

Justice Prevails Again: Bailey Glasser Secures Another Win for Governor's Pandemic Response

06.21.2022

Representing the State of West Virginia and Governor Jim Justice, Bailey Glasser prevailed on two appeals pending before the Fourth Circuit Court of Appeals, defeating the last of several cases challenging the State's response to the COVID-19 public health crisis. In two unanimous opinions, the Fourth Circuit ruled that these cases are moot and shall be dismissed as a result of the Governor lifting the COVID-19 safety measures.

Bailey Glasser has represented the Governor in several matters challenging the State's response to the COVID-19 public health crisis. In each case, Bailey Glasser prevailed because the Governor and State agencies acted within their well-established Constitutional and statutory authority. These cases date back to just several months after the COVID-19 public health crisis began.

In the ruling, Judge Harris of the Fourth Circuit Court of Appeals wrote that "the plaintiffs already have received the relief they sought to secure on appeal – the termination of the Governor's orders, allegedly issued in violation of West Virginia's separation-of-powers principles – so there is no live controversy for us to decide."

Bailey Glasser attorney Benjamin Hogan argued both appeals in-person. Bailey Glasser senior partner Benjamin Bailey and attorney Laura Babiak also played critical roles in the case, developing the winning strategy, and writing briefs, and presenting argument in the district court. The cases are *Eden LLC v. Jim Justice*, No. 21-1079 (4th Cir. Jun. 2, 2022) and *AJE Enterprise LLC v. Jim Justice*, No. 21-1102 (4th Cir. Jun. 2, 2022).

Attorneys

Laura Babiak

Benjamin L. Bailey

Benjamin J. Hogan

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