

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**L&D Investments, Inc.,
Plaintiff**

v. **No. 13-C-113 (Harrison County)**

**Mike Ross, Inc., Waco Oil & Gas Company, Inc.,
Darrell R. Richards d/b/a Richards Resources,
Patricia Randolph, NAJ, LLC, Kenneth R. Bee, et al.,
James Doye Swiger, and Billy Eugene Swiger,
Defendants/Third-Party Plaintiffs**

v.

**Glenda J. Gainer, as Executrix of the Estate of
Howard L. Gainer, deceased,
Third-Party Defendant**

The Honorable John Lewis Marks Jr., Judge of the Fifteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Defendants and Third-Party Plaintiffs Mike Ross, Inc. and Waco Oil & Gas Company, Inc., by counsel George A. Patterson, Marc A. Monteleone, Kenneth E. Webb Jr., and the law firm of Bowles Rice LLP, filed a motion to refer the above-referenced case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Plaintiff L&D Investments, Inc. and Third-Party Defendant Glenda J. Gainer, as Executrix of the Estate of Howard L. Gainer, deceased, filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion and the reply memorandum, the Chief Justice has determined that this litigation does not meet the definition of business litigation as set forth in Trial Court Rule 29.04(a)(1) and (a)(2), and the motion to refer should therefore be denied.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is DENIED and 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 John Lewis Marks Jr.; 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: NOVEMBER 6, 2013


BRENT D. BENJAMIN
Chief Justice