

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Mountain State Pipeline & Excavating, LLC,
a West Virginia Limited Liability Company,
Plaintiff**

**vs. Civil Action No. 20-C-350 (Kanawha County)
Supreme Court Docket No. 20-BCD-10**

**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**

The Chief Justice of the Supreme Court of Appeals has been advised that ECS Mid-Atlantic, LLC, by counsel, Christopher A. Brumley and Evan S. Aldridge, Flaherty Sensabaugh Bonasso, PLLC; Smith/Packett Med-Com, LLC, SP WV, LLC, WV IL-AL Investors, LLC, by counsel, Robert A. Lockhart, Cipriani & Werner, P.C.; Carter Bank & Trust, by counsel, Clifford F. Kinney, Jr. and Joseph A. Ford, Spilman Thomas & Battle, PLLC; and Jarrett Construction Services, Inc., by counsel, Robert H. Sweeney, Jr. and Oscar R. Molina, Jenkins Fenstermaker, PLLC, have filed a joint 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 Honorable Tod J. Kaufman, Judge of the Thirteenth Judicial Circuit, filed a response in support of the motion to refer. Mountain State Pipeline & Excavating, LLC, by counsel, Carl J. Roncaglione, Jr., J. Victor Flanagan, and Daniel J. Burns, Pullin, Fowler, Flanagan, Brown & Poe, PLLC, filed a response in opposition to the motion to refer.

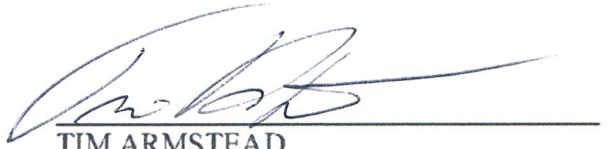
Upon careful review and consideration of the motion and the responses thereto, the Chief Justice has determined that the principal claims in the action involve matters of significance to the

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), and the motion to refer should therefore be granted.

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; to the Honorable Tod J. Kaufman, 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: DECEMBER 29, 2020



TIM ARMSTEAD
Chief Justice