

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

LARRY LOVINS, D/B/A
APPALACHIAN HOME CENTER,
A Kentucky Business and TRI-STATE
HOTELS, LLC, a Kentucky Limited Liability
Company,

Plaintiff(s),

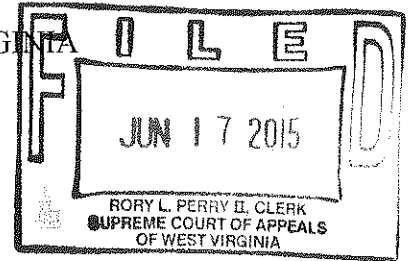
vs.

JAI SAI, LLC, a West Virginia
Limited Liability Company; NATIONAL
REPUBLIC BANK OF CHICAGO; RIVER
CITIES GLASS & CONSTRUCTION, LLC,
a Kentucky Limited Liability Company,

Defendant(s).

Kanawha County Circuit Court

Civil Action No. 13-C-1796



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 Defendant, Jai Sai, LLC ("Jai Sai"), by counsel, Jared M. Tully, Esq. and Elizabeth A. Moore, Esq., respectfully requests 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"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; |
| <input type="checkbox"/> Sale or Purchase of Commercial Entity; | <input type="checkbox"/> Terms of a Commercial Lease; |
| <input type="checkbox"/> Sale or Purchase of Commercial Real Estate; | <input type="checkbox"/> Commercial Non-consumer debts; |

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

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 case involves the review and analysis of the documents of several businesses owned and operated by the members of Jai Sai. There is also a need for specialized business knowledge due to the complexity of the business records required for a fair and accurate determination of the allegations of both Plaintiffs and Defendant.

In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the following other documents: Jai Sai's counterclaim, Plaintiffs' answer to counterclaim, Plaintiffs' Motion for Summary Judgment, Order granting Motion for Summary Judgment, Jai Sai's Motion to Stay Enforcement of Plaintiff's Summary Judgment Order Pending Rule 60(b) Hearing, Jai Sai's Motion for Relief from Judgment, Plaintiffs' Response to Motion for Relief from Judgment, Jai Sai's Reply to Response to Motion for Relief from Judgment, Order Granting Relief from Judgment, and the Agreed Partial Dismissal Order of Larry Lovins d/b/a Appalachian Home Center.

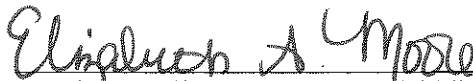
In regard to expedited review, the Movant:

- ☒ 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 16th day of June, 2015,


Jared M. Tully (WV Bar No. 9444)
Elizabeth A. Moore (WV Bar No. 12164)
Frost Brown Todd LLC
500 Lee Street, East
Laidley Tower – Suite 401
Charleston, WV 25301
Counsel for Jai Sai, LLC

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

LARRY LOVINS, D/B/A
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a Kentucky Limited Liability Company,

CERTIFICATE OF SERVICE

I, Elizabeth A. Moore, do hereby certify that on this 16th day of June, 2015, I have served the foregoing "Motion to Refer Case to Business Court Division," with attachments by either hand delivery or first class mail to J. Phillip Fraley, Esq., Litchfield Cavo, LLP, Village Professionals Building, 99 Cracker Barrel Drive, Suite 100, Barboursville, WV 25504; the Kanawha County Circuit Clerk's Office; and the Business Court Division Central Office, Berkeley County Judicial Center, 380 West South Street, Suite 2100, Martinsburg, WV 25401.


Elizabeth A. Moore

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LARRY LOVINS, D/B/A APPALACHIA vs. JAI SAI, LLC

