

**ADMINISTRATIVE ORDER**

**SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**TM Associates Management, Inc.,  
a Maryland Corporation,  
Plaintiff**

**vs. Civil Action No. 15-C-568 (Kanawha County)**

**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 Wilshire Landing Limited  
Partnership, a West Virginia Limited Partnership,  
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff TM Associates Management, Inc., by counsel, Jared M. Tully and Elizabeth A. Moore, and the law firm of Frost Brown Todd LLC, has 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"). Defendants Deer Forest Limited Partnership, Dylan Heights Limited Partnership, Old Ash Village Limited Partnership, Pauli Heights Limited Partnership, Barbara Heights Limited Partnership, Brook Village Limited Partnership, Dunhill Limited Partnership, Hudson Place Limited Partnership, Vanmeter Heights Limited Partnership, and Wilshire Landing Limited Partnership, by counsel, Mark A. Ferguson, and Ferguson Law Office, PLLC, filed a response concurring with plaintiff's motion to refer.

Upon careful review and consideration of the motion and the 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 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 Louis H. Bloom, Judge of the Thirteenth Judicial Circuit; and to the Clerk of the Circuit Court of Kanawha County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JUNE 26, 2015

*Margaret L. Workman, C.J.*

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MARGARET L. WORKMAN  
Chief Justice