

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel. CITIES  
OF CHARLESTON AND HUNTINGTON AND  
COUNTY COMMISSIONS OF KANAWHA  
AND OHIO COUNTIES,

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,

vs.

WEST VIRGINIA ECONOMIC DEVELOPMENT  
GRANT COMMITTEE, et al.,

Respondents.

AND

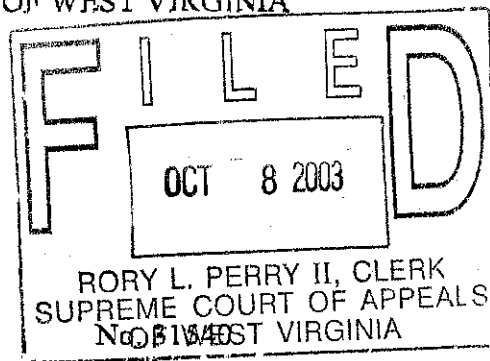
GREENBRIER COUNTY COALITION AGAINST  
GAMBLING EXPANSION; AND CABELL COUNTY  
COALITION AGAINST GAMBLING EXPANSION,  
UNINCORPORATED ASSOCIATIONS,

Petitioners,

vs.

WEST VIRGINIA LOTTERY COMMISSION;  
AND ITS DIRECTOR, JOHN MUSGRAVE,

Respondents.



No. 31541

No. 31564

**MOTION FOR SEPARATE ORAL ARGUMENT  
SESSION IN VIDEO GAMBLING MATTER**

The Petitioners, Greenbrier County Coalition Against Gambling Expansion and Cabell County Coalition Against Gambling Expansion, hereby move that oral argument in this particular case be conducted in an entirely separate session from that of the "grant" case upon the following grounds:

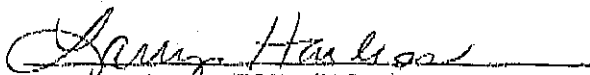
1. The subject matter of the video gambling controversy involving casino-style gambling throughout the communities of the State's 55 counties is simply too momentous and far-reaching, and of such great state-wide import, to be argued as an appendage, incidental to, or together with the less significant "grant" case, or as the intervenor Racetrack Association puts it, as "tangential" to the "grant" case.

2. The inevitable confusion, and lack of singular focus which obviously would result from combining these legally separate matters for oral argument would not serve justice and would be prejudicial to the petitioner Greenbrier and Cabell County Coalitions. Such a merger would also negatively affect the necessary focus and clarity for the "grant" controversy.

WHEREFORE, it is respectfully requested that oral argument in this video gambling controversy be held in a separate oral argument session as though the "grant" controversy did not exist.

**STATE OF WEST VIRGINIA ex rel. REV. JIM  
LEWIS AND JOHN COONEY AND  
GREENBRIER COUNTY COALITION  
AGAINST GAMBLING EXPANSION;  
AND CABELL COUNTY COALITION  
AGAINST GAMBLING EXPANSION,  
UNINCORPORATED ASSOCIATIONS  
PETITIONERS**

BY COUNSEL:



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**CERTIFICATE OF SERVICE**

I hereby certify that this **Motion for Separate Oral Argument Session in Video Gambling Matter** was served by facsimile transmission on October 8, 2003, upon the following:

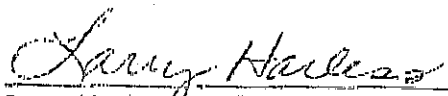
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Larry Harless (WVSB #1528)