

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Frasure Creek Mining, LLC,
a West Virginia limited liability company,
Petitioner and Counterclaim Defendant**

**vs. Civil Action No. 20-C-142 (Fayette County)
Supreme Court Docket No. 21-BCD-06**

**Pocahontas Land LLC, a Virginia
limited liability company, and Pocahontas
Surface Interests LLC, a Virginia
limited liability company,
Respondents, Counterclaim Plaintiffs and Third-Party Plaintiffs**

vs.

**Deep Water Resources, LLC, a West
Virginia limited liability company, and
New Trinity Coal, Inc., a Delaware corporation,
Third-Party Defendants**

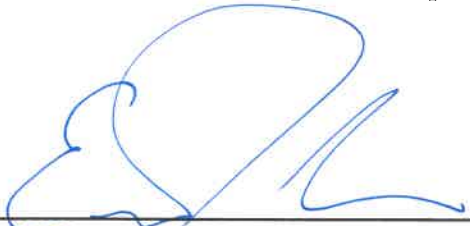
The Chief Justice of the Supreme Court of Appeals has been advised that Respondents, Counterclaim Plaintiffs and Third-Party Plaintiffs Pocahontas Land LLC and Pocahontas Surface Interests LLC, by counsel J. Thomas Lane, Charles B. Dollison, and J. Mark Adkins, Bowles Rice LLP, have filed a motion to refer the above-styled action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Petitioner/Counterclaim Defendant Frasure Creek Mining, LLC and Third-Party Defendants Deep Water Resources, LLC and New Trinity Coal, Inc., by counsel R. Scott Long, David F. Nelson, and Stephen E. Hastings, Hendrickson & Long, PLLC, filed a response requesting that the motion be denied. The Honorable Paul M. Blake, Jr., Judge of the Twelfth Judicial Circuit, filed a response to the motion advising that he joins in the request for referral along with a motion for leave to file the response by email. The motion to file by email is granted.

Upon careful review and consideration of the motion and the responses, 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 be granted.

It is 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 Paul M. Blake, Jr., Judge of the Twelfth Judicial Circuit; and to the Clerk of the Circuit Court of Fayette County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 15, 2021



EVAN H. JENKINS
Chief Justice