22-BCD-07

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

ANTERO RESOURCES CORPORATION,

Petitioner,

v. Civil Action No. 22-P-85-3
James A. Matish, Judge

MATTTHEW R. IRBY, West Virginia State Tax Commissioner,
JOSEPH R. ROMANO, Assessor of Harrison County,
and THE HARRISON COUNTY COMMISSION,

Respondents.

TO: THE HONORABLE CHIEF JUSTICE, JOHN A. HUTCHISON

REPLY MEMORANDUM* TO ANTERO RESOURCE CORPORATION'S *MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION

Pursuant to Rule 29.06(a)(4) of the *West Virginia Trial Court Rules*, the Honorable James A. Matish, Judge for the Fifteenth Judicial Circuit, respectfully submits his *Reply Memorandum* to Antero Resource Corporation's ("Petitioner") *Motion to Refer Case to the Business Court Division* in above-styled case, currently pending before the Division 3 of the Circuit Court of Harrison County.

This Judge has been timely provided with a courtesy copy of the *Motion to Refer* with Exhibits A-C, which has been further reviewed for purposes of submitting this instant Reply Memorandum. A copy of such *Motion to Refer* with Exhibits A-C was filed with the the Clerk of the Supreme Court of West Virginia on May 27, 2022, and such was also filed with the Clerk of this Court on May 31, 2022.

Thereupon, and in keeping with *West Virginia Trial Court Rule 29.06(a)(4)*, this Judge now timely replies to Petitioner's *Motion to Refer* for the benefit of Chief Justice John A. Hutchison and his honorable review all thereof and subsequent determination all thereon, to-wit:

1. Since the filing of such *Motion to Refer* and prior to the preparation of this Reply, this Court has NOT caused the entry of an order to stay further proceedings, as is within its discretion pursuant to *West Virginia Trial Court Rule 29.06(b).*
2. Prior to and since the filing of such *Motion to Refer*, the record herein reflects that Respondents Matthew Irby and Joseph R. Romano filed their *Answer* to the underlying Civil Action on May 11, 2022.
3. Contemporaneously with the filing of such *Motion to Refer*, the record herein reflects that Respondent The Harrison County Commission filed its *Response in Opposition to the "Petition of Petitioner Antero Resources Corporation"* to the underlying Civil Action on May 31, 2022.
4. There have been no further filings on the record herein at the time of this Court's preparation and submission of this *Reply Memorandum.*
5. In keeping with *West Virginia Trial Court Rule 29.06(a)(1),* such *Motion to Refer* appears to adequately reflect the nature of this Civil Action and establishes a sufficient basis for referral by meeting the criteria of being "Business Litigation" in that it is a "complex tax appeal," as provided for in the *West Virginia Trial Court Rule 29.04(a)(3).*
6. There are no other related actions known to be pending before this judge or in this circuit. However, as reflected in the *Motion to Refer*, it appears that multiple related actions are pending in the Business Court Division.

Conclusion

The undersigned judge believes himself to be fully able to preside over these matters competently, efficiently, and with more than adequate expectation for a fair, reasonable, and final

resolution of the controversies alleged by and between the parties in this Civil Action. However, he further believes and thereby concurs with the Petitioner and its counsel that this Civil Action satisfies the substantive requirements to sufficiently constitute "Business Litigation."

Thereupon, this judge is not opposed to and is otherwise in support of having Civil Action No. 22-P-85-3, as initially assigned and presently before him, referred to the Business Court Division for further management and resolution under *West Virginia Trial Court Rule 29.01 et seq*. Therefore, upon your review and determination, should you believe that it would be appropriate to refer this matter directly upon such *Motion to Refer* or direct the Business Court Division to conduct a hearing and make recommendations concerning further proceedings under *West Virginia Trial Court Rule 29.06(c)*, this Court would be in full support thereof.

Filing and Certificate of Service for this *Reply Memorandum*

In keeping with Rule 29.06(a)(4), I am filing this *Reply Memorandum* with the Clerk of the Supreme Court of Appeals.

I am further certifying service of a true copies hereof this same day to the Clerk of the Harrison County Circuit Court, the Central Office of the Business Court Division, and all parties through their counsel of record, as listed below, via first class United States Mail.

This matter is respectfully submitted to you on June 2, 2022 for your consideration.

James A. Matish, Judge
15th Judicial Circuit | Division 3

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