

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Dan Ryan Builders West Virginia, LLC,
a West Virginia limited liability company,
Plaintiff**

**vs. Civil Action No. 20-C-110 (Berkeley County)
Supreme Court Docket No. 21-BCD-07**

**Overlay I, LLC, a Virginia limited liability company,
Defendant**


The Chief Justice of the Supreme Court of Appeals has been advised that the Honorable Bridget M. Cohee, Judge of the Twenty-Third Judicial Circuit, has 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"). Defendant Overlay I, LLC, by counsel Gregory E. Kennedy, Franklin & Prokopik, and Plaintiff Dan Ryan Builders West Virginia, LLC, by counsel William F. Gibson II and Kevin P. Kennedy, Shulman, Rogers, Gandall, Pordy & Eckers, P.A., and Charles F. Printz, Jr. and Shannon P. Combs, Bowles Rice LLP, filed separate responses in support of the motion to refer.

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 Bridget M. Cohee, Judge of the Twenty-Third Judicial Circuit; and to the Clerk of the Circuit Court of Berkeley 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