

**ADMINISTRATIVE ORDER**

**SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**Broun Properties, LLC, a West Virginia  
limited liability company,  
Plaintiff**

**vs. Civil Action No. 20-C-82 (Boone County)  
Supreme Court Docket No. 20-BCD-22**

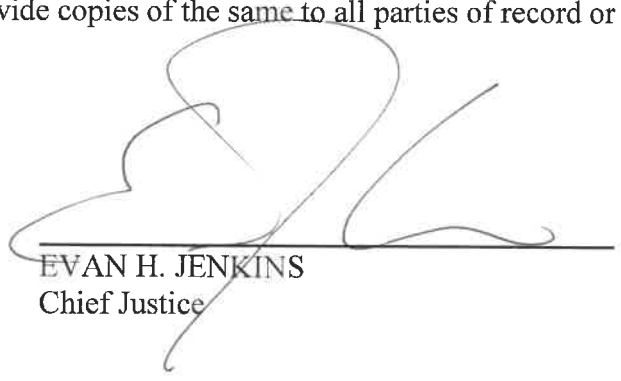
**Penn Virginia Operating Co., LLC, a Delaware  
limited liability company, and Carbon Industries, Inc.,  
a West Virginia Corporation, successor to Crimson  
Processing Company and Carbon Fuels Company,  
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Defendant Penn Virginia Operating Co., LLC, by counsel William M. Herlihy, Heather Heiskell Jones, and Joseph A. Ford, Spilman Thomas & Battle, PLLC, 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, which motion was joined in by Defendant Carbon Industries, Inc., by counsel Brandy D. Bell and Pamela C. Deem, Kay Casto & Chaney, PLLC. Plaintiff Broun Properties LLC, by counsel Howard M. Persinger, III, Persinger & Persinger, L.C., filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion, the joinder, and the response thereto, the Chief Justice has determined that this case does not meet the criteria for referral under Rule 29.04 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 Michael D. Lorensen, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable William S. Thompson, Judge of the Twenty-Fifth Judicial Circuit; and to the Clerk of the Circuit Court of Boone County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: MARCH 16, 2021



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EVAN H. JENKINS  
Chief Justice