

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Peoples Bank, National Association,
a national banking association,
Plaintiff

v. No. 15-C-807 (Cabell County)

Appalachian Mining and Reclamation, L.L.C.,
a Kentucky limited liability company, DJWV2, LLC,
a West Virginia limited liability company, Green Coal, LLC,
a Kentucky limited liability company, Joint Venture
Development, LLC, a Kentucky limited liability company,
Producer's Coal, Inc., a Kentucky corporation, formerly
known as Producer's Dock, Inc., Producer's Land, LLC,
a Kentucky limited liability company, Redbud Dock, LLC,
a Kentucky limited liability company, Southern Marine
Services Limited Liability Company, a Kentucky limited
liability company, Southern Marine Terminal, LLC, a Kentucky
limited liability company, Denise Dawn Johnson, Trustee of
the Denise Johnson Real Estate Trust, Dennis Johnson,
a West Virginia resident, and Mark Pinson, a West Virginia resident,
Defendants

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Peoples Bank, National Association, by counsel, Julia A. Chinchek, Stuart A. McMillan, Daniel J. Cohn, and the law firm of Bowles Rice LLP, 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").

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 Christopher D. Chiles, Chief Judge of the Sixth Judicial Circuit; and to the Clerk of the Circuit Court of Cabell County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: FEBRUARY 4, 2016


MENIS E. KETCHUM
Chief Justice