

DOCKET NO. _____

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

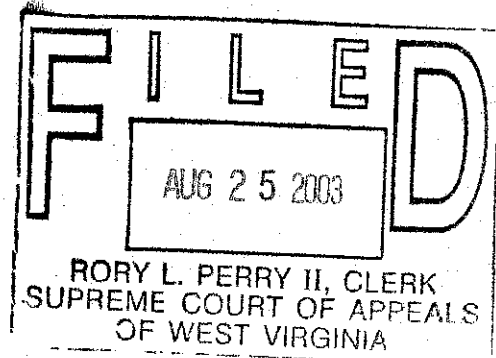
STATE OF WEST VIRGINIA EX REL.
ITS CITIES OF CHARLESTON AND
HUNTINGTON AND ITS COUNTIES
OF OHIO AND KANAWHA, WEST VIRGINIA,

Petitioners,

v.

WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,
a public corporation,

Respondent.



**PETITIONERS' MOTION FOR EXPEDITED
CONSIDERATION DUE TO EXIGENT CIRCUMSTANCES**

Petitioners move this Court for expedited consideration of their Petition for Relief by Writ of Mandamus from the August 21, 2003 refusal by the West Virginia Economic Development Authority to honor its non-discretionary duty to issue revenue bonds pursuant to Executive Order 19-03 due to urgent and exigent circumstances. This Motion is based upon the following grounds:

1. Petitioners are the sponsors of public economic development projects located in Charleston, West Virginia, Huntington, West Virginia, and Wheeling, West Virginia. These projects consist of the Huntington project known as Pullman Square (an urban revitalization project), the Charleston/Kanawha County project (a municipal baseball park), and the Ohio County project known as the Fort Henry project (a warehousing and retail complex).

2. Upon information and belief, each of these economic development projects will bring public benefit to their respective communities in the form of jobs, tax revenue, facilities, infrastructure and commerce. Each of these projects was certified by the West Virginia Economic Grant Committee on August 20, 2003 upon a finding that their purposes complied with W. Va. Code § 29-22-18a(d).

3. As a result of that certification, Petitioners are entitled to the immediate issuance by the West Virginia Economic Development Authority of revenue bonds as directed by the Governor, all of which is set forth factually in Petitioners' Petition for Writ of Mandamus.

4. As a result of the West Virginia Economic Development Authority's refusal to honor the Governor's Executive Order 19-03 on August 21, 2003, and issue the mandated revenue bonds, Petitioners are confronted with inordinate delay in obtaining the approved funding for these projects, which will endanger the viability of the projects as proposed.

5. Upon information and belief, the funding for each of these projects needs to be provided to the Petitioners prior to December 31, 2003, in order for the economic development projects to proceed as proposed. In the absence of timely funding, the Petitioners will lose the economic benefit(s) of the projects and suffer irreparable harm.

6. Upon information and belief, in the event Petitioners are successful and this Court grants the requested Writ of Mandamus, it would take underwriters at least thirty (30) days to market the bonds after issuance by the West Virginia Economic Development Authority.

7. As a result of the time sensitive nature of these economic opportunities, a delay in the process of considering Petitioners' Petition could result in irreparable harm to the Petitioners even

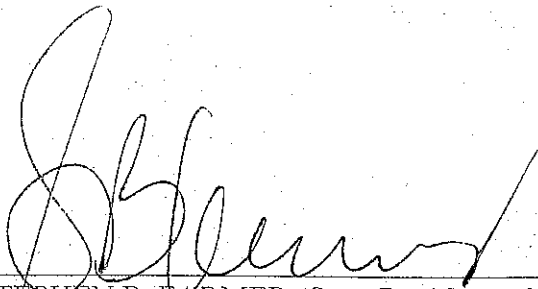
if this Court agrees with Petitioners and grants a Writ of Mandamus if this occurs after approximately November 5, 2003.

WHEREFORE, the Petitioners move this Court to consider the exigent circumstances presented by this case, and should this Court issue a "Rule to Show Cause," move the Court to enter an expedited Scheduling Order which would enable the Court to render a final determination on the merits no later than November 5, 2003. By making this Motion, Petitioners do not mean to be presumptuous of the Court's business and calendar, nor do Petitioners underestimate the importance of the matters raised by their Petition. The Petitioners are respectful of the Court's consideration and wish only to advise the Court of their belief that time is of the essence.

THE CITIES OF CHARLESTON AND
HUNTINGTON, AND THE COUNTIES OF
OHIO AND KANAWHA, WEST VIRGINIA,

Petitioners,

By Counsel:



STEPHEN B. FARMER (State Bar No. 1165)
FARMER, CLINE & ARNOLD, PLLC
Second Floor, 7 Players Club Drive
Post Office Box 3842
Charleston, West Virginia 25338
(304) 346-5990