

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 25th day of September, 2003, the following order was made and entered:

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

vs.) No. 31540

West Virginia Economic Development Authority, a public corporation, Respondent

AND

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

vs.) No. 31541

West Virginia Economic Development Grant Committee; West Virginia Economic Development Authority; City of Charleston; Kanawha County Commission; City of Huntington; and Ohio County Commission, Respondents

AND

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

vs.) No. 31564

West Virginia Lottery Commission and John Musgrave, its Director, Respondents

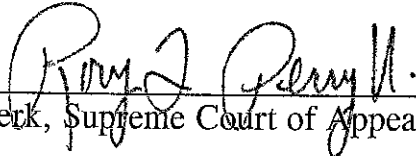
West Virginia Racing Association, Intervenor

On a former day, to-wit, September 24, 2003, came the Eastern West Virginia Regional Airport Authority, by Michael E. Caryl, Bowles Rice McDavid Graff & Love, its attorney, and presented to the Court its motion in writing for leave to file a brief Amicus Curiae in the above-captioned proceeding.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said motion as untimely filed. Justices Maynard and McGraw would grant.

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals