

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia ex rel.  
Craig Real Estate Corporation,  
a West Virginia Corporation,  
Petitioner



v

HONORABLE N. EDWARD EAGLOSKI,  
Judge of the Circuit Court of  
Putnam County,

Respondent.

Case No. 34388  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

RESPONDENT'S RESPONSE

The undersigned judicial officer, N. Edward Eagloski, states his response to the Petitioner's Petition for Writ of Mandamus and the underlying petitioner's Motion for Disqualification Pursuant to Rule 17.01 of the West Virginia Trial Court Rules.

The judge **ADMITS** that he appeared before a Putnam County Commission public hearing on or about July 1, 2004 wherein Indian Head II, LLC, wished to procure a Tax Increment Financing (TIF) for its project in Hurricane, West Virginia. I attended the forum in order to become educated on the TIF procedure which was recently enacted by the West Virginia Legislature. As a private citizen, I inquired how a TIF was created, the purpose thereof and the financing mechanism. I did not state an opinion on whether the Putnam County Commission should approve or disprove of the project.

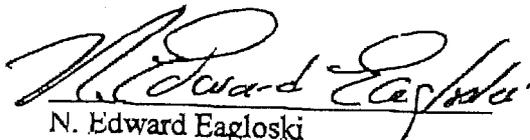
I **DENY** the Petitioner's allegation that I caused the Putnam County Commission to deny the TIF for the Indian Head II, LLC project. The denial of the TIF occurred at a subsequent county commission meeting where the Commission voted the TIF down.

I did request Harvey Peyton to provide the Court with the underlying State DOH appraisal and the Craigo Real Estate appraisal. He complied. It should be noted that I reviewed the Putnam County Clerk's records and it seems that the price being received by the Petitioner, is somewhat disproportionately higher than others who have had their land taken by the State for US Rt. 35.

There is another issue that is pressing upon this court is that the date of the take of the real estate appears to be incorrect.

Therefore, I should not be required to recuse myself from proceeding on the underlying case, The West Virginia Division of Highways, a corporation, v. Craigo Real Estate Corporation, et al. Civil Action No. Circuit Court of Putnam County, Case No. 04-C-40.

Respectfully submitted,



N. Edward Eagloski  
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Petitioner