

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Martinsburg IRS OC, LLC,
Petitioner**

**vs. Civil Action No. 20-P-406 (Berkeley County)
Supreme Court Docket No. 21-BCD-02**

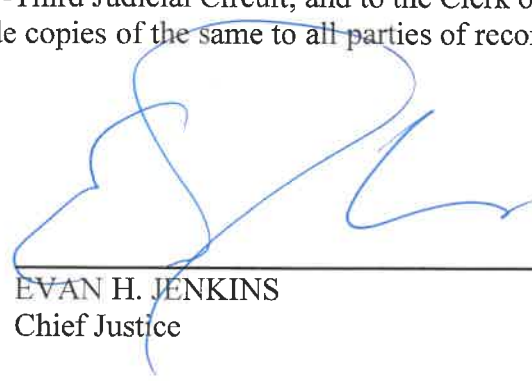
**Berkeley County Council, and Doug Copenhaver,
Dan Dulyea, James Barnhart, Elaine Mauck, and
Jim Whitacre, in their official capacity as members
of the Berkeley County Council, and Larry A. Hess,
in his official capacity as Berkeley County Assessor,
Respondents**

The Chief Justice of the Supreme Court of Appeals has been advised that Respondents Berkeley County Council, and Doug Copenhaver, Dan Dulyea, James Barnhart, Elaine Mauck, and Jim Whitacre, in their official capacity as members of the Berkeley County Council, and Larry A. Hess, in his official capacity as Berkeley County Assessor, by counsel Anthony J. Delligatti and Jeffery T. Mauzy, have filed a motion to refer the above-referenced case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules. Petitioner Martinsburg IRS OC, LLC, by counsel Eric J. Hulett, Jackson Kelly, PLLC, and Edward F. Hirshberg, Ryan Law Firm, PLLC, filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion and the response thereto, the Chief Justice has determined that this case does not meet the criteria for referral under Rule 29.04 of the West Virginia Trial Court Rules.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is DENIED and that a copy of this order be transmitted to the Honorable Michael D. Lorensen, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable Laura V. Faircloth, 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: FEBRUARY 9, 2021



EVAN H. JENKINS
Chief Justice