

**IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA**

POCAHONTAS SURFACE INTERESTS  
LLC, POCAHONTAS LAND LLC, and  
POCAHONTAS DEVELOPMENT, LLC

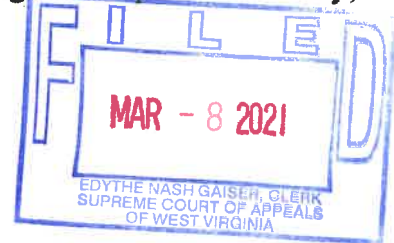
Plaintiffs,

v.

APPALACHIAN FORESTS A, LLC and  
THE FORESTLAND GROUP LLC,

Defendants.

Cir. Ct. McDowell Cnty.  
Civil Action No. 20-C-49  
Judge Rudolph J. Murensky, II



**TO: CHIEF JUSTICE EVAN JENKINS**

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT  
OF MOTION TO REFER TO BUSINESS COURT DIVISION**

Defendants Appalachian Forests A, LLC, and The Forestland Group, LLC, seek the Chief Justice's leave to file the attached Reply in Support of Defendants' Motion to Refer to Business Court Division. The proposed reply is necessary for two reasons. *First*, Plaintiffs' response to the motion accuses Defendants of "forum shopping" by making their referral motion contingent on the outcome of a pending motion to dismiss. Not only is that an incorrect interpretation of Defendants' referral motion, but it is impossible, as the trial court has now stayed resolution of the motion to dismiss pending the Chief Justice's disposition of this referral motion. *Second*, in a response to the motion to dismiss filed after Defendants' referral motion, Plaintiffs themselves conceded the complexity and suitability of this case for the Business Court, acknowledging that it presents issues "too extensive and encompassing" to even detail in a brief.

**Respectfully submitted,**

**Appalachian Forests A, LLC  
The Forestland Group LLC**



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**CERTIFICATE OF SERVICE**

I certify that, on March 8, 2021, I served the foregoing “Motion for Leave to File Reply in Support of Motion to Refer to Business Court Division” on all counsel of record and the Circuit Court in accordance with Trial Court Rule 29.06(a)(3).



Ryan McCune Donovan (WVSB # 11660)