

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

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,  
DIVISION OF HIGHWAYS,  
Plaintiff

SCA EFiled: Apr 11 2023  
02:24PM EDT  
Transaction ID 69763361

vs.

**Tucker** County Circuit Court No. 22-C-11  
Supreme Court Docket No. 22-714

KOKOSING CONSTRUCTION COMPANY, INC.,  
Defendant

**CORRECTED ORDER DENYING REFERRAL**

On September 23, 2022, the plaintiff, West Virginia Department of Transportation, Division of Highways, by counsel Benjamin L. Bailey, Bailey & Glasser LLP; and the defendant, Kokosing Construction Company, Inc., by counsel Kenneth E. Webb, Jr., Bowles Rice LLP, filed a joint motion to refer this case to the Business Court Division in accordance with Rule 29 of the West Virginia Trial Court Rules ("TCR").

Upon careful review and consideration of the motion, 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 James W. Courier, Jr., Judge of the Circuit Court of **Tucker** County, and to the Clerk of the Circuit Court of **Tucker** County.

ENTERED: DECEMBER 30, 2022



  
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JOHN A. HUTCHISON  
Chief Justice