

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Graphite Investments, LLC,
Plaintiff**

vs. Civil Action No. 13-C-1795 (Kanawha County)

**Jacobs Financial Group, Inc.,
and First Surety Corporation,
Defendants**

The Honorable Louis H. Bloom, Judge of the Thirteenth Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals that Defendants Jacobs Financial Group, Inc., and First Surety Corporation, by counsel, Herschel H. Rose III and the Rose Law Office, has filed a motion to refer the above-styled case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). A response in opposition to the motion to refer was filed by Plaintiff Graphite Investments, LLC, by counsel, Edward D. McDevitt and Patrick C. Timony and the law firm of Bowles Rice LLP.

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 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 Kanawha 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 Louis H. Bloom; 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: JANUARY 16, 2014



ROBIN JEAN DAVIS
Chief Justice