

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Kevin P. Coyne,
Plaintiff**

vs. Civil Action No. 14-C-200 (Ohio County)

**Tri-State Petroleum Corp., a West Virginia
Corporation, EJC Legacy, Inc., a West Virginia
Corporation, Interstate Service Stations
Holdings, Inc., a West Virginia Corporation,
Convenience Realty LP, a West Virginia Limited
Partnership, Colleen C. McGlinn, Edward J. Coyne II,
Erin C. Merrick, and Sheila C. Romanek,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that the defendants, by counsel, James J. Sellitti and the law firm of Sellitti, Nogay & McCune; Jeffrey P. Ward, Kelly K. Iverson, and the law firm of Cohen & Grigsby, P.C.; and Elaine Diedrich and the law firm of Littler Mendelson, have filed a motion to refer the above-referenced case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules. Plaintiff Kevin P. Coyne, by counsel, W. Howard Klatt and the Klatt Law Offices, and David B. Fawcett, Traci S. Rea, Christopher R. Brennan, and the law firm of Reed Smith LLP, filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion and the reply memorandum, the Chief Justice has determined that this dispute, which has been pending for over a year and in which numerous substantive motions have been decided, does not require specialized treatment to improve the expectation of a fair and reasonable resolution, and therefore does not meet the criteria for referral under Rule 29.04(a)(2) of the West Virginia Trial Court Rules.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is DENIED and that a copy of this order be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable Jason A. Cuomo, Judge of the First Judicial Circuit; and to the Clerk of the Circuit Court of Ohio County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: SEPTEMBER 3, 2015


MARGARET L. WORKMAN
Chief Justice