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LINE	DATE	ACTION
1	09/20/13	# CASE INFO SHEET; COMPLAINT W/EXH'S; ISSUED SUM & 2 CPYS; F FEE
2		# RPT 507602; \$155.00
3	10/15/13	SM LET FR SS DTD 10/10/13; SUM W/RET (10/10/13 SS) AS TO
4		SM JAI SAI LLC
5	10/15/13	SM LET FR SS DTD 10/10/13; SUM W/RET (10/10/13 SS) AS TO
6		SM NATIONAL REPUBLIC BANK OF CHICAGO
7	10/15/13	SM LET FR SS DTD 10/10/13; SUM W/RET (10/10/13 SS) AS TO
8		SM RIVER CITIES GLASS & CONSTRUCTION LLC
9	10/22/13	# (3) E-CERTS FR SS
10	11/12/13	# ANS OF JAI SAI, LLC W/COS
11	11/21/13	# APPALACHIAN HOME CENTER & TRI-STATE HOTELS LLC'S ANS TO CC
12		# OF JAI SAI, LLC W/COS
13	12/12/13	# COS AS TO P'S 1ST INTERROG'S, REQ FOR PROD & REQ FOR ADM TO
14		JAI SAI, LLC
15	03/04/14	# NOT OF HRG W/COS; NOT FOR SJ DEO P'S; MEMO OF LAW IN SUPP
16		# OF NOT W/EXH & COS
17	03/17/14	# NOT OF HRG W/COS (4/7/14 @ 10:30 AM)
18	05/01/14	# O: MAILED TO J. P. FRALEY & J. WOODS (5/4/30/14) NNR
19	04/30/14	# O CRNTG P'S NOT FOR SJ/KING
20	05/28/14	# NOT OF APPEARANCE W/COS; JAI SAI LLC'S NOT TO STAY ENFORCEMENT
21		# W/COS; FAX COV LET
22	05/29/14	# LOGGED DOCUMENT
23	06/17/14	# JAI SAI LLC'S NOT FOR RELIEF FROM JUDG W/COS
24	06/23/14	SM NOT OF HRG W/COS (7/17/14 @ 10:00 AM)
25	07/07/14	# P'S RESP TO JAI SAI, LLC'S NOT FOR RELIEF FROM JUDG W/EXH'S &
26		W/COS
27	07/11/14	# SUBP W/RET (7/9/14 PM) AS TO JEFF WOODS
28	07/15/14	# AND NOT OF HRG W/COS (8/14/14 @ 11:30 AM)
29	07/23/14	SM LET FR CT CORP TO JARED M. TULLY DTD 7/18/14 REGARDING
30		SM NATIONAL REPUBLIC BANK OF CHICAGO
31	08/01/14	# JAI SAI'S NOT TO EXT TIME TO RESPOND TO P'S DISCOV & REQ
32		FOR ADM W/COS
33	08/01/14	# SUBP W/RET (7/25/14 PER) AS TO JEFF WOODS, ESQ.
34	08/11/14	# LET FR CT CORP TO JARED TULLY DTD 8/6/14 AS TO MATL. REPUBLIC
35		BANK OF CHICAGO
36	08/13/14	# SUPP APPENDIX OF EXH'S TO JAI SAI'S REPLY TO P'S RESP TO NOT
37		FOR RELIEF FROM JUDG W/EXH'S & COS
38	08/14/14	# JAI SAI'S REPLY TO P'S RESP TO NOT FOR RELIEF FROM JUDG
39		# W/EXH'S & COS
40	08/20/14	KL O: MLD TO J. TULLY, P. FRALEY
41	08/20/14	" O: PARTIAL DISMISSAL O AS TO THE CLAIMS OF LARRY LOVINS DBA
42		" APPALACHIAN HOME CENTER W/PRE/KING
43	09/30/14	KL O: MLD TO J. TULLY, P. FRALEY (9/29/14)
44	09/30/14	# O: GRT JAI SAI LLC'S NOT FOR RELIEF FROM JUDG/KIN (S 9/29/14)
45	10/21/14	# COS AS TO JAI SAI LLC'S 1ST INTERROG'S & REQ FOR PROD TO P
46	10/30/14	SM NOT OF MEDIATION W/COS (11/25/14 @ 10:00 AM)
47	10/31/14	# COS AS TO ANS' & RESP'S TO P'S 1ST INTERROG'S, REQ FOR PROD
48		# & REQ FOR ADM TO JAI SAI, LLC
49	11/24/14	# AND NOT OF MEDIATION W/COS (1/21/15 @ 10:00 AM)
50	12/15/14	# COS AS TO P'S ANS' TO JAI SAI LLC'S INTERROG'S & RESP'S TO REQ
51		FOR PROD
52	12/23/14	# LET FR SS DTD 12/16/14; SUBP W/RET (12/16/14 SS) AS TO RECORDS
53		# CUST/TOW'S PLUMBING INC
54	12/23/14	# LET FR SS DTD 12/16/14; SUBP W/RET (12/16/14 SS) AS TO RECORDS

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KANAWHA

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LARRY LOVINS, D/B/A APPALACHIA vs. JAI SAL, LLC

LINE DATE ACTION

55 # CUST/CASEY ENTERPRISES INC
56 01/06/15 # COPY OF SUBP AS TO WESLEY ALBERTS
57 01/06/15 # COPY OF SUBP AS TO RECORDS CUST/NEW TECH SYSTEMS INC
58 06/10/15 # NOT OF DEPO W/COS; NOT OF DEPO W/EXH & COS