

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 2nd of July, 2003, the following order was made and entered:

State of West Virginia ex rel. Greenbrier
County Coalition Against Gambling Expansion;
and Cabell County Coalition Against Expansion
of Gambling Unincorporated Associations,
Petitioners

vs.) No. 031300

Honorable Paul Zakaib, Jr., Judge of the Circuit
Court of Kanawha County; West Virginia
Lottery Commission and John Musgrove, its
director, Respondents

On a former day, to-wit, June 18, 2003, came the petitioners, Greenbrier County Coalition Against Gambling Expansion; and Cabell County Coalition Against Expansion of Gambling Unincorporated Associations, by Larry Harless, their attorney, and presented to the Court their petition praying for a writ of mandamus to be directed against the respondents, Honorable Paul Zakaib, Jr., Judge of the Circuit Court of Kanawha County; West Virginia Lottery Commission and John Musgrove, its director, as therein set forth. Thereafter, on the 26th day of June, 2003, pursuant to a request for a response under Rule 14(b) of the Rules of Appellate Procedure, came the respondents, The West Virginia Lottery Commission and John C. Musgrave, its director, by Thomas R. Goodwin and Johnny M. Knisely, II, Goodwin & Goodwin, their attorneys, and presented to the Court their initial response in opposition thereto.

Upon consideration whereof, the Court is of the opinion that a rule should not issue and it is hereby ordered that all relief requested be, and it hereby is, refused. Justice

McGraw would refuse without prejudice and notes that petitioners can pursue appropriate relief after compliance with the requirement of statutory notice.

A True Copy

Attest: _____


Clerk, Supreme Court of Appeals