

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Wylie Steel Fabricators, Inc.,
Plaintiff**

vs. Civil Action No. 13-C-566 (Raleigh County)

**Rock & Coal Construction, Inc.,
Defendant**

The Honorable Robert A. Burnside Jr., Judge of the Tenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Defendant Rock & Coal Construction, Inc., by its counsel, Christopher A. Brumley, Bradley J. Schmalzer, and the law firm of Flaherty Sensabaugh Bonasso 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"). Plaintiff Wylie Steel Fabricators, Inc., by its counsel John J. Meadows, Jason P. Foster, and the law firm of Steptoe & Johnson PLLC, filed a response in support of said motion.

Upon careful review and consideration of the motion and the reply memorandum, the Chief Justice has determined that the principal claims in the action are between business entities as required by TCR 29.04(a)(1), that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy as required by TCR 29.04(a)(2), and the motion to refer should therefore be granted.

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 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 Raleigh 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 Robert A. Burnside Jr., Judge of the Tenth Judicial Circuit; and to the Clerk of the Circuit Court of Raleigh 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