

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

The Bruce McDonald Holding Company, David B.
McDonald Land Company, Oakley, LLC,
S.E. McDonald, LLC, C.B. Morris, LLC, L.O.U., LLC,
Glenn T. Yost as attorney-in-fact for Ernest Phipps Credit
Shelter Trust, and CDC Real Estate, LLC,
Plaintiffs

v. No. 16-C-70 (Logan County)

Addington, Inc., and The Brink's Company,
Defendants

The Chief Justice of the Supreme Court of Appeals has been advised that Defendants Addington, Inc. and The Brink's Company, by counsel, W. Henry Jernigan Jr., Jennifer J. Hicks, Ian G. Henry, and the law firm of Dinsmore & Shohl LLP, and Wade W. Massie, and the law firm of Penn, Stuart & Eskridge, have 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"). Plaintiffs The Bruce McDonald Holding Company, David B. McDonald Land Company, Oakley, LLC, S.E. McDonald, LLC, C.B. Morris, LLC, L.O.U., LLC, Glenn T. Yost as attorney-in-fact for Ernest Phipps Credit Shelter Trust, and CDC Real Estate, LLC, by counsel, Brian A. Glasser, Isaac R. Forman, Nicholas S. Johnson, and the law firm of Bailey & Glasser LLP, filed a response in support of the motion to refer.

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 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 William Douglas Witten, Judge of the Seventh Judicial Circuit; and to the Clerk of the Circuit Court of Logan County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: MAY 23, 2016


MENIS E. KETCHUM
Chief Justice