

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**United Bank, Inc., a West Virginia
banking corporation,
Plaintiff**

vs. Civil Action No. 14-C-571 (Kanawha County)

**Clarence E. White, et al.,
Defendants**

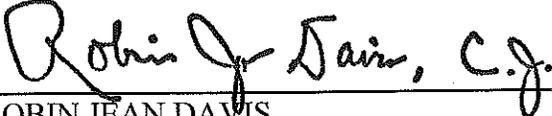
The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff United Bank, Inc., by counsel, Stuart A. McMillan, James E. Scott, and the law firm of Bowles Rice LLP, filed its "Plaintiff United Bank, Inc.'s Motion to Refer Case to the Business Court Division" pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"); Defendant Clarence E. White, by counsel, Mark A. Ferguson, and the law firm of Sprouse & Ferguson, PLLC, filed "Clarence E. White's Memorandum in Opposition to Plaintiff's Motion to Refer Case to Business Court Division"; Plaintiff United Bank, Inc. filed its "Plaintiff United Bank, Inc.'s Reply in Support of its Motion to Refer Case to the Business Court Division"; and Defendant White filed "Motion of Defendant Clarence E. White in Opposition to Motion to Refer Case to Business Court Division."

Upon careful review and consideration of the motion and reply memoranda, the Chief Justice has determined that the principal claims in the action involve matters of significance to the transactions, operations, or governance between business entities as required by TCR 29.04(a)(1). The mere fact that the action involves an individual does not, of itself, exclude the case from eligibility. Moreover, the principal claims in this action relate to commercial loans and do not fall within the consumer litigation exception in TCR 29.04(a)(3). The Chief Justice has further determined 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 a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable Tod J. Kaufman, 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: SEPTEMBER 24, 2014


ROBIN JEAN DAVIS
Chief Justice