

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Black Bear Crossing Town House Association, LLC,
a West Virginia limited liability company and on
behalf of two (2) or more unit owners,
Plaintiff**

vs. Civil Action No. 14-C-32 (Pocahontas County)

**Black Bear Crossing, LLC, GKS Development,
LLC, Thomas C. Sells III, Brian Kreider, Matthew
Glod, Jamison Design, LLC, Tygarts Valley Construction,
Inc., Slopeside Construction, Inc., Tink's Cottage Care at
Snowshoe, LLC, and Treve Painter,
Defendants**

and

**Black Bear Crossing, LLC, GKS Development, LLC,
and Tygarts Valley Construction, Inc.,
Third-Party Plaintiffs**

vs.

**First Tracts Real Estate, LLC, David M. Simmons
and Peter A. Monico, Individually and as members of
First Tracts Real Estate, LLC, CAS Structural
Engineering, Inc., Chapman Technical Group, Ltd.,
Leon G. Mallow Surveying, Inc., Douglas J. Grimes
d/b/a Mill Run Farm, JD & JT General Contractors, LLC,
TCC Contracting Services, LLC,
Third-Party Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Black Bear Crossing Town House Association, LLC, by counsel, Kenneth E. Webb Jr., Patrick C. Timony, and the law firm of Bowles, Rice PLLC; Defendant/Third-Party Plaintiff Black Bear Crossing, LLC, by counsel, Jane E. Harkins, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC; Defendant/Third-Party Plaintiff GKS Development, LLC, and Defendants Thomas C. Sells III, Matthew Glod, and Brian Kreider, by counsel, Jane E. Harkins, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and Sean C. Workowski, and the law firm of Frith, Anderson & Peake, PC; Defendant/Third-Party Plaintiff Tygarts Valley Construction, Inc., by counsel, Teresa J. Dumire, Shannon P. Smith, Matthew D. Elshiaty, and the law firm of Kay, Casto & Chaney PLLC; Defendants Treve Painter, Tink's Cottage Care at Snowshoe, LLC, and Slopeside Construction, Inc., by counsel, Margaret L. Miner, Brian J. Warner, and the law firm of Shuman, McCuskey & Slicer, P.L.L.C.; Third-Party Defendant JD & JT General Contractors, LLC, by counsel, Lawrence E. Morhous, and the law firm of Brewster, Morhous, Cameron, Caruth, Moore, Kersey & Stafford, PLLC; Third-Party Defendant CAS Structural Engineering, Inc., by counsel, Jason S. Hammond, and the law firm of Bailey & Wyant PLLC; Third-Party Defendant Chapman Technical Group, Ltd., by counsel, W. Randolph Fife, Lauren

P. Scott, and the law firm of Steptoe & Johnson PLLC; Third-Party Defendant Douglas J. Grimes d/b/a Mill Run Farm, by counsel, Peter Zurbuch, Robert C. Chenoweth, and the law firm of Busch, Zurbuch & Thompson, PLLC; Third-Party Defendants First Tracts Real Estate, LLC, David M. Simmons, and Peter A. Monico, by counsel, Shawn C. Gillispie, Jessica Y. Whitmore, and the law firm of Kesner & Kesner, PLLC; and Third-Party Defendant Leon G. Mallow Surveying, Inc., by counsel, Jamison H. Cooper, Daniel C. Cooper, and Cooper Law Offices, PLLC, have filed a joint motion to refer the above-styled action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR").

Upon careful review and consideration of the motion, 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 Robert E. Richardson, Judge of the Eleventh Judicial Circuit; and to the Clerk of the Circuit Court of Pocahontas County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JUNE 10, 2015


MARGARET L. WORKMAN
Chief Justice