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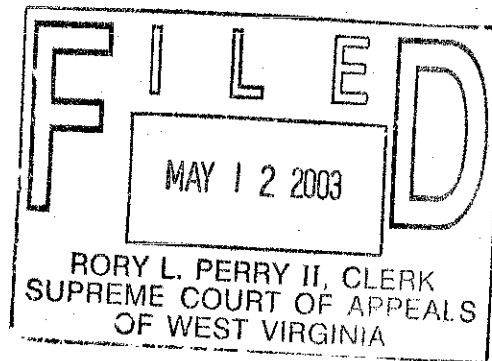
IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

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, a municipal corporation; and  
CENTURY EQUITIES - WHEELING  
VICTORIAN OUTLET MALL, INC.  
a private corporation,



Respondents.

MOTION OF LEWIS GLASSER CASEY & ROLLINS PLLC  
TO WITHDRAW AS COUNSEL TO  
PUTNAM COUNTY DEVELOPMENT AUTHORITY AS *AMICUS CURIAE*

Now comes the law firm of Lewis Glasser Casey & Rollins PLLC, counsel to *amici curiae* Marshall University Research Corporation; Our Jobs, Our Children, Our Future, Inc. d/b/a Huntington Area Development Council; SOGEFI S.p.A.; Tri-State Transit Authority; Metropolitan Huntington, LLC; Advantage Valley Partners, LLC; the Putnam County Development Authority and Putnam County Commission, and moves this Court to withdraw as counsel to *amicus curiae*, the Putnam County Development Authority. For its Motion to Withdraw as Counsel to Putnam County Development Authority as *Amicus Curiae*, Lewis Glasser Casey & Rollins PLLC states the following:

1. In February 2003, the Putnam County Development Authority, among others, retained the law firm of Lewis Glasser Casey & Rollins PLLC, to prepare and file a brief *amici curiae* in this appeal on its and others' behalf.

2. The Putnam County Development Authority has regular general counsel, to-wit, Jennifer D. Scragg and Harvey D. Peyton.

3. On March 4, 2003, the movant filed with this Court a brief *amicus curiae* supporting the position and legal points of the respondents.

4. Given the scope of its engagement by the Putnam County Development Authority, the movant is required to provide to the Putnam County Development Authority no further substantive legal services in this appeal or matter. Further, all that remains in this appeal or case for the movant to do is to receive the decision and opinion of the Court and to transmit it to the Putnam County Development Authority.

5. The Putnam County Development Authority has stated to the movant that it believes the movant has divided loyalties under Rules 1.7 of the Rules of Professional Conduct.

6. Although the movant disagrees with the Putnam County Development Authority, the movant wishes to withdraw as counsel to the Putnam County Development Authority as of May 14, 2003.

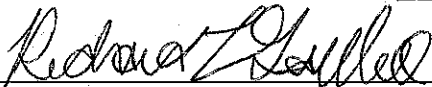
7. The movant has concluded that the Putnam County Development Authority will suffer no prejudice or harm if the movant withdraws as counsel.

8. On May 9, 2003, the movant tendered actual written notice of its wishes to withdraw to the Putnam County Development Authority; Harvey D. Peyton, counsel to the Putnam County Development Authority; and Jennifer D. Scragg, counsel to the Putnam County Development

Authority, as more fully set forth in the Certificate of Notification, a true copy of which is attached hereto and made a part hereof.

Based upon the foregoing, Lewis Glasser Casey & Rollins PLLC respectfully requests that this Court grant its Motion to Withdraw as Counsel to *Amicus Curiae* Putnam County Development Authority.

**LEWIS GLASSER CASEY & ROLLINS PLLC**



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Richard L. Gottlieb (W.Va. Bar No. 1447)  
Post Office Box 1746  
Charleston, West Virginia 25326  
(304) 345-2000  
*Counsel to amici curiae*

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CERTIFICATE OF NOTIFICATION

I, Richard L. Gottlieb, am a member of the law firm of Lewis Glasser Casey & Rollins PLLC, counsel to *amicus curiae* Putnam County Development Authority, and do hereby certify that said law firm of Lewis Glasser Casey & Rollins PLLC has provided due and proper notification by certified mail, return receipt requested, to the Putnam County Development Authority that the law firm of Lewis Glasser Casey & Rollins PLLC wishes to withdraw as counsel to *amicus curiae* Putnam County Development Authority in this appeal and that the law firm has filed with the West Virginia Supreme Court of Appeals a Motion to Withdraw as Counsel to Putnam County Development Authority as *Amicus Curiae*. I further state that the last known address of the Putnam County Development Post Office Box 167, Scott Depot, West Virginia 25560.

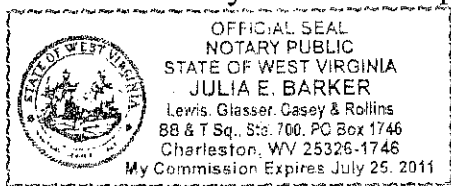
Subscribed to on this 9th day of May, 2003, by me.

*Richard L. Gottlieb*

**RICHARD L. GOTTLIEB**

The foregoing Certificate of Notification was acknowledged before me, a notary public in Kanawha County, West Virginia, on the 9th day of May, 2003, by Richard L. Gottlieb of the law firm of Lewis Glasser Casey & Rollins PLLC.

My commission expires: July 25, 2011



Notary public *Julia E. Barker*

**[NOTARY PUBLIC]**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 9, 2003, he served the foregoing **MOTION TO WITHDRAW AS COUNSEL TO PUTNAM COUNTY DEVELOPMENT AUTHORITY AS *AMICUS CURIAE*** upon the following by enclosing true and accurate copies thereof in envelopes addressed to their last known addresses and depositing the same into the United States mails:

Larry Harless, Esquire  
Route #2, Box 186C  
Cottageville, WV 25239

Katherine A. Schultz, Esquire  
Senior Deputy Attorney General  
Office of the Attorney General  
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Richard L. Gottlieb