

No. 31125

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA *ex rel.*  
WEST VIRGINIA CITIZEN ACTION  
GROUP, an incorporated association  
of State citizens and taxpayers,

Petitioner,

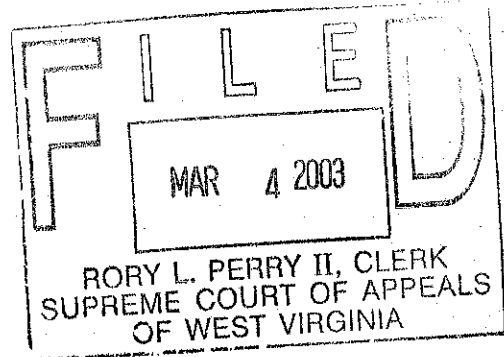
v.

WEST VIRGINIA ECONOMIC  
DEVELOPMENT GRANT COMMITTEE;  
CITY OF WHEELING (including  
its Urban Renewal Authority),  
a municipal corporation; and  
WVOC ASSOCIATES, L.P., a private  
partnership and corporation,


Respondents.

**MOTION OF *AMICUS CURIAE*  
TO PARTICIPATE IN ORAL ARGUMENT**

By counsel, *amicus curiae* American Civil Liberties Union of West Virginia moves to participate in oral argument in the above case, which argument is scheduled for March 11, 2003, at 2:00 P.M. *Amicus* seeks to argue only the issue that it addressed in its previously submitted brief, *i.e.*, whether the provision in West Virginia Code 29-22-18a(d)(3) conferring authority on the Speaker of the House and the President of the Senate to share in the appointment of an executive committee violates the separation of powers required by the West Virginia Constitution. *Amicus* counsel further states that counsel for the petitioners has agreed to, and will, relinquish part of his



argument time to facilitate this *amicus*'s participation and to avoid extending the total argument time.



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Counsel for *Amicus Curiae*  
American Civil Liberties Union  
of West Virginia

#### CERTIFICATE OF SERVICE

I have mailed a copy of the foregoing motion to participate in oral argument to petitioner's counsel, Larry Harless, and to respondent's counsel as follows: Katherine A. Schultz, Senior Deputy Attorney General, State Capitol, Bldg. 1, Room W435, Charleston, W.Va. 25305; Rosemary Humway Warmuth, City Bldg., Legal Dept., 1500 Chapline St., Wheeling, W.Va. 26003; Denise Klug, 1233 Main St., Suite 2001, Wheeling, W.Va. 26003; and Joanna I. Tabit, Steptoe & Johnson, P.O. Box 1588, Charleston, W.Va. 25326-1588, this 4th day of March, 2003.

