

**ADMISTRATIVE ORDER**

**SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**Bernard Holliday, an Individual and  
Greenbrier County Resident,  
Plaintiff**

**Engineering & Testing 2000 Inc., a West  
Virginia Corporation with its Principal  
Office in Greenbrier County, West Virginia,  
Plaintiff**

vs) **No. 13-C-78 (Greenbrier County)**

**William Toney, an Individual and Fayette  
County Resident,  
Defendant**

**Engineering & Testing 2000 Inc., a West  
Virginia Corporation with its Principal  
Office in Greenbrier County, West Virginia,  
Defendant**

On a prior day, the Chief Justice of the Supreme Court of Appeals received a request to refer the above-referenced case to the Business Court Division ("Division") pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR").

By Administrative Order entered on May 31, 2013, the Chief Justice, pursuant to TCR 29.06(c)(1), directed the Division or a designated member thereof 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 as to whether the above-referenced case should be referred to the Division.

The Honorable James J. Rowe, Judge of the Division, has advised the Chief Justice that he conducted a hearing on June 17, 2013, and has submitted his Findings of Fact and Recommendation.

Upon reviewing the request to refer and the Findings of Fact and Recommendation, the Chief Justice has determined that the request should be granted and the case should be referred to the Division.

It is hereby ORDERED that the request to refer this case to the Division is granted, and this order shall be transmitted to the Honorable Christopher C. Wilkes 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 Division assigned to this 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-referenced case in Greenbrier County.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Division; the Honorable Joseph C. Pomponio Jr., Judge of the Eleventh Judicial Circuit; and to the Clerk of the Circuit Court of Greenbrier County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JUNE 24, 2013

  
BRENT D. BENJAMIN  
Chief Justice