

ADMISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Mountain State Carbon, LLC, Plaintiff

vs.) **No. 08-C-360** (Ohio County)

**Bluestone Coal Corporation and Bluestone
Coal Sales Corporation, Defendants and Third
Party Plaintiffs**

vs.)

**Wheeling Pittsburgh Steel, Inc. and/or Severstal
Wheeling Steel Group, Inc., Third Party Defendants**

The Honorable David J. Sims, Judge of the First Judicial Circuit, has filed a motion with the Ohio County Circuit Court requesting that this case¹ be transferred to the Business Court Division pursuant to Trial Court Rule 29 of the West Virginia Trial Court Rules ("TCR"). Thereafter, the motion and joint response were filed with the Clerk of the West Virginia Supreme Court. These documents were carefully reviewed by the Chief Justice for his consideration in ruling on the motion.

The principal claim in this action involves matters of significance to the transactions between business entities and the case contains commercial issues in which specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy because of the need for specialized knowledge or expertise in the subject matter or familiarity with some specific law or legal principles that may be applicable. Accordingly, this case satisfies the requirements of TCR 29.04. Therefore, I am granting the motion to refer this case to the Business Court Division.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is granted, and this Order shall be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division, for assignment of a presiding judge and such other actions as are necessary to effectuate the provisions of TCR 29.

It is further ORDERED that any members of the Business Court Division assigned to this

¹ The caption in the motion to refer and the order staying the proceedings filed by Judge Sims are different from the caption in the joint response. This Order follows the caption in the Judge's motion and order.

matter by Judge Wilkes are authorized pursuant to Article VIII § 3 of the West Virginia Constitution and TCR 29.07(b) to preside over the above-styled case in Ohio County.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; to the Honorable David J. Sims; and to the Clerk of the Circuit Court of Ohio County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 26, 2013


BRENT D. BENJAMIN
Chief Justice