

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Early Construction, LLC

SCA EFiled: Apr 24 2023
 12:24PM EDT
 Transaction ID 69876936

 Plaintiff(s),

vs.

AEP, et al_____

 Defendant(s).

Putnam County Circuit Court
 Civil Action No. 22-C-88

TO: THE HONORABLE CHIEF JUSTICE

JUDICIAL MOTION TO REFER CASE TO THE BUSINESS COURT DIVISIONPursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Honorable Phillip M. Stowers

_____ respectfully requests the above-styled case be referred to the Business
 Court Division.

In regard to additional related actions:

- ☒ There are no known related actions.
- ☐ The following related actions could be the subject of consolidation, and are
- ☐ now pending
 - or
 - ☐ may be filed in the future. (Please list case style, number, and Court if any)
- _____

This action involves: (Please check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Breach of Contract; | <input type="checkbox"/> Commercial Non-consumer debts; |
| <input type="checkbox"/> Sale or Purchase of Commercial Entity; | <input type="checkbox"/> Internal Affairs of a Commercial Entity; |
| <input type="checkbox"/> Sale or Purchase of Commercial Real Estate; | <input type="checkbox"/> Trade Secrets and Trademark Infringement; |
| <input type="checkbox"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; | <input type="checkbox"/> Non-compete Agreements; |
| <input type="checkbox"/> Terms of a Commercial Lease; | <input type="checkbox"/> Intellectual Property, Securities, Technology Disputes; |
| | <input checked="" type="checkbox"/> Commercial Torts; |

(continued on next)

- | | |
|---|--|
| <input type="checkbox"/> Insurance Coverage Disputes in Commercial Insurance Policies; <input type="checkbox"/> Professional Liability Claims in Connection with the Rendering of Professional Services to a Commercial Entity; <input type="checkbox"/> Anti-trust Actions between Commercial Entities; <input type="checkbox"/> Injunctive and Declaratory Relief Between Commercial Entities; <input type="checkbox"/> Liability of Shareholders, Directors, Officers, Partners, etc.; | <input type="checkbox"/> Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest; <input type="checkbox"/> Shareholders Derivative Claims; <input type="checkbox"/> Commercial Bank Transactions; <input type="checkbox"/> Franchisees/Franchisors; <input type="checkbox"/> Internet, Electronic Commerce and Biotechnology <input checked="" type="checkbox"/> Disputes involving Commercial Entities; or <input checked="" type="checkbox"/> Other (Describe) <u>allegations of fraud relating to individuals working for Defendants.</u> |
|---|--|

In support of this motion, this matter contains issues significant to businesses, and presents novel and/or complex commercial or technological issues for which specialized treatment will be helpful, as more fully described here: Parties do not object to a business court referral. Plaintiffs allege that amount in dispute (\$14 million) is a substantial portion of their annual total revenue.

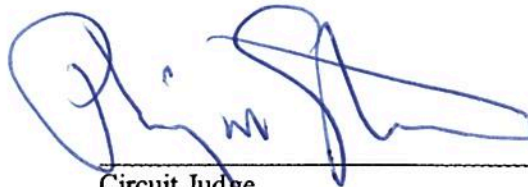
In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the following other documents: 1) Complaint, 2) AEP motion to dismiss, 3) Docket Sheet.

In regard to expedited review, this Court:

- ☐ DOES NOT request an expedited review under W.Va. Trial Court Rule 29.06(a)(4), and gives notice that all affected parties may file a memorandum stating their position, in accordance with W.Va. Trial Court Rule 29.
- ☒ hereby REQUESTS that the Chief Justice grant this Motion to Refer without responses, pursuant to W.Va. Trial Court Rule 29.06(a)(4), and contends that the following constitutes good cause to do so: based on 3/3/23 hearing, the Court has a good faith belief that parties would agree to a business court referral.

WHEREFORE, the undersigned Judge hereby MOVES, pursuant to W.Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted, this 9th day of MARCH, 2023,


Circuit Judge

CERTIFICATE OF SERVICE

I, _____, do hereby certify that on this _____ day of _____, _____, I have served the foregoing "Judicial Motion to Refer Case to Business Court Division," with attachments by either hand delivery or first class mail to As an e-File county,
The Circuit Clerk has communicated this referral through
required e-File procedures.

_____; the _____ County Circuit Clerk's Office; and the Business Court Division Central Office, Berkeley County Judicial Center, 380 West South Street, Suite 2100, Martinsburg, WV 25401.

Sender Signature