

NOS. 031847 and 31541

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,

and

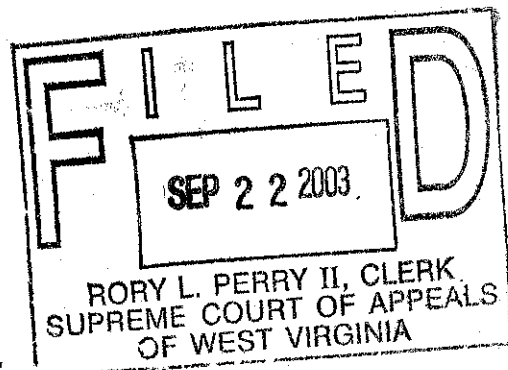
STATE OF WEST VIRGINIA ex rel. REV. JIM
LEWIS and JOHN COONEY,

Petitioners,

v.

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.



**RESPONSE OF THE WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY TO THE MOTION
OF REV. JIM LEWIS, ET AL., TO TAKE EVIDENCE**

Petitioners' Motion for Taking Evidence does not conform to Rule 17(a), *West Virginia Rules of Appellate Procedure*, because it fails to state what evidence is sought and for what reason, nor does it seek any specific form of relief against any particular party. The Motion fails to disclose


why affidavits and public information are insufficient to serve Petitioners' purposes. The Economic Development Authority (hereafter "the Authority") does not believe that it has any information relevant to the claims of Petitioners Lewis and Cooney that could not have been obtained through the West Virginia Freedom of Information Act. It is unable to determine from the Motion whether Petitioners nonetheless seek to depose or otherwise inconvenience the Authority's members or employees. Consequently, the Authority must oppose the Motion as written, and prays that it be denied.

Respectfully submitted,

WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,
Respondent,

By counsel

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CERTIFICATE OF SERVICE

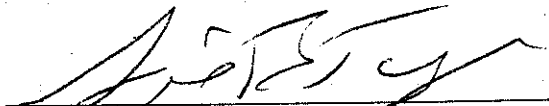
I, SILAS B. TAYLOR, do hereby certify that I have served a true copy of the foregoing "Response to Motion for Evidence" upon all counsel of record in these consolidated cases by depositing the same in the United States mail, with first-class postage prepaid, on this 22nd day of September, 2003, addressed as follows:

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