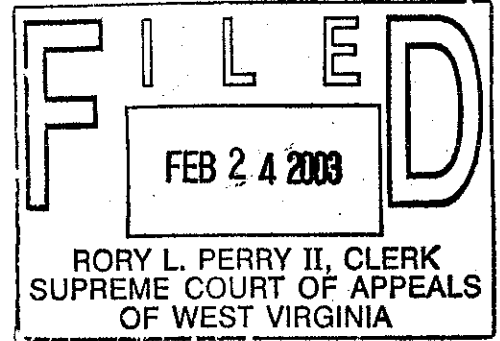


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

2003 Spring Term



STATE OF WEST VIRGINIA, ex rel
 WEST VIRGINIA CITIZEN ACTION GROUP,
 an incorporated association of State citizens
 and taxpayers,

Appellant,

vs.

WEST VIRGINIA ECONOMIC
 DEVELOPMENT GRANT COMMITTEE;
 CITY OF WHEELING (including its Urban
 Renewal Authority), a Municipal Corporation;
 and WHEELING VICTORIAN OUTLET
 CENTER ASSOCIATES, L.P., a private
 partnership and corporation,

Appellees.

Appeal from the Circuit Court of
 Kanawha County Honorable Charles
 King, Judge
 Civil Action No. 02-MISC-352

CITY OF WHEELING'S
 RENEWED MOTION AS AMICUS CURIAE
TO PARTICIPATE IN ORAL ARGUMENT

Comes now counsel for the City of Wheeling and its Urban Renewal Authority (hereafter "the City") to request that it be included in the oral argument presented to this honorable court on March 11, 2003. The City previously requested inclusion in the Response to the Petition for Appeal in the Relief Requested Section of its Response. In the afore-mentioned Section, the City stated:

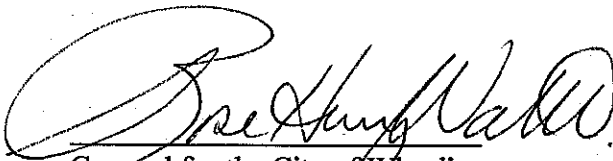
*"The undersigned counsel also requests this Court, if the Petition is accepted, to recognize the City's Amicus Curiae status as of right being a municipality of the State and respectfully requests to be included in oral arguments."*¹

¹ See Page 5 of Response to Petition for Appeal of Amicus Curiae.

In accord with Rule 19 of the State of West Virginia Rules of Appellate Procedure, the City believes that its project, being a central focus of the litigation below and the Circuit Court's decision now on appeal, as well as the City being a named party in the proceeding below, presents sufficient "extraordinary reasons" to justify the inclusion of the City of Wheeling as Amicus Curiae in oral argument.

Respectfully submitted

City of Wheeling, and its Urban
Renewal Authority



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CERTIFICATE OF SERVICE

Service of the foregoing *City of Wheeling's Renewed Motion as Amicus Curiae to Participate*

in Oral Argument was had upon the Petitioners herein by delivering a true copy thereof by United States

Mail, postage prepaid, this 21st day of February, 2003, to the following counsel of record:

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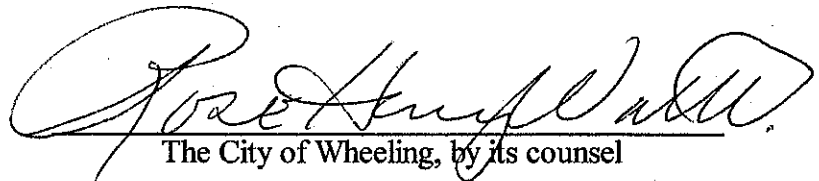
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The City of Wheeling, by its counsel

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