

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

**MOUNTAIN STATE
PIEPLINE & EXCAVATING, LLC,
a West Virginia Limited Liability Company,**

2020 SEP 25 AM 10: 57

SAHRY S. GAYDON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

v.

**Civil Action No.: 20-C-350
Judge Tod Kaufman**

**SMITH/PACKETT MED-COM, LLC,
a Virginia Limited Liability Company,
SP, WV, LLC, a Virginia Limited Liability
Company, WV IL-AL INVESTORS, LLC,
a Virginia Limited Liability Company,
CARTER BANK & TRUST, a Virginia
Banking Corporation,**

Defendants,

And

**JARRETT CONSTRUCTION SERVICES, INC.,
a West Virginia Limited Liability Company,**

Defendant/Third-Party Plaintiff,

v.

ECS MID-ATLANTIC, LLC,

Third-Party Defendant.

**REPLY MEMORANDUM TO JOINT MOTION TO REFER
ACTION TO THE BUSINESS COURT**

A joint motion to refer the above captioned action to the Business Court Division has been filed by the defendants. The undersigned Judge offers no objection to the referral and agrees with the defendant's stated position that treatment of the dispute by the Business Court will facilitate a fair and reasonable resolution of the controversy.

This Court believes that this matter between businesses falls on "all fours" with the purpose of the Business Court. The trial date is still scheduled for next year, giving the parties plenty of time to complete discovery and prepare for trial.

The Clerk of the Court shall distribute copies of this Order to all parties and counsel of record:

Honorable Timothy Armstead,
Chief Justice
State Capitol Rm E-317
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STATE OF WEST VIRGINIA
COUNTY OF BERKELEY
CLERK OF THE COURT
DAY OF SEPTEMBER 2020
I, CLERK OF SAID COURT, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE.
CLERK

Entered: Rodg. Kaufman
Judge
Dated: September 25, 2020