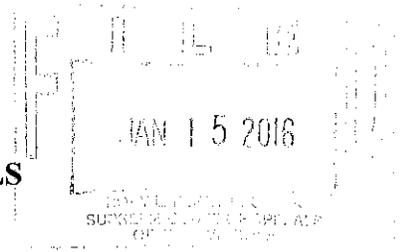


IN THE WEST VIRGINIA SUPREME COURT OF APPEALS



State of West Virginia ex rel Belinda Biafore *et al*,

Petitioners,

v.

No. 16-0013

Earl Ray Tomblin, et al

Respondents.

**Motion by the West Virginia AFL-CIO  
and the West Virginia State Building and Construction Trades  
Council, AFL-CIO for Leave of the Court to file an *Amicus Curiae* Brief**

Now comes the West Virginia AFL-CIO and the West Virginia State Building and Construction Trades Council, AFL-CIO (hereinafter collectively referred to as the “AFL/Building Trades) by counsel, and pursuant to Rule 30 of the Rules of Appellate Procedure files this Motion for Leave of this Court to file an Amicus Curiae Brief in this matter, and in support thereof states the following:

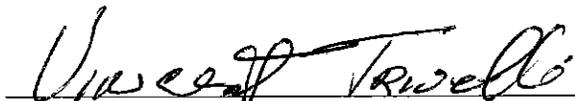
1. The AFL/Building Trades are entities that represent approximately tens of thousands of workers in West Virginia and surrounding states.
2. The AFL/Building Trades and their members have an interest in the issues before this Court, in that the outcome of the litigation and the make-up up of the West Virginia Senate will a direct impact on the livelihood of its members.
3. The impact on the AFL/Building Trades is evident in the fact that the first two Bills introduced in the new Legislative Session are the so-called “West Virginia Freedom Act” (S.B. 1, commonly referred to as Right-to-Work) and a repeal of the prevailing wage (S.B.2). Together these bills, if enacted, would have a direct and detrimental impact on the members of the AFL/Building Trades and the State of West Virginia.

4. As this Court is aware, the AFL/Building Trades have long history regarding the civil litigation regarding labor and prevailing wage before this Court. (including: *Affiliated Construction Trades Foundation v. University of West Virginia Board of Trustees*, 557 S.E.2d 863, 210 W.Va. 456 (2001); *State ex rel Tucker County Solid Waste Authority v. West Virginia Division of Labor*, 668 S.E.2d 216, 222 W.Va. 588 (2008); *Affiliated Constr. Trades Found. v. W. Va. DOT* 227 W. Va. 653; 713 S.E.2d 809 (2011) and *Affiliated Constr. Trades Found. v. Stucky*, 229 W. Va. 408; 729 S.E.2d 243 (2012))

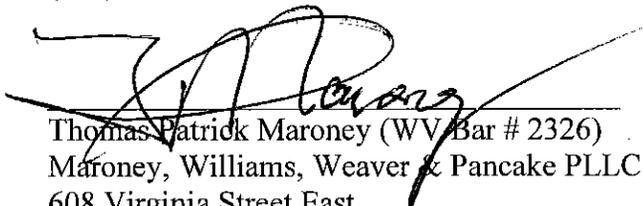
WHEREFORE, the AFL/Building Trades requests this Court issue an order Granting the Building Trades' ACT Motion Leave of the Court to file an *Amicus Curiae* Brief. (attached hereto)

Respectfully submitted this 15<sup>th</sup> day of January 2016

**West Virginia State Building and  
Construction Trades Council, AFL-CIO,  
and its division, the Affiliated Construction  
Trades Foundation,**  
By Counsel



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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January 2016, I caused the foregoing document to be filed with the Clerk of the Court by hand-delivery. The following counsel will be served by U.S. mail and electronic service:

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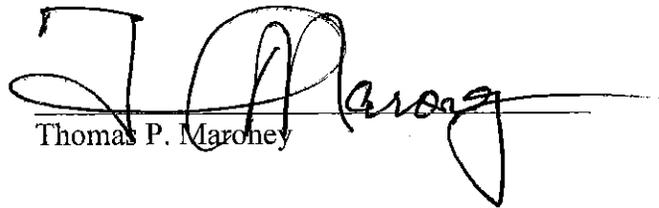
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