

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

FRASURE CREEK MINING, LLC,
a West Virginia limited liability company,

Petitioner and Counterclaim Defendant,

v.

Civil Action No. 20-C-142
Circuit Court of Fayette County, West Virginia
Paul M. Blake, Jr. Circuit Judge

POCAHONTAS LAND LLC,
a Virginia limited liability company, and
POCAHONTAS SURFACE INTERESTS, LLC,
a Virginia limited liability company,

*Respondents, Counterclaim Plaintiffs and
Third-Party Plaintiffs,*

v.

DEEP WATER RESOURCES, LLC,
a West Virginia limited liability company, and
NEW TRINITY COAL, INC.,
a Delaware corporation,

Third-Party Defendants.

TO: THE HONORABLE CHIEF JUSTICE EVAN JENKINS

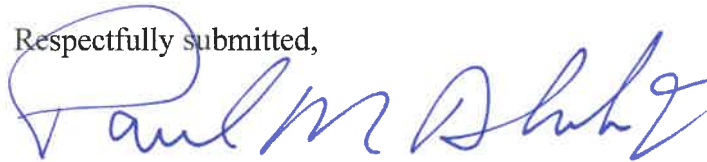
JUDGE'S REPLY MEMORANDUM

On February 9, 2021, the Respondents, Counterclaim Plaintiffs and Third-Party Plaintiffs, Pocahontas Land LLC and Pocahontas Surface Interests, LLC, by counsel, J. Mark Adkins, Esq., filed a *Motion To Refer To The West Virginia Business Court Division* (hereinafter, “*Motion*”) with The Honorable Evan Jenkins, Chief Justice of the West Virginia Supreme Court of Appeals therein seeking to have the above styled matter referred to the West Virginia Business Court Division.

Having reviewed the *Motion* and the record in this matter, the undersigned Judge hereby files this succinct reply memorandum.

Based upon such review, the undersigned Judge hereby agrees that the matter should be referred to the West Virginia Business Court Division due to the complexity and technical business nature of the matter, and, accordingly, the undersigned Judge hereby joins in the *Motion*.

Respectfully submitted,

A handwritten signature in blue ink, reading "Paul M. Blake, Jr.", written in a cursive style.

**PAUL M. BLAKE, JR., JUDGE
JUDGE OF THE TWELFTH JUDICIAL CIRCUIT**

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CERTIFICATE OF SERVICE

I, the Honorable Judge Paul M. Blake, Jr, do hereby certify that a true and accurate copy of the foregoing *Judge's Reply Memorandum* was served upon the following counsel of record by the United States Mail, postage prepaid on the 2nd of March 2021:

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Berkeley County Judicial Center
Business Court Division
Suite 2100
380 W. South Street
Martinsburg, WV 25401

A handwritten signature in blue ink, reading "Paul M. Blake, Jr.", is positioned above a horizontal line. The signature is fluid and cursive, with the first name "Paul" being the most prominent.

The Honorable Paul M. Blake, Jr.
Judge of the Twelfth Judicial Circuit