

**ADMINISTRATIVE ORDER  
SUPREME COURT OF APPEALS OF WEST VIRGINIA**

LEWIS CLARK TIERNEY, III;  
CHRISTOPHER SCOTT TIERNEY,  
KENNA TIERNEY 2000 IRREVOCABLE TRUST,  
CAROLYN KENNA TIERNEY GRIESEMER, and  
CAROLYN K. TIERNEY 2000 GST TRUST,  
Carol K. Tierney, Trustee, each individually and  
derivatively on behalf of The Tierney Corporation and  
The Leatherwood Company,  
Plaintiffs

vs.

Kanawha Civil Action No. **18-C-90**  
Supreme Court Docket No. **21-BCD-14**

ANN TIERNEY SMITH, individually and in  
her capacity as director and officer of The Tierney  
Corporation and The Leatherwood Co.,  
DOUGLAS WOLOSHIN, individually and in his  
capacity as a director and officer of The Tierney  
Corporation and the Leatherwood Co.,  
DUANE MORRIS, LLP, a Delaware limited liability partnership,  
THE TIERNEY CORPORATION, a West Virginia corporation,  
THE LEATHERWOOD COMPANY, a West Virginia corporation,  
A nominal defendant,  
Defendants

**ORDER GRANTING REFERRAL**

On July 2, 2021, the defendants, The Tierney Corporation, The Leatherwood Corporation, Ann Tierney Smith, C. Matthew S. Tierney, Douglas Woloshin, and Duane Morris, Robert B. Allen, Pamela C. Deem, and Michael T. Chaney, Kay Casto & Chaney PLLC, filed a motion to refer this case to the Business Court Division in accordance with Rule 29 of the West Virginia Trial Court Rules ("TCR").

Upon careful review and consideration of the motion, 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), and 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). The mere fact that the action involves individuals does not exclude the case from eligibility.

It is ORDERED that the motion to refer this action to the Business Court Division is GRANTED.

The Clerk of Court shall provide a copy of this order 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; to the Central Office of the Business Court Division, to the Honorable Joanna Tabit, Judge of the Circuit Court of Kanawha County, and to the Clerk of the Circuit Court of Kanawha County.

ENTERED: AUGUST 5, 2021



  
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EVAN H. JENKINS  
Chief Justice