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JUN 9 2010

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

LAWRENCE REYNOLDS, ANTHONY
MAWING, ALEXIS RIOS-CONDE,
JESUS SANCHEZ, DALE WHITAKER,
LUIS PEREZ, and TONY MARAGH,

Petitioners,

v.

WEST VIRGINIA RACING
COMMISSION,

Respondent.

Case No. 09-C-688

2010 JUN -3 AM 11:11
ANTHONY S. RALSTON, CLERK
KANAWHA COUNTY CIRCUIT COURT

FILED

ORDER

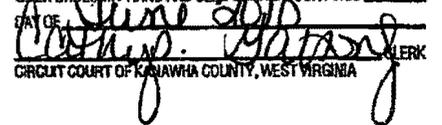
On June 3, 2010, the parties, by their respective counsel, appeared before the Court for the hearing of PNGI Charles Town Gaming, LLC d/b/a Charles Town Races and Slots' Motion to Confirm Expiration of Temporary Restraining Order. The Court has also received from the Petitioners their opposition to this Motion, which includes a Motion to grant injunctive relief barring PNGI Charles Town Gaming, LLC d/b/a Charles Town Races and Slots ("the Track") from excluding the Petitioners from racing during the pendency of the Petitioners' appeal from the final order of the Respondent West Virginia Racing Commission. After reviewing the motions and hearing the arguments of counsel for the parties and the movant, the Court hereby FINDS that the Track's proposed bar of the Petitioners would result in irreparable harm to the Petitioners and would deprive them of a meaningful opportunity for review of the sanctions imposed on the Petitioners by the Racing Commission. The Court further incorporates by reference the findings and rulings of its April 16, 2009, Order which previously granted injunctive relief to the Petitioners and against the Track on the same grounds as those presented here. Accordingly, the Court hereby DENIES the Track's Motion and ORDERS that the Track

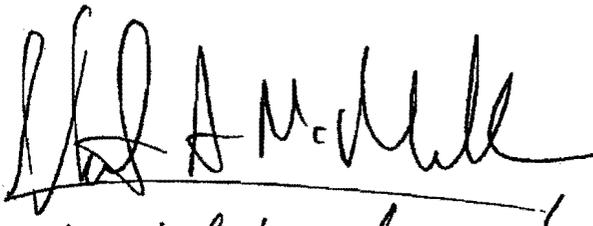
shall not restrict or impede the rights of the Petitioners to enter the Track and engage in their legitimate racing activities.

The Clerk is directed to send a copy of this Order via facsimile and U.S. mail to all counsel of record.

ENTER: June 3, 2010


Paul Zakaib, Jr.
Circuit Judge

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 7
DAY OF June 2010

Clerk
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA


W. A. McMillan, Esq.

- directed to and
Approved as to formality.

Prepared by:

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