

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 10th of May, 2007, the following order was made and entered:

State of West Virginia ex rel. West Virginia
Family Foundation, Inc., a West Virginia
corporation, Petitioner

vs.) No. 071406

John C. Musgrave, Director, West Virginia
Lottery Commission, Respondent

On a former day, to-wit, May 4, 2007, came the petitioner, West Virginia Family Foundation, Inc., by Barry L. Bruce, Barry L. Bruce & Associates, L.C., its attorney, and presented to the Court its motion to expedite consideration in the above-captioned petition for writ of mandamus, for the reasons stated therein. Thereafter, on the 8th day of May, 2007, came the respondent, John C. Musgrave, as Director of the West Virginia Lottery, by Thomas R. Goodwin and Johnny M. Knisely II, Special Assistant Attorneys General, Goodwin & Goodwin, LLP, and presented to the Court his written response in opposition thereto.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said motion. Justices Starcher and Albright would grant.

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals