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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

UNITED BANK, INC.,

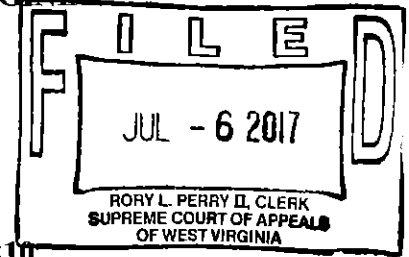
Plaintiff,

v.

Civil Action No. 17-C-210

BETTY PARMER,

Defendant.



MOTION TO REFER TO BUSINESS COURT DIVISION

Pursuant to Trial Court Rule 29.06(a), Plaintiff United Bank, Inc. ("United") moves the Court for an Order referring this action to the Business Court Division of the Circuit Court of Monongalia County for the following reasons:

1. This declaratory judgment action arises from and is closely related to *Betty Parmer v. United Bank, Inc. et al.*, CA no. 14-C-374 (Monongalia County) ("*Parmer v. United*"), which this Court transferred to the Business Court Division by Order entered October 31, 2014, attached.

2. The Circuit Court granted Defendants' Motion for Summary Judgment in *Parmer v. United* by Order entered Feb. 12, 2016, and this Court affirmed on appeal. *Brozik et al. v. Parmer et al.*, No. 16-0238 (Jan. 6, 2017).

3. United seeks by this action to establish the attorneys' fees, costs and expenses incurred to protect its interest in the \$2.5 million (\$2,500,000) loan to Betty Parmer that was the subject of the former lawsuit, and to liquidate a stock certificate held as collateral, in satisfaction thereof. *See* Complaint, attached.

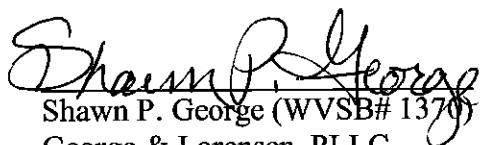
4. This Court should approve the transfer for reasons of judicial economy. The Business Court Division, having heard the prior case, is already familiar with the complex legal

and factual background underlying this controversy, including the loan default and damages suffered by United as a result thereof and its entitlement to payment and relief therefrom.

5. Just as with *Parmer v. United*, this action constitutes "Business Litigation" within the meaning of Trial Court Rule 29.04(a). The Business Court Division, as the court in which the original proceeding was heard, is in the best position to fairly and efficiently resolve these issues.

WHEREFORE, Plaintiff United Bank, Inc. asks this Court to enter an Order transferring this action to the Business Court Division. Copies of the Complaint, Answer, and docket sheet are attached, in accordance with Trial Court Rule 29.06

**UNITED BANK, INC.,
By Counsel**



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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**UNITED BANK, INC., a West Virginia
corporation**

Plaintiff,

v.

Civil Action No. 17-C-210

BETTY PARMER,

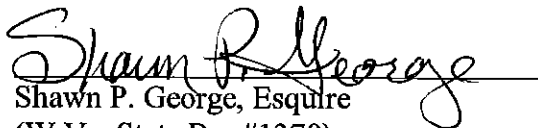
Defendants.

CERTIFICATE OF SERVICE

I, Shawn P. George, do hereby certify that I served the Plaintiff's Motion to Refer to
Business Court Division on counsel of record this 5th day of July, 2017, by United States

Mail as follows:

S. Sean Murphy, Esquire
265 High Street
Suite 601
Morgantown, WV 26505



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ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Betty Parmer,
Plaintiff**

vs. Civil Action No. 14-C-374 (Monongalia County)

**United Bank, Inc. and Randall Williams,
Defendants**

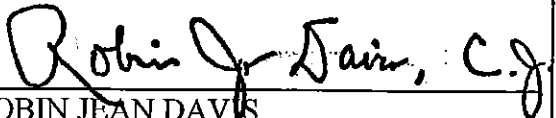
The Honorable Susan B. Tucker, Judge of the Seventeenth Judicial Circuit, has filed a motion to refer the above-styled case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Judge Tucker states in her motion that on June 26, 2014, Defendants United Bank, Inc. and Randall Williams, by counsel, Shawn P. George and the law firm of George & Lorensen, PLLC, filed a motion in the circuit court seeking referral of this action to the Business Court Division. Judge Tucker further states that on October 1, 2014, this matter was transferred to her docket following the voluntary recusal of the Honorable Phillip D. Gaujot, Chief Judge of the Seventeenth Judicial Circuit. Although no reply memorandum has been filed by any party since the defendants' motion was filed, in the interest of prompt adjudication of this litigation and judicial economy, Judge Tucker requests immediate consideration of her motion by the Chief Justice.

Upon careful review and consideration of Judge Tucker's motion, 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 Susan B. Tucker, Judge of the Seventeenth Judicial Circuit; and to the Clerk of the Circuit Court of Monongalia County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: OCTOBER 31, 2014


ROBIN JEAN DAVIS
Chief Justice