

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**F.K. Everest, Inc. and J. Mike Martin,
Plaintiffs**

vs. Civil Action No. 15-C-134 (Monongalia County)

**Ryan L. Eddy, David Bryte, Infinity Electric, Inc.,
and Orange Construction Corporation,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Defendants Ryan L. Eddy, David Bryte, Infinity Electric, Inc., and Orange Construction Corporation, by counsel, Andrew G. Fusco, Dylan C. Lewis, and the law firm of Bowles Rice LLP, have filed a motion to refer the above-styled action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Plaintiffs F.K. Everest, Inc. and J. Mike Martin, by counsel, Stephen M. LaCagnin, Wendy G. Adkins, and the law firm of Jackson Kelly PLLC, and Jonathan Landesman and the law firm of Cohen Seglias Pallas Greenhall & Furman, PC filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motion and reply memorandum, the Chief Justice has determined that the principal claims in the action involve matters of significance to the transactions, operations, or governance between business entities as required by TCR 29.04(a)(1). The mere fact that the action involves individuals does not, of itself, exclude the case from eligibility. The Chief Justice has further determined that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy as required by TCR 29.04(a)(2), and the motion to refer should therefore be granted.

It is hereby ORDERED that the motion to refer this action to the Business Court Division is granted, and this order shall be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division, for assignment of a presiding judge and such other actions as are necessary to effectuate the provisions of TCR 29.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable Susan B. Tucker, Judge of the Seventeenth Judicial Circuit; and to the Clerk of the Circuit Court of Monongalia County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 6, 2015

 MARGARET L. WORKMAN, C.J.

MARGARET L. WORKMAN
Chief Justice