

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NEW RIVER GORGE DEVELOPMENT COMPANY, LLC,
a West Virginia limited liability company,

SCA EFiled: Dec 01 2022
10:49AM EST
Transaction ID 68477519

Plaintiff,

v.

Supreme Court Docket No. 22-872
Fayette County Circuit Court
Civil Action No.: 22-C-104
Judge Paul M. Blake, Jr.

VERANO WV, LLC,
a West Virginia limited liability company, and
VERANO HOLDINGS CORP.,
a British Columbia corporation

Defendants.

**NEW RIVER GORGE DEVELOPMENT COMPANY, LLC'S RESPONSE TO
DEFENDANTS' MOTION TO REFER TO BUSINESS COURT DIVISION**

Plaintiff New River Gorge Development Company, LLC ("New River"), by counsel, and pursuant to Rule 29 of the *West Virginia Trial Court Rules*, respectfully submits this Response to Defendants' Motion to Refer to Business Court Division. New River agrees with Defendants that this case involves "Business Litigation" within the proscribed meaning of Rule 29.04 of the *West Virginia Trial Court Rules*, and is appropriately postured for referral to the Business Court Division because the claims alleged in this case involve "significant transactions and operations between business entities," in which specialized treatment is likely to improve the expectation of a fair and reasonable resolution and which will benefit from the specialized knowledge of the judges of the Business Court Division.

Moreover, New River agrees with Defendants that the principal claims alleged in the above-styled civil action do not involve any of the subjects listed in Rule 29.04(a)(3) that are excluded from the definition of "Business Litigation." Additionally, New River is not aware of any additional related actions which are pending or which may be filed in the future.

Accordingly, New River does not object to Defendants' request that this case be referred to the Business Court Division, and joins in Defendants' request that the above-styled civil action be referred to the Business Court Division.

NEW RIVER GORGE DEVELOPMENT
COMPANY, LLC

By Counsel

/s/ S. Andrew Stonestreet

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CERTIFICATE OF SERVICE

I hereby certify that the undersigned has this day, the **1st day of December, 2022**, filed the foregoing *New River Gorge Development Company, LLC's Response to Defendants' Motion to Refer to Business Court Division* via electronic filing:

Russell D. Jessee, Esquire (WVSB #10020)
Steptoe & Johnson PLLC
P.O. Box 1588
Charleston, WV 25326-1588
(304) 353-8000

I hereby certify that the undersigned has this day, the **1st day of December, 2022**, filed the foregoing *New River Gorge Development Company, LLC's Response to Defendants' Motion to Refer to Business Court Division* via electronic filing and/or United States Mail, postage prepaid as applicable to the following:

Deborah Hendrick, Clerk
Fayette County Circuit Court
P.O. Box 600
100 North Court Street
Fayetteville, West Virginia 25840

The Hon. Paul M. Blake, Jr.
Fayette County Courthouse
100 North Court Street, Suite 4
Fayetteville, West Virginia 25840

Berkely County Judicial Center
Business Court Division
Suite 2100
380 W. South Street
Martinsburg, West Virginia 25401

/s/ S. Andrew Stonestreet
S. Andrew Stonestreet (WVSB #11966)