

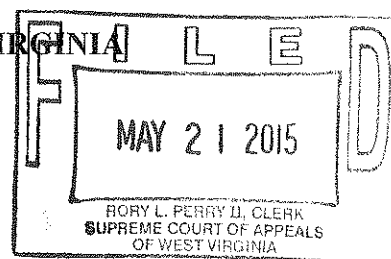
IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

TM ASSOCIATES MANAGEMENT, INC.,
a Maryland Corporation,

Plaintiff,

v.

Kanawha County Circuit Court
Civil Action No.: 15-C-568



DEER FOREST LIMITED PARTNERSHIP,
a West Virginia Limited Partnership, DYLAN
HEIGHTS LIMITED PARTNERSHIP, a West
Virginia Limited Partnership, OLD ASH VILLAGE
LIMITED PARTNERSHIP, a West Virginia
Limited Partnership, PAULI HEIGHTS LIMITED
PARTNERSHIP, a West Virginia Limited Partnership,
BARBARA HEIGHTS LIMITED PARTNERSHIP, a
West Virginia Limited Partnership, BROOK VILLAGE
LIMITED PARTNERSHIP, a West Virginia Limited
Partnership, DUNHILL LIMITED PARTNERSHIP, a
West Virginia Limited Partnership, HUDSON PLACE
LIMITED PARTNERSHIP, a West Virginia Limited
Partnership, VANMETER HEIGHTS LIMITED
PARTNERSHIP, a West Virginia Limited Partnership,
and WILSHERE LANDING LIMITED
PARTNERSHIP, a West Virginia Limited Partnership,

Defendants.

TO: THE HONORABLE CHIEF JUSTICE

MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Plaintiff TM Associates Management, Inc., by counsel, Jared M. Tully, Esq. and Elizabeth A. Moore, Esq., respectfully request the above-styled case be referred to the Business Court Division.

In regard to additional related actions:

- ☒ There are no known related actions.
☐ The following related actions could be the subject of consolidation, and are
☐ now pending
or
☐ may be filed in the future. (Please list case style, number, and Court if any)

This action involves: (Please check all that apply)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Breach of Contract; | <input type="checkbox"/> Professional Services to a Commercial Entity; |
| <input type="checkbox"/> Sale or Purchase of Commercial Entity; | <input type="checkbox"/> Anti-trust Actions between Commercial Entities; |
| <input checked="" type="checkbox"/> Sale or Purchase of Commercial Real Estate; | <input checked="" type="checkbox"/> Injunctive and Declaratory Relief Between Commercial Entities; |
| <input type="checkbox"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; | <input type="checkbox"/> Liability of Shareholders, Directors, Officers, Partners, etc.; |
| <input type="checkbox"/> Terms of a Commercial Lease; | <input type="checkbox"/> Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest; |
| <input checked="" type="checkbox"/> Commercial Non-consumer debts; | <input type="checkbox"/> Shareholders Derivative Claims; |
| <input type="checkbox"/> Internal Affairs of a Commercial Entity; | <input type="checkbox"/> Commercial Bank Transactions; |
| <input type="checkbox"/> Trade Secrets and Trademark Infringement; | <input type="checkbox"/> Franchisees/Franchisors; |
| <input type="checkbox"/> Non-compete Agreements; | <input type="checkbox"/> Internet, Electronic Commerce and Biotechnology |
| <input type="checkbox"/> Intellectual Property, Securities, Technology Disputes; | <input checked="" type="checkbox"/> Disputes involving Commercial Entities; or |
| <input type="checkbox"/> Commercial Torts; | <input type="checkbox"/> Other (Describe) _____ |
| <input type="checkbox"/> Insurance Coverage Disputes in Commercial Insurance Policies; | |
| <input type="checkbox"/> Professional Liability Claims in Connection with the Rendering of | |

In support of this motion, this matter contains issues significant to businesses, and presents novel and/or complex commercial or technological issues for which specialized treatment will be helpful, as more fully described here: This matter involves the breach of several agreements relating to the compensation of staff and services required to properly manage the properties in question. The business court would be the most appropriate venue to address these issues because they are solely business issues and will likely involve complex discovery and resolution strategy.

In further support of this Motion, please find attached hereto an accurate copy of the operative complaint, amended complaint, Defendants' answer and counterclaim, Plaintiff's answer to Defendant's counterclaim, and the docket sheet.

In regard to expedited review, the Movant:

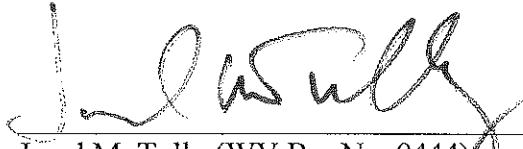
- ☒ DOES NOT request an expedited review under W.Va. Trial Court Rule 29.06(a)(4), and gives notice that all affected parties may file a memorandum stating their position, in accordance with W.Va. Trial Court Rule 29.



hereby REQUESTS that the Chief Justice grant this Motion to Refer without responses, pursuant to W.Va. Trial Court Rule 29.06(a)(4), and contends that the following constitutes good cause to do so: _____

WHEREFORE, the undersigned hereby MOVES, pursuant to W.Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted, this 19th day of May, 2015,



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