

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Upton Construction Co., Inc.,
a West Virginia Corporation,
Plaintiff**

vs. Civil Action No. 16-C-165 (Randolph County)

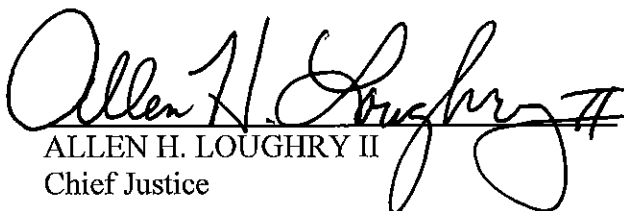
**Town of Mill Creek West Virginia,
a West Virginia Municipal Corporation,
and Potesta & Associates, Inc.,
a West Virginia Corporation,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Upton Construction Co., Inc., by counsel, Charles M. Johnstone II and the law firm of Johnstone & Gabhart, LLP, has 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.

Upon careful review and consideration of the motion, the Chief Justice has determined that this dispute does not require specialized treatment to improve the expectation of a fair and reasonable resolution, and, therefore, this case does not meet the criteria for referral under Rule 29.04(a)(2) of the West Virginia Trial Court Rules.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is DENIED and that a copy of this order be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable David H. Wilmoth, Judge of the Twentieth Judicial Circuit; and to the Clerk of the Circuit Court of Randolph County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 20, 2017


ALLEN H. LOUGHRY II
Chief Justice