

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

DOUGLAS E. GRIFFITH, JR.,
 an individual, and
 ILEASE & RENTALS, LLC,
 a West Virginia Limited Liability
 Company,

Plaintiffs,

v.

MVB Bank, INC., a West Virginia
 Corporation, and JARROD
 FURGASON, an individual,
 Defendants.

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Harrison County Circuit Court
 Fifteenth Judicial Circuit
 Civil Action No. 20-C-231-3
 James A. Matish, Judge



**JUDICIAL REPLY TO MOTION TO REFER CASE TO THE BUSINESS COURT
 DIVISION**

Pursuant to Rule 29.06 of the *West Virginia Trial Court Rules*, the Honorable James A. Matish, Judge for the Fifteenth Judicial Circuit, respectfully submits his reply to the motion that the above-styled Civil Action No. 20-C-231-3, currently pending before the Circuit Court of Harrison County, Division 3, be referred to the Business Court Division.

The Complaint in this case was filed on September 14, 2020. MVB Bank filed its Answer on October 22, 2020. Jarrod Furgason filed his Answer and Affirmative Defenses on November 2, 2020. A motion to refer this matter to the Business Court Division was filed on June 7, 2021.

The principal claim in this case involves a matter of significance regarding banking, insurance, and securities. Specifically, Plaintiff claims that Defendants induced Plaintiffs to take out a life insurance policy, which involved a complicated scheme of providing funds to different banking institutions to obtain loans,

culminating in the purchase of an insurance policy and insurance premium financing. The majority of the money invested by Plaintiffs to secure the loan to obtain financing was to be returned to Plaintiffs within so many days after closing for the loan; however, Plaintiffs state that the financing was not obtained and the funds were not returned to Plaintiffs. Instead, Plaintiffs allege, the funds paid by Plaintiff were distributed among Defendants and their agents.

This Court agrees with this referral because the disputes to be tried involve complex issues of securities, banking, and insurance financing. A court with specialized knowledge of the subject matter, and familiarity with the specific law and legal principles of securities will be able to provide this matter with appropriate specialized treatment. Such treatment would certainly improve the expectation of a fair and reasonable resolution of the controversy. The claims involve complex commercial and technological issues, which are eligible to be referred to the Business Court Division under West Virginia Trial Court Rule 29.04(a)(2). Additionally, the Court is unaware of any related actions currently pending, or if any such actions will be filed in the future.

The Court has served a copy of the Motion on all parties specified in Rule 29.06(a)(3): Robert P. Fitzsimmons, Fitzsimmons Law Firm, PLLC, Counsel for Plaintiffs, 1609 Warwood Avenue, Wheeling, WV 26003; Holly S. Planinsic, Herndon, Morton, Herndon, & Yaeger, Counsel for Plaintiffs, 83 Edgington Lane, Wheeling, WV 26003; John J. Polak, Mark A. Atkinson, Counsel for Defendant Jarrod Furgason, Atkinson & Polak, PLLC, P.O. Box 549 Charleston, WV 25322; Brian A. Glasser,

Rebecca D. Pomeroy, Counsel for Defendant MVB Bank, Inc., Bailey & Glasser, LLP, 209 Capitol Street, Charleston, WV 25301; Albert Marano, Circuit Clerk of Harrison County at 301 West Main Street, Clarksburg, WV 26301; the Central Office of the Business Court Division, at the Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, WV 25401; and the Chief Justice of the Supreme Court of Appeals of West Virginia, at 1900 Kanawha Boulevard East, Building One, Room E-305, Charleston, WV 25305.

Respectfully submitted on 06/11/2021,



Judge James A. Matish