

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Harold D. Ward, Director, Division of
Mining and Reclamation, West Virginia
Department of Environmental Protection,
Plaintiff**

**vs.) Civil Action No. 20-C-282 (Kanawha County)
Supreme Court Docket No. 20-BCD-03**

**ERP Environmental Fund, Inc.,
Defendant**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Harold D. Ward, Director, Division of Mining and Reclamation, West Virginia Department of Environmental Protection, by counsel, Benjamin L. Bailey, Kevin W. Barrett, Maggie B. Burrus, and the law firm of Bailey & Glasser 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 ("TCR").


The Defendant attempted to join in the motion, however counsel is not admitted to practice law in West Virginia and has not been granted pro hac vice admission. Therefore, he cannot appear before the Court on behalf of Defendant. If counsel intends to represent Defendant before the Business Court Division in this matter, he must comply with Rule 8.0 of the Rules for Admission to Practice Law in West Virginia.

Upon careful review and consideration of the motion to refer, 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 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). Finally, it is determined that this matter is not solely an administrative dispute with government organizations and regulatory agencies, and that it appears all involved agree that the matter should be referred to the Business Court Division.

It is hereby ORDERED that the motion to refer this action to the Business Court Division is granted, and this order shall be transmitted to the Honorable Michael D. Lorensen, 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 Joanna I. Tabit, Judge of the Thirteenth Judicial Circuit; and to the Clerk of the Circuit Court of Kanawha County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: AUGUST 5, 2020


TIM ARMSTEAD
Chief Justice