

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 10th of September, 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

On a former day, to-wit, August 25, 2003, came the petitioners, Cities of Charleston and Huntington, and Counties of Ohio and Kanawha, by Stephen B. Farmer, Farmer, Cline & Arnold, their attorney, and presented to the Court their petition praying for a writ of mandamus to be directed against the respondent, West Virginia Economic Development Authority, as therein set forth, and further requesting that the Court undertake an expeditious consideration and resolution of the petition. Thereafter, on the 9th day of September, 2003, pursuant to a request for a response under Rule 14(b) of the Rules of Appellate Procedure,

came the respondent, West Virginia Economic Development Authority, by Silas B. Taylor, Senior Deputy Attorney General, its attorney, and presented to the Court its initial response thereto.

On the 9th day of September, 2003, came the petitioners, Rev. Jim Lewis and John Cooney, by Larry L. Harless, their attorney, and presented to the Court their petition praying for a writ of mandamus to be directed against the respondents, West Virginia Economic Development Authority, et al., as therein set forth.

Upon consideration whereof, the Court is of opinion that the above-captioned matters be consolidated for the purposes of consideration and decision.

Upon further consideration of the consolidated petitions, the Court is of opinion that a rule should be awarded herein, and that the motion for expedited consideration be, and hereby is, granted, so that the Court may resolve all issues arising in the consolidated petitions with all deliberate speed.

It is therefore considered and ordered that a rule do issue directed against all respondents returnable before this Court at its courtroom in the City of Charleston, County of Kanawha, at nine o'clock, a. m., on Friday, the 10th day of October, 2003, commanding and directing the said respondents to show cause, if any they can, why a writ of mandamus should not be awarded against the West Virginia Economic Development Authority, as prayed for by the petitioners in their said petitions.

It is further ordered that any motions to intervene, participate as amicus curiae or otherwise appeal to this Court by any party or person regarding the issues arising in the consolidated petitions shall be filed on or before September 22, 2003.

