

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

**JPMORGAN CHASE BANK, N.A.**

**SCA EFiled: Sep 16 2022  
11:36AM EDT  
Transaction ID 68112463**

**Petitioner/Defendant,**

**v.**

**SCA Action No. 22-675**

Civil Action No. 22-56

Circuit Court of Boone County

Judge Stacy L. Nowicki-Eldridge

**Turner Excavating, Inc.,**

**Respondent/Plaintiff,**

**BLACKHAWK SUB, LLC;**

**1<sup>st</sup> Trust Bank, Inc.; and**

**John Does**

**Respondents/Defendants.**

**REPLY OF 1<sup>st</sup> TRUST BANK IN SUPPORT OF  
MOTION TO REFER CASE TO BUSINESS COURT DIVISION**

Pursuant to Rule 29.06(a)(4) of the West Virginia Trial Court Rules, Co-Defendant, 1<sup>st</sup> Trust Bank (“1st Trust”), by counsel, replies in support of JPMorgan Chase Bank, N.A.’s August 29, 2022<sup>1</sup>, Motion to Refer Case to Business Court Division (the “Motion to Refer”). For the reasons stated in the Motion to Refer, which are hereby adopted by reference, the claims and defenses in this action constitute “Business Litigation” (TCR 29.04(a)) appropriate for referral to and adjudication by the Business Court Division.

WHEREFORE, pursuant to Rule 29.06(a)(4) of the West Virginia Trial Court Rules, 1st Trust replies in support of transfer to the Business Court Division.

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<sup>1</sup> This reply is timely pursuant to the twenty (20) day time period afforded by TCR 29.06(4).

/s/ Alex J. Zurbuch

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of September 2022, and pursuant to Rule 29.06(a)(3) of the West Virginia Trial Court Rules, a copy of the foregoing ***Reply of 1<sup>st</sup> Trust Bank in Support of Motion to Refer Case to Business Court Division*** was served, via File& Serve Xpress or U.S.

Mail, on the following:

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Blackhawk Sub, LLC  
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Corporation Trust Center  
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Wilmington, DE 19801  
*Registered Agent for Blackhawk Sub, LLC*

Samuel R. Burns  
Boone County Circuit Clerk  
Boone County Courthouse  
200 State Street, Suite 202  
Madison, WV 25130

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

The Honorable Stacy L. Nowicki-Eldridge  
Boone County Courthouse  
200 State Street  
Madison, WV 25130

/s/ Alex J. Zurbuch

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Alex J. Zurbuch, Esq. (WV Bar No. 12838)