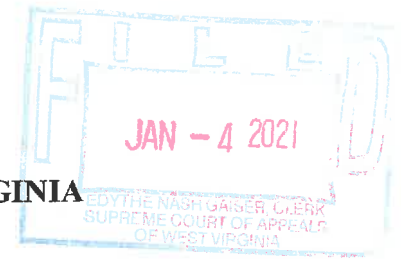


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



BROUN PROPERTIES LLC,
a West Virginia limited liability company,

Plaintiff,

v.

Boone County Circuit Court
Civil Action No. 20-C-82
Honorable William S. Thompson

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.

**DEFENDANT CARBON INDUSTRIES, INC.'S JOINDER IN
DEFENDANT PENN VIRGINIA OPERATING CO., LLC'S
MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION**

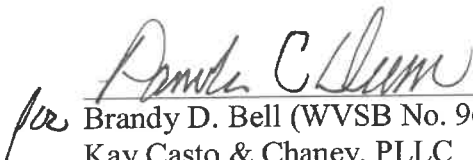
Defendant Carbon Industries, Inc. ("Carbon"), by counsel, hereby joins in Defendant Penn Virginia Operating Co., LLC's (Penn Virginia") Motion to Refer Case to the Business Court Division and requests that the Chief Justice refer this case to the Business Court Division for the reasons set forth in Penn Virginia's Motion. Penn Virginia's Motion to Refer was filed on December 10, 2020; on December 30, 2020, Plaintiff Broun Properties, LLC ("Broun") filed a Memorandum in Opposition to the Motion to Refer. In footnote 3 of the Opposition, Broun incorrectly states that "despite its clear right to do so, co-defendant Carbon Industries, Inc. has not jointed (sic) in Defendant PVOC's Motion to Transfer." See Opposition at p. 3. To the contrary, Paragraph 14 of Penn Virginia's Motion to Refer states: "Counsel for Carbon has

indicated that Carbon joins in this Motion.” Carbon files this separate Joinder simply to clarify the issue.


Accordingly, Carbon respectfully requests that the Motion to Refer be granted.

CARBON INDUSTRIES, INC.

By Counsel


for Brandy D. Bell (WVSB No. 9633)
Kay Casto & Chaney, PLLC
150 Clay Street, Suite 100
Morgantown, WV 26501
(304)225-0970
bbell@kaycasto.com

and


Pamela C. Deem (WVSB No. 976)
Kay Casto & Chaney, PLLC
P.O. Box 2031
Charleston, WV 25327
(304)345-8900
pdeem@kaycasto.com

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

BROUN PROPERTIES LLC,
a West Virginia limited liability company,

Plaintiff,

v.

Boone County Circuit Court
Civil Action No. 20-C-82
Honorable William S. Thompson

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.

CERTIFICATE OF SERVICE

The undersigned, one of counsel for Defendant Carbon Industries, Inc., does hereby certify that on this 4th day of January, 2021, service of the foregoing *“Carbon Industries, Inc’s Joinder in Defendant Penn Virginia Operating Co., LLC’s Motion to Refer Case to the Business Court Division”* has been made upon the following by depositing a true copy thereof in the U. S. Mail, postage prepaid, addressed as follows and has also been electronically filed using the West Virginia E-filing System:


Howard M. Persinger, III, Esq.
PERSINGER & PERSINGER, L.C.
237 Capitol Street
Charleston, WV 25301
Counsel for Plaintiff

William M. Herlihy, Esq.
Heather Heiskell Jones, Esq.
Joseph A. Ford, Esq.
SPILMAN THOMAS & BATTLE, PLLC
300 Kanawha Blvd., East/P.O. Box 273
Charleston, WV 25321
Counsel for Defendant Penn Virginia Operating Co., LLC

WV Business Court Division
Berkeley County Judicial Center
Business Court Division – Suite 2100
380 W. South Street
Martinsburg, WV 25401

Honorable William S. Thompson
Boone County Circuit Court
200 State Street
Madison, WV 25130

Sue Ann Zickefoose, Clerk
Boone County Circuit Court
200 State Street
Madison, WV 25130


Pamela C. Deem (WVSB #976)