire 2024 football season. Counsel for the Respondent also represented that the WVSSAC has likewise filed a Petition for Writ of Prohibition with Supreme Court of Appeals of West Virginia, seeking similar relief concerning the Mason County Circuit Court Order requiring certain schools, including Hampshire County High School, to participate in a play-in game as a result of the prior Wood County Circuit Court Order that had completely removed Hampshire County High School and other schools from the Class AAA Tournament.

Accordingly, the Court **FINDS**, by agreement of the parties, that in the event that the WVSSAC succeeds with its pending Petitions for Writ of Prohibition, Hampshire County High School will be eligible to compete in the 2024 State High School Football Playoffs, as originally bracketed and earned by Hampshire County High School.

Therefore, the Court **ORDERS**, by agreement of the parties, that any further rulings and/or action as it relates to the underlying Petition in this matter shall be **STAYED**, pending a decision of the Supreme Court of Appeals of West Virginia regarding the WVSSAC's pending Petitions for Writ of Prohibition as it relates to the Wood County Circuit Court and Mason County Circuit Court Orders.

The Court **FINDS** the matters raised in the instant *Petition Requesting Emergency Injunctive Relief* filed on behalf of Hampshire County High School and the Hampshire County

Board of Education, to constitute grave concerns regarding the potential impact primarily upon the student athletes involved, not to mention their families, their school and community. It is uncontroverted, as represented by these parties, that the Hampshire County High School football team had qualified and was bracketed as one of the 16 teams scheduled for the Class AAA football playoff, only to be removed basically on the eve of the commencement of the playoffs by judicial edict resulting from a proceeding in which Hampshire County High School and the Hampshire County Board of Education were not even parties. This Court further acknowledges the potential demoralizing fallout that may occur when teams who have rightfully earned their playoff qualification under the rules as they were advised and understood them to be at the outset of the 2024-25 school year, and with their schedules long since in place, can so abruptly and without notice be scratched from the State Tournament thereby negating months of hard work and diligent effort to reach such an esteemed goal. Our State's student athletes, coaches, families, schools and communities deserve a better system. All circuit courts involved are no doubt trying their hardest to piecemeal a remedy to ultimately promotes fairness as they call it. This Court therefore ultimately welcomes the Supreme Court's expedited hand of finality.

The Court **FINDS** that because the Supreme Court of Appeals will ultimately determine the issues in question, and further in the interest of justice and basic fairness to all parties directly or potentially impacted the Supreme Court of Appeals' final decision, the Court does now **ORDER** and **ADJUDGE** that the all Class AAA play-in games previously scheduled to commence on November 16, 2024, shall be **STAYED** until the Supreme Court of Appeals rules on the WVSSAC's Petitions Writ of Prohibition now pending.

The Court notes the objections of the parties to any adverse ruling by the Court.

The Clerk of the Court is **DIRECTED** to send an official copy of this Order to all Counsel of record.

Entered this the 15th day of November, 2024.

A handwritten signature in black ink, appearing to read 'C. Carter Williams', written over a horizontal line.

C. CARTER WILLIAMS, JUDGE