

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA *ex rel*
WEST VIRGINIA CITIZEN ACTION GROUP,

Petitioner,

v.

No. 101494

EARL RAY TOMBLIN,
President of the West Virginia
State Senate; et al.

Respondents.

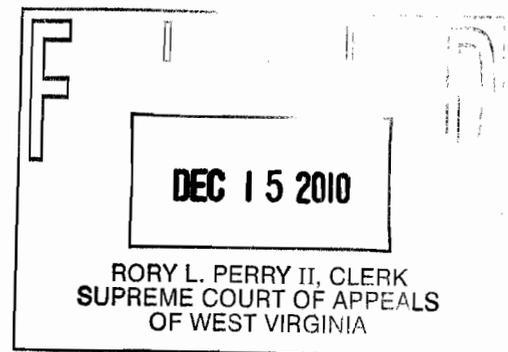
STATE OF WEST VIRGINIA *ex rel.*
THORNTON COOPER,

Petitioner,

v.

No. 10-4004

Honorable EARL RAY TOMBLIN,
Acting Governor of the State of
West Virginia and President of the
West Virginia State Senate; et al.



**MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* OF THE
WEST VIRGINIA EDUCATION ASSOCIATION**

The West Virginia Education Association (WVEA) moves the Court pursuant to Rev. R.A.P. 30(b) to allow it to proceed in these consolidated cases as *amicus curiae*. In support the WVEA states:

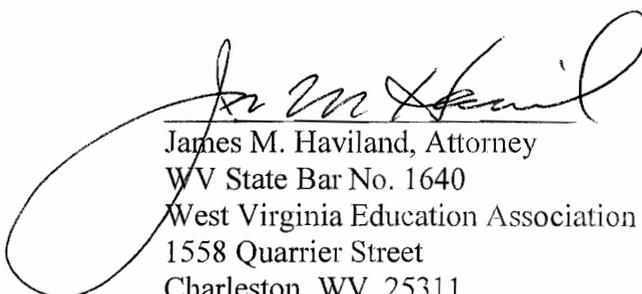
1. The WVEA has an interest in furthering the electoral process. That interest is described in the Part 2. "Statement of Interest of the [WVEA}.." of the proposed "Brief *Amicus Curiae* of the West Virginia Education Association," attached hereto.

2. Notice as required by Rule 30(b) was given five days ago, on Friday December 10 to the parties, as is further described in a filing herein of that date.
3. The consideration of the Brief and view point of the WVEA are, it is respectfully submitted, are relevant to the disposition of this case.
4. No supplemental appendix is offered.
5. The undersigned has received the consent of the Petitioner Thornton to file proceed as *amicus curiae*. Calls have been placed to other counsel of record who were not immediately available. Their responses will be reported to the Clerk of the Court.

Therefore, the Court should receive and consider the attached Brief.

Respectfully submitted,

WEST VIRGINIA EDUCATION
ASSOCIATION, by counsel

A handwritten signature in black ink, appearing to read "James M. Haviland", is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

James M. Haviland, Attorney
WV State Bar No. 1640
West Virginia Education Association
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CERTIFICATE OF SERVICE

I, James M. Haviland, counsel for the West Virginia Education Association, do hereby certify that on December 15, 2010, I have served the *Motion for Leave to File Brief Amicus Curiae of the West Virginia Education Association* and *Brief Amicus Curiae of the West Virginia Education Association* on the following parties by mail, and facsimile/email at the addresses and numbers set forth below:

The Honorable Earl Ray Tomblin
Acting Governor of the State of West Virginia,
And President of West Virginia State Senate
Governor's Office
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305
Facsimile: (304)342-7025

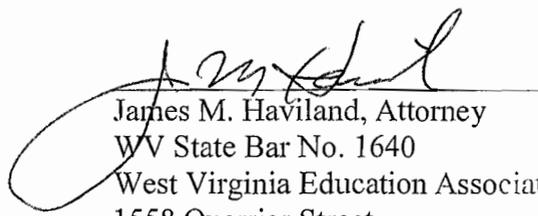
Anthony J. Majestro, Esquire
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The Honorable Natalie E. Tenant
West Virginia Secretary of State
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The Honorable Darrell V. McGraw
West Virginia Attorney General
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