

Justice Prevails Again: Bailey Glasser Secures Win on Behalf of Governor

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Representing West Virginia Gov. Jim Justice and the West Virginia Alcohol Beverage Control Administration (WVABC), Bailey Glasser defeated a motion for a preliminary injunction brought by a collection of Morgantown bars and restaurants, challenging the State's and the City of Morgantown's restrictions that limit the operation of bars and restaurants in Monongalia County, designed to prevent the spread of Covid-19.

The lawsuit complained that the Governor's emergency orders violated the bars' constitutional rights by forcing them to shut down or limit their operations. The plaintiffs also argued that the executive orders did not allow the bars to contest the closures and therefore violated their due process rights.

US District Judge John Preston Bailey ruled in favor of the Governor, the WVABC, and their co-defendant the City of Morgantown, holding that the orders implemented were a proper use of their authority under West Virginia law and not reviewable in the federal court. Judge Bailey also ruled that the businesses didn't have a constitutional right to do business, and that their financial harm did not outweigh the public interest in limiting the spread of Covid-19.

Bailey Glasser attorney Benjamin Hogan argued the case in-person. Bailey Glasser senior partner Benjamin Bailey and attorney Laura Babiak also played critical roles in the case, participating in all the strategy and writing of the briefs before the hearing.

Bailey Glasser previously represented the Governor and West Virginia Department of Health and Human Resources (WVDHHR) in two similar matters in Kanawha County Circuit Court, challenging the state's restrictions with the hopes of preventing the spread of Covid-19, which also resulted in a dismissal and denial of an injunction.

Attorneys

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