

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

NAOMI SPENCER DALY and  
DARRELL CASTLE,

Plaintiffs,

DORREL W. ARTHUR,

Intervenor Plaintiff

v.

CIVIL ACTION NO. 3:16-08981

MAC WARNER,  
in his official capacity as  
Secretary of State of the  
State of West Virginia, and  
BRIAN WOOD, in his official  
capacity as Clerk of the County  
Commission of Putnam County,  
West Virginia,

Defendants.

**ORDER**

Upon consideration of the parties responses to this Court's Order dated January 13, 2017 [Docket 24], and for the reasons set forth in the Memorandum Opinion and Order [Docket 23], granting a preliminary injunction, the Court **GRANTS** a permanent injunction. The Court permanently **ENJOINS** Defendants Mac Warner<sup>1</sup> and Brian Wood, along with their officers, agents, servants, employees, attorneys, and all other persons who are in active concert or participation with them, from enforcing the filing deadline set out in West Virginia Code § 3-

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<sup>1</sup> Mac Warner is the successor in office to Natalie Tennant, one of the original defendants in this case, who was sued in her official capacity only. Under Rule 25(d) of the Federal Rules of Civil Procedure, Warner is automatically substituted for Tennant as a defendant in this case.

5-7(c) (2015) against independent and minor-party candidates whose nomination is governed by West Virginia Code § 3-5-23(a) (2015). The Court further **DIRECTS** Defendant Warner to notify all County Clerks of this injunction within 14 days after entry of this Order.

In light of this injunction, the Court **FINDS** that the plaintiffs are the prevailing party within the meaning of 42 U.S.C. § 1988.

A judgment shall follow.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: January 24, 2017

  
ROBERT C. CHAMBERS, CHIEF JUDGE

Agreed to by:

s/Anthony J. Majestro

Anthony J. Majestro (WVSB #5165)

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