

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 20th of February, 2003, the following order was made and entered:

State of West Virginia ex rel. West Virginia Citizen Action Group, an incorporated association of State citizens and taxpayers, Petitioner Below, Appellant

vs.) No. 31125

West Virginia Economic Development Grant Committee; City of Wheeling, a municipal corporation; and Century Equities - Wheeling Victorian Outlet Mall, Inc., a private corporation, Respondents Below, Appellees

Kanawha County Commission, Intervenor

On this day, came the petitioner, West Virginia Citizen Action Group, by Larry Harless, its attorney, and presented to the Court its petition praying for an appeal from a judgment of the Circuit Court of Kanawha County, rendered on the 21st day of January, 2003.

On the 19th day of February, 2003, came the respondent, the West Virginia Economic Development Grant Committee by Katherine A. Schultz, Senior Deputy Attorney General, Stephen Stockton, Senior Assistant Attorney General, and Jennifer Lea Stollings, Assistant Attorney General, its attorneys, and presented to the Court its written response in opposition thereto.

On the 18th day of February, 2003, came the Kanawha County Commission, by G. Nicholas Casey, Richard L. Gottlieb, and Webster J. Arceneaux, III, Lewis Glasser Casey

& Rollins, and presented to the Court its motion to intervene on behalf of the respondent, the West Virginia Economic Development Grant Committee; said motion was granted by order of the Court dated February 20, 2003.

Upon consideration whereof, the Court is of opinion to and doth hereby grant said petition for appeal.

It is hereby ordered that the above-captioned proceeding be heard, submitted and determined upon the original record, briefs of counsel and oral argument.

It is further ordered that the all parties, and amicus curiae, may, if desired, file an original and nine copies of a brief on or before the close of business on the 4th day of March, 2003.

It is finally ordered that the above-captioned case be submitted on this Court's Argument Docket set for the 11th day of March, 2003, at 2:00 p.m.

A True Copy

Attest:


Clerk, Supreme Court of Appeals