

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

SAVANNAH 605, LLC,  
KINZER BUSINESS REALTY, LTD., and  
FULTON T. McELROY IRREVOCABLE TRUST,  
Plaintiffs

SCA EFiled: Oct 03 2022  
02:23PM EDT  
Transaction ID 68202802

vs.

Mingo Civil Action No. 22-C-37  
Supreme Court Docket No. 22-677

EAST EQUIPMENT CO., LLC, and  
GARY RASH,  
Defendants

**ORDER DENYING REFERRAL**

On September 2, 2022, the plaintiffs, Savannah 605, LLC, et al., by counsel Howard M. Persinger, III, Persinger & Persinger, LC, 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"). On September 13, 2022, the defendants, East Equipment Co., LLC and Gary Rash, by counsel, Nathan D. Brown, Ferrell & Brown, PLLC, filed a response opposing the motion to refer. On this date, October 3, 2022, the plaintiffs, by counsel, filed a motion for leave to file a reply to the response, along with a copy of the reply. The motion for leave to file a reply to the response is refused.

Upon careful review and consideration of the motion and the response, the Chief Justice has determined that this dispute does not require specialized treatment to improve the expectation of a fair and reasonable resolution, and this case does not meet the criteria for referral under T.C.R. 29.04(a)(2).

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

The Clerk of Court shall provide a copy of this order to the Honorable Michael D. Lorensen, Chair of the Business Court Division, the Central Office of the Business Court Division, the Honorable Miki Thompson, Judge of the Circuit Court of Mingo County, and to the Clerk of the Circuit Court of Mingo County.

ENTERED: OCTOBER 3, 2022



  
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JOHN A. HUTCHISON  
Chief Justice