

IN THE CIRCUIT COURT OF HAMPSHIRE COUNTY, WEST VIRGINIA

ROBERT E. MAYHEW,
PLAINTIFF,

vs.

CIVIL ACTION NO. 15-C-109
HONORABLE CHARLES E. PARSONS

DAVID WEIMER, Individually, and
WEIMER CHEVROLET, INC.,
a West Virginia Corporation.,
DEFENDANTS.

**RESPONSE OF PLAINTIFF TO MOTION TO REFER ACTION TO
BUSINESS COURT DIVISION**

Comes now the Plaintiff, Robert E. Mayhew, and would respond to the Motion of the Defendants to refer this civil action to the Business Court Division. In furtherance thereof, Plaintiff would say as follows:

1. The Plaintiff in this action, Robert E. Mayhew, is an individual, not a business.
2. Rule 29.01 of the Trial Court Rules states that the Business Court Division was established to resolve litigation involving commercial issues and disputes between businesses. Rule 29.01.
3. Rule 29.04 defines "business litigation" as a dispute which presents commercial and/or technology issues in which specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy... Rule 29.04(a)(2).
4. A copy of the Complaint filed on behalf of the Plaintiff in the Circuit Court of Hampshire County, West Virginia, has been filed together with the motion of the Defendants to refer this civil action to the Business Court Division of West Virginia, and

therefore, the Court can readily determine that the disputes between these parties are primarily between individuals who clearly do not get along, and against a Chevrolet dealership owned by the Defendant, individually, solely because the individual Defendant has failed to comply with contractual terms of the agreements attached to Plaintiff's Complaint. Therefore, the Plaintiff fails to see the reasoning of the Defendants in moving this matter for a referral to the Business Court Division of the State of West Virginia.

5. The Plaintiff denies that the Business Court Division was created to handle this instant case between these individual parties.

WHEREFORE, Plaintiff respectfully opposes the motion of the Defendants to refer this Civil Action to the Business Court Division of the State of West Virginia.

Robert E. Mayhew
Plaintiff - By Counsel

JUDY & JUDY
Attorneys at Law

By: 

David Judy, III
P.O. Box 636
Moorefield, WV 26836
(304) 538-7777
WV State Bar No.: 1939
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, J. David Judy, III, counsel for Plaintiff, do hereby certify that I have served the foregoing *RESPONSE OF PLAINTIFF TO MOTION TO REFER ACTION TO BUSINESS COURT DIVISION*, upon the following by U.S. Mail, postage prepaid, this 27 day of January, 2016:.

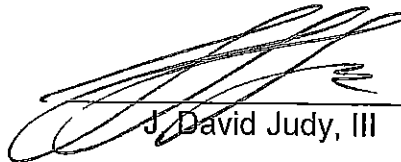
Colleen C. McCulloch, esq,
Pullin, Fowler, Flanagan, Brown & Poe, PLLC,
600 Neville Street, Suite 201
Beckley, West Virginia, 25801

Charles E. Parsons, 22nd Judicial Circuit Judge
204 Washington Street, Room 203
Moorefield, West Virginia, 26836

Sonja Embrey
Hampshire County Circuit Clerk
P.O. Box 343
Romney, West Virginia 26757

West Virginia Supreme Court of Appeals
Rory L. Perry, II, Clerk of the Court
Capitol Complex
1900 Kanawha Boulevard East
Building One, Room E-317
Charleston, WV 25305

Central Office of the Business Court Division
Berkeley Court Judicial Center
Suite 2100
380 West South Street
Martinsburg, West Virginia 25401


J. David Judy, III