

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Huntington Municipal Development Authority,
Plaintiff**

vs. **Civil Action No. 13-C-937 (Cabell County)**

**Mountaineer Gas Company,
Defendant**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Huntington Municipal Development Authority, by counsel, W. Michael Frazier and the law firm of Frazier & Oxley, L.C., and Defendant Mountaineer Gas Company, by counsel, Harry F. Bell Jr., Jonathan W. Price, and The Bell Law Firm, PLLC, have filed a joint motion to refer the above-styled case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). The Honorable David M. Pancake, who has since retired as Circuit Judge of the Sixth Judicial Circuit, agreed that the case should be referred, and directed the circuit clerk of Cabell County to forward the necessary documents to the Chief Justice in an order entered January 31, 2014. The documents were not transmitted until March 13, 2014.

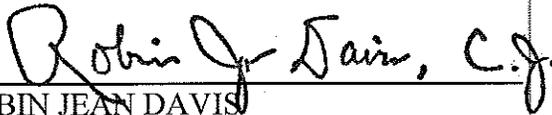
Upon careful review and consideration of the motion and the concurrence in the request for referral by the trial court, the Chief Justice has determined that the principal claims in the action are between business entities as required by Trial Court Rule 29.04(a)(1), that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy as required by Trial Court Rule 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 Cabell 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 Christopher D. Chiles, Judge of the Sixth Judicial Circuit; and to the Clerk of the Circuit Court of Cabell County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: MARCH 18, 2014



ROBIN JEAN DAVIS
Chief Justice