

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th of October, 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, October 8, 2003, came the petitioners, Rev. Jim Lewis, et al., and Greenbrier County Coalition Against Gambling Expansion, et al., by Larry Harless, their attorney, and presented to the Court their motion in writing for separate oral argument in the video gambling matter, for the reasons stated therein.

Thereafter, on the 9th day of October, 2003, came the respondent, West Virginia Economic Development Authority, by William M. Herlihy, Paula L. Durst and Michael B. Stuart, Spilman Thomas & Battle, its attorneys, and presented to the Court its written response in opposition thereto.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said motion.

A True Copy

Attest:


Clerk, Supreme Court of Appeals