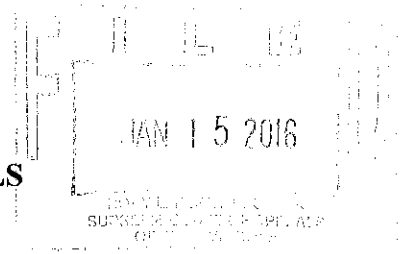


IN THE WEST VIRGINIA SUPREME COURT OF APPEALS



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:

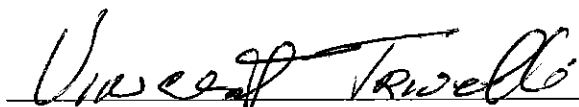
1. The AFL/Building Trades are entities that represent approximately tens of thousands of workers in West Virginia and surrounding states.
2. The AFL/Building Trades and their members have an interest in the issues before this Court, in that the outcome of the litigation and the make-up up of the West 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))

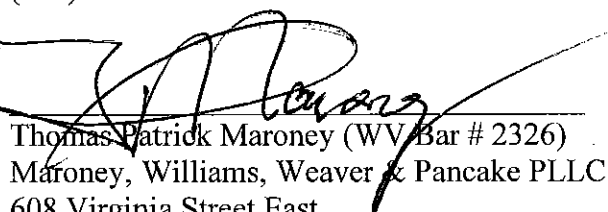
WHEREFORE, the AFL/Building Trades requests this Court issue an order Granting the Building Trades' /ACT Motion Leave of the Court to file an *Amicus Curiae* Brief. (attached hereto)

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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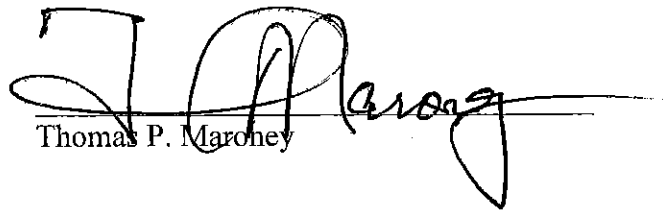
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