

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia ex rel. its Cities of
Charleston and Huntington and its
Counties of Ohio and Kanawha, West
Virginia, Petitioners,

v.

West Virginia Economic Development
Authority, a public corporation,
Respondent,

AND

State of West Virginia ex rel. Rev. Jim
Lewis and John Cooney, Petitioners,

v.

Docket No. 31541

West Virginia Economic Development
Grant Committee, et al., Respondents,

AND

Greenbrier County Coalition Against
Gambling Expansion and Cabell County
Coalition Against Gambling Expansion,
unincorporated associations, Petitioners,

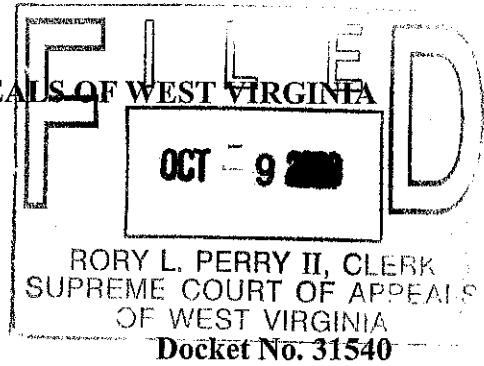
v.

Docket No. 31564

West Virginia Lottery Commission, et al.,
Respondents,

and

West Virginia Racing Association, Intervenor.



**RESPONSE OF THE
WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY
TO MOTION FOR SUBMISSION OF
OFFICIAL PROJECT "CERTIFICATIONS" BY PETITIONERS**

In response to the Motion for Submission of Official Project "Certifications" by Petitioners Reverend Jim Lewis and John Cooney and the Greenbrier and Cabell County Coalitions Against Gambling Expansion, Respondent West Virginia Economic Development Authority ("WVEDA") moves the Court to deny this Motion for the following grounds:

1. Distilled to basics, the issues raised by Petitioners with regard to the work of the West Virginia Economic Development Grant Committee ("Grant Committee") is a crazy quilt of claims about the adequacy of the Grant Committee standards for project certification in the West Virginia Excess Lottery Revenue Fund Act, W. Va. Code § 29-22-18a(d)(7)-(11), the character of the public purpose required for the certified projects as previously decided in *State ex rel. Citizens Action Group v. West Virginia Economic Development Grant Committee, et al.*, 213 W. Va. 255, 580 S.E.2d 869 (2003), and questions of economic and social policy underlying the economic development project fund with which Petitioners disagree.

2. The minutes of the public meetings held by the Grant Committee during the certification process and the written grant awards are not necessary as evidence to resolve the wide ranging issues raised by Petitioners that affect the entire Grant Committee process, all of the certified projects and the general concept of the economic development project fund.

3. Petitioners had a full and fair opportunity to request the submission of such evidence previously, and this motion has been resolved by the Court's prior Order of September 23, 2003, limiting the extent of evidence that parties may submit in these consolidated cases.

4. This motion by Petitioners is a part of their desperate attempt to inject illusory factual disputes into these consolidated Petitions for Mandamus in an effort to further delay the issuance of the revenue bonds by WVEDA and the commencement of the economic development projects.

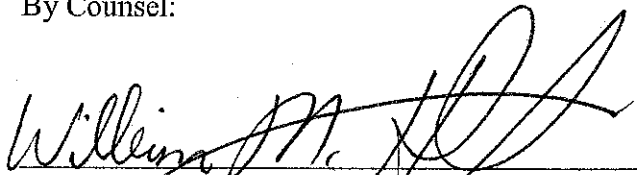
WHEREFORE, Respondent WVEDA respectfully requests this Court to deny the Motion for Submission of Official Project "Certifications" by Petitioners.

Respectfully submitted,

**WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,**

Respondent,

By Counsel:



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CERTIFICATE OF SERVICE

I, WILLIAM M. HERLIHY, do hereby certify that I have served a true copy of the foregoing "Response of the West Virginia Economic Development Authority to Motion for Submission of Official Project 'Certifications' by Petitioners" upon all counsel of record in these consolidated cases by facsimile transmission and by depositing the same in the United States mail, with first-class postage prepaid, on this 8th day of October, 2003, addressed as follows:

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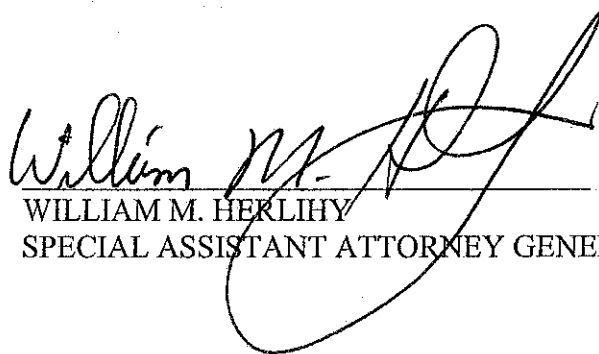
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