

ADMISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Harrison County Development Authority, Plaintiff

vs) No. 12-C-504-3 (Harrison County)

Tetrick & Bartlett, PLLC, Defendant

The Honorable James A. Matish, Chief Judge of the Fifteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Defendant Tetrick & Bartlett, PLLC, by counsel, John F. McCuskey, Esq., Jennifer L. Tampoya, Esq., and the law firm of Shuman, McCuskey & Slicer, PLLC, filed a motion to refer the above-styled case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). The motion and all responsive memoranda were carefully reviewed by the Chief Justice for his consideration.

TCR 29.06(c)(1) provides that the Chief Justice may act directly upon the motion or may direct the Division to conduct a hearing and make recommendations concerning coordinated or consolidated proceedings under this rule.

The Chief Justice has determined that such motion requires a hearing to receive evidence and to entertain arguments relative to the issue of whether this case should be referred to the Business Court Division.

It is therefore ORDERED that the Business Court Division or a designated member thereof is directed to conduct a hearing, in order to receive evidence and to entertain arguments by the parties or any judge, and submit findings of fact and a recommendation to the Chief Justice.

It is further ORDERED that a copy of this ORDER be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable James A. Matish; and to the Clerk of the Circuit Court of Harrison County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 22, 2013


BRENT D. BENJAMIN
Chief Justice