



FIFTEENTH JUDICIAL CIRCUIT
HARRISON COUNTY

THOMAS A. BEDELL, JUDGE
PHONE (304) 624-8630
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thomas.bedell@courtsww.gov

HARRISON COUNTY COURTHOUSE
301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301

April 16, 2021

Carol A. Miller, Executive Director
Business Court Division
Berkeley County Judicial Center
380 W. South Street ~ Suite 2100
Martinsburg, WV 25401

Re: Reply Memorandum for *Joint Motion To Refer Cases To The Business Court Division* pertaining to Harrison County Civil Action No. 21-C-12-2
And Kanawha County Civil Action No. 21-C-60.

Dear Ms. Miller:

Please find enclosed a copy of my Reply Memorandum to the Joint Motion to Refer for the above-referenced civil actions in keeping with Rule 29.06(a)(4) of the *West Virginia Trial Court Rules*.

The original Reply Memorandum has this day been sent to Ms. Edythe Nash Gaiser for presentation and further review by Chief Justice Evan H. Jenkins and copies thereof sent to respective legal counsel of record as well as delivered to the Harrison County Circuit Clerk for filing therein.

Very truly yours,

THOMAS A. BEDELL, Chief Judge

Encl: Reply Memorandum (copy)

Cc: Edythe Nash Gaiser, Esq., Clerk
Counsel of Record

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

RONALD LANE, INC.,
a West Virginia Corporation,
CHRISTOPHER LANE, and
NORMAN LANE,

Plaintiffs,

v.

Civil Action No. 21-C-12-2
THOMAS A. BEDELL, Chief Judge

RONALD LANE,

Defendant.

TO: THE HONORABLE CHIEF JUSTICE, EVAN H. JENKINS

**THE HONORABLE THOMAS A. BEDELL'S REPLY MEMORANDUM TO THE
JOINT MOTION TO REFER CASES TO THE BUSINESS COURT DIVISION**

Comes now The Honorable Thomas A. Bedell, Chief Judge, Division 2, Circuit Court of Harrison County, West Virginia to timely file his Reply Memorandum pursuant to Rule 29.06(a)(4) of the *West Virginia Trial Court Rules* in response to the *Joint Motion To Refer Cases To The Business Court Division*. Accompanying such Joint Motion to Refer are copies of the required civil action documents as Exhibits A through E.

Such Joint Motion to Refer requests referral of two (2) recently commenced Civil Actions, to-wit: (1) Harrison County Circuit Court Civil Action No. 21-C-12-2 on January 15, 2021 and over which this affected judge presently presides; and (2) Kanawha County Circuit Court Civil Action No. 21-C-60 on January 20, 2021 and over which The Honorable Tera L. Salango, Judge presently presides, for further proceedings upon referral to the Business Court Division and specifically Region "A".

This affected judge has been timely provided with a courtesy copy of this Joint Motion to Refer with Exhibits which has been further reviewed for purposes of submitting this instant Reply Memorandum. A copy of such Joint Motion with Exhibits under cover letter to the Clerk of the Supreme Court of West Virginia dated March 30, 2021 was also filed with the Clerk of this Court on March 31, 2021.

Thereupon as well as in keeping with *West Virginia Trial Court Rule 29.06(a)(4)*, this affected judge now timely replies in memorandum form to the parties' litigant Joint Motion to Refer for the benefit of Chief Justice Evan H. Jenkins and his honorable review all thereof and subsequent determination all thereon, to-wit:

1. Since the filing of such Joint Motion to Refer and prior to the preparation of this Reply, this affected judge has not caused entry of any order to stay further proceedings in the Harrison County Civil Action as is allowed within its discretion pursuant to *West Virginia Trial Court Rule 29.06(b)*.

2. Prior to and since the filing of such Joint Motion to Refer, the record herein reflects that named Defendant, Ronald Lane, has not yet been served with a *Civil Summons* and *Complaint* in the Harrison County Civil Action.

3. There have been no further filings made a matter of record herein, as reflected by those maintained in the Office of the Circuit Clerk of this Court, at the time of this affected judge's preparation and submission of this Reply Memorandum.

4. In keeping with *West Virginia Trial Court Rule 29.06(a)(1)*, such Joint Motion to Refer appears to adequately reflect the nature of this Civil Action and to establish sufficient bases for referral by meeting the criteria of "Business Litigation" as particularly defined in *West Virginia Trial Court Rule 29.04(a)(1)(2)(3)*.

5. There are no other related actions known to be pending before this affected judge or in this circuit. As reflected in such Joint Motion to Refer, it appears that a related action is pending before The Honorable Tera L. Salango in the Thirteenth Judicial Circuit.

6. There are no other pending Motions or other procedural matters in this Civil Action No. 21-C-12-2 requiring further determinations at this present time.

Conclusion

The undersigned affected judge verily believes himself to be fully able to preside over these matters competently, efficiently, and with more than adequate expectation for a fair, reasonable, and final resolution of the controversies alleged by and between the parties in this Civil Action.

However, he further believes and thereby concurs with the parties' litigant and their respective legal counsel in these two (2) Civil Actions that this particular Civil Action satisfies the substantive requirements to sufficiently constitute "Business Litigation".

Thereupon, this affected judge is not opposed to and is otherwise in support of having Civil Action No. 21-C-12-2, as initially assigned and presently before him, referred to the Business Court Division for further management and resolution under *West Virginia Trial Court Rule 29.01 et seq.*

Therefore, upon your review and determination, should you believe that it would be appropriate to refer this matter directly upon such Joint Motion or direct the Business Court Division to conduct a hearing and make recommendations concerning further proceedings under *West Virginia Trial Court Rule 29.06(c)*, this Court would take no umbrage to your action and otherwise be in full support thereof.

Filing and Certificate of Service for Reply Memorandum

In keeping with Rule 29.06(a)(4), I am submitting this Reply Memorandum to the Clerk of the Supreme Court of Appeals for further presentation as well as certifying service of a true copies hereof this same day to the Clerk of the Harrison County Circuit Court for further filing herein and the Clerk of the Kanawha County Circuit Court for further filing therein in addition to the Central Office of the Business Court Division along with respective legal counsel of record and other affected judge as identified in such Joint Motion to Refer via first class United States Mail.

This matter is respectfully submitted to you on April 16, 2021 for your most kind consideration.

A handwritten signature in black ink, appearing to read 'Thomas A. Bebell', written over a horizontal line.

THOMAS A. BEDELL, Chief Judge
15th Judicial Circuit ~ Division 2
Harrison County Circuit Court



FIFTEENTH JUDICIAL CIRCUIT
HARRISON COUNTY

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April 16, 2021

Edythe Nash Gaiser, Esq.
Clerk of Court
State Capitol Rm E-317
1900 Kanawha Blvd. East
Charleston WV 25305

Re: Reply Memorandum for *Joint Motion To Refer Cases To The Business Court Division* pertaining to Harrison County Civil Action No. 21-C-12-2 and Kanawha County Civil Action No. 21-C-60.

Dear Ms. Gaiser:

Please find enclosed my original Reply Memorandum to the Joint Motion to Refer for the above-referenced civil actions in keeping with Rule 29.06(a)(4) of the *West Virginia Trial Court Rules* for presentation to our Chief Justice for further review and consideration.

Copies thereof have this day been sent to the Central Office of the Business Court Division and the respective legal counsel as well as delivered to the Harrison County Circuit Clerk for filing therein.

Very truly yours,

THOMAS A. BEDELL, Chief Judge

Encl: Reply Memorandum

Cc: Carol A. Miller, Executive Director ✓
Counsel of Record