

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 22nd of May, 2007, the following order was made and entered:

State of West Virginia ex rel. West Virginia
Family Foundation, Inc., a West Virginia
corporation, Petitioner

vs.) No. 071406

John C. Musgrave, Director, West Virginia
Lottery Commission, Respondent

On a former day, to-wit, May 4, 2007, came the petitioner, West Virginia Family Foundation, Inc., by Barry L. Bruce, Barry L. Bruce & Associates, L.C., its attorney, and presented to the Court its petition praying for a writ of mandamus to be directed against the respondent, John C. Musgrave, Director of the West Virginia Lottery Commission, as therein set forth. Thereafter, on the 16th day of May, 2007, pursuant to a request for a response under Rule 14(b) of the Rules of Appellate Procedure, came the respondent, John C. Musgrave, by Thomas R. Goodwin and Johnny M. Knisely II, Goodwin & Goodwin, LLP, Special Assistant Attorneys General, and presented to the Court his initial response thereto.

Upon consideration whereof, the Court is of the opinion that a rule should not issue. It is hereby ordered that the petition for writ of mandamus prayed for by the petitioner is hereby refused. Justices Starcher and Benjamin would grant.

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals