

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Summit Resources, Inc.,
a West Virginia corporation,
Plaintiff**

vs. Civil Action No. 14-C-60 (Wyoming County)

**William W. Kelly Jr., individually,
Lezlei S. Kelly, individually, Classic
Oil & Gas Services, Inc., a foreign corporation,
and Classic Pipeline, Inc., a West Virginia corporation,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Defendants William W. Kelly Jr., individually, Lezlei S. Kelly, individually, Classic Oil & Gas Services, Inc., and Classic Pipeline, Inc., by counsel, Christopher A. Brumley, Joshua C. Dotson, and the law firm of Flaherty Sensabaugh Bonasso, PLLC, have 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"). Plaintiff Summit Resources, Inc., by counsel, Nicholas S. Preservati, and the law firm of Preservati Law Offices, PLLC, filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion and reply memorandum, 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 individuals does not, of itself, exclude the case from eligibility. 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 Warren R. McGraw, Judge of the Twenty-Seventh Judicial Circuit; and to the Clerk of the Circuit Court of Wyoming County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JANUARY 12, 2015



MARGARET L. WORKMAN
Chief Justice