

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Joe Holland Chevrolet, Inc.,
Plaintiff**

v. **No. 13-C-978 (Kanawha County)**

**Liberty Mutual Insurance Company
and Greg Chandler's Frame & Body, LLC,
Defendants**

The Honorable Paul Zakaib Jr., Judge of the Thirteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Plaintiff Joe Holland Chevrolet, Inc., by counsel Stuart Calwell, Alex McLaughlin, and the law firm of The Calwell Practice PLLC, 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"). Defendants Liberty Mutual Insurance Company and Greg Chandler's Frame & Body, LLC, by counsel Clarence E. Martin III, Matthew R. Whitler, and the law firm of Martin & Seibert, L.C., filed a response to the motion to refer.

Upon careful review and consideration of the motion and the reply memorandum, the Chief Justice has determined that the motion to refer should be denied at this time, in light of the fact that the Court is scheduled to hear oral argument on March 4, 2014, in *Liberty Mutual Insurance Co., et al. vs. Morrissey*, (Supreme Court No. 13-0195), which is a case that involves the same defendants and presents identical issues as the present matter. After the Court's decision in *Liberty Mutual Insurance Co., et al. vs. Morrissey* becomes final, the movant herein may renew the motion to refer notwithstanding the timeliness requirements of Trial Court Rule 29.06(a)(2).

It is hereby ORDERED that the motion to refer this case to the Business Court Division is denied, without prejudice to renew the motion within thirty days of the mandate in *Liberty Mutual Insurance Co., et al. v. Morrissey*, (Supreme Court No. 13-0195).

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 Paul Zakaib Jr., Judge of the Thirteenth Judicial Circuit; and to the Clerk of the Circuit Court of Kanawha County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: NOVEMBER 21, 2013


BRENT D. BENJAMIN
Chief Justice