

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.

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

AND

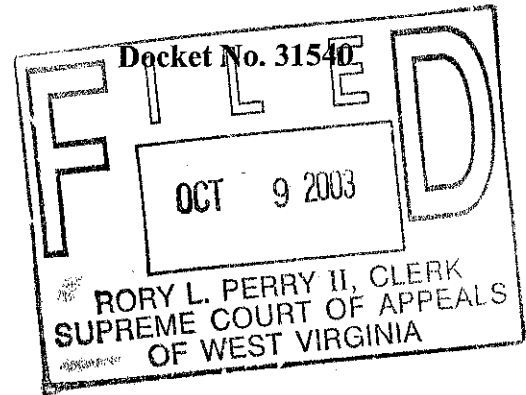
**Greenbrier County Coalition Against
Gambling Expansion and Cabell County
Coalition Against Gambling Expansion,
unincorporated associations, Petitioners,**

v.

**West Virginia Lottery Commission, et al.,
Respondents,**

and

West Virginia Racing Association, Intervenor.



Docket No. 31541

Docket No. 31564

**RESPONSE OF THE
WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY
TO MOTION FOR SEPARATE ORAL ARGUMENT SESSION IN
VIDEO GAMBLING MATTER BY PETITIONERS**

In response to the Motion for Separate Oral Argument Session in Video Gambling Matter 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. This Court previously consolidated the Petitions for Mandamus in Docket Nos. 31540, 31541 and 31564 by its Orders dated September 10 and 23, 2003.
2. The Court also granted the Motion for Expedited Consideration filed by Petitioners Cities of Charleston and Huntington and Counties of Ohio and Kanawha in its Order dated September 10, 2003, so that the Court could resolve all issues arising in the consolidated petitions with all deliberate speed.
3. In its Orders dated September 10 and 23, 2003, the Court ordered that the rules to show cause issued against Respondents in these consolidated petitions shall be returnable before the Court on October 10, 2003.
4. The consideration and resolution of the issues raised by the consolidated petitions must proceed without further delay in the issuance of the economic development revenue bonds and the commencement of the development projects certified by the West Virginia Economic Development Grant Committee to avoid the loss of time sensitive projects and the consequential damage to citizens of West Virginia.

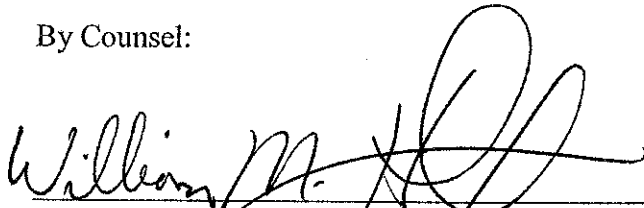
WHEREFORE, Respondent WVEDA respectfully requests this Court to deny the Motion for Separate Oral Argument Session in Video Gambling Matter by Petitioners.

Respectfully submitted,

**WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,**

Respondent,

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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 Separate Oral Argument Session in Video Gambling Matter 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 9th day of October, 2003, addressed as follows:

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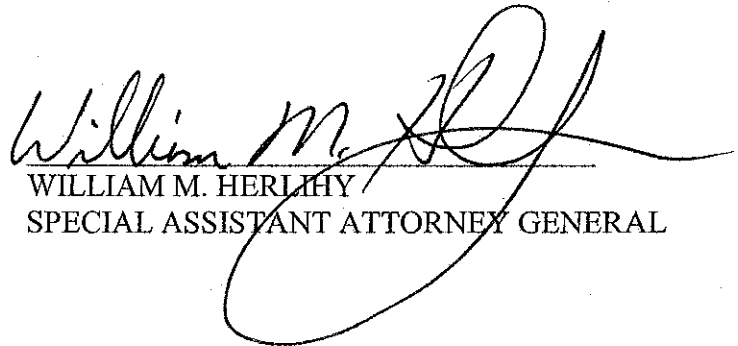
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