

**FILED**

No. 21-0579 – *City of Martinsburg v. County Council of Berkeley County*

**October 26, 2022**

WOOTON, J., concurring:

released at 3:00 p.m.  
EDYTHE NASH GAISER, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

I concur in the majority’s conclusion that the legal issue presented herein has been rendered moot by virtue of completion of the underlying project. Inasmuch as the legal issues have been rendered moot, it is both unnecessary and unedifying to belabor the perceived inadequacy of the briefing in the case. The majority’s discussion in this regard stands in contrast to its handling of other cases frequently presented to this Court in which the briefing is decidedly underdeveloped or lacking in strict procedural compliance, yet little or no criticism is given. Therefore, while I concur in the majority’s resolution of this appeal, I note my disagreement with its treatment of the briefing and associated commentary.