

No. 12-0304 – *State of West Virginia ex rel. State Farm Mutual Automobile Insurance Company v. Honorable John Lewis Marks, Jr., Judge of the Circuit Court of Harrison County, et al.*

No. 12-0210 – *Nationwide Mutual Insurance Company v. Carmella J. Faris and Robert Faris*

FILED

December 7, 2012
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Benjamin, J., concurring, in part, and dissenting, in part:

I write separately to reiterate my dissent in *State ex rel. State Farm Mutual Automobile Insurance Company v. Bedell*, 228 W. Va. 252, 719 S.E.2d 722 (2011) (“*Bedell I*”). As with the protective order at issue in *Bedell II*, I believe that the protective orders in the case *sub judice* impermissibly frustrate the Insurance Commissioner’s prerogative and ability to investigate instances of fraud pursuant to the Insurance Fraud Prevention Act, and the protective orders put the insurance companies in an untenable position with respect to meeting their regulatory obligations.