

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

J. F. Allen Corporation,
a West Virginia Corporation,
Plaintiff

v. No. 14-C-1182 (Kanawha County)

The Sanitary Board of the City of
Charleston, West Virginia, and
Burgess and Niple, Inc.,
an Ohio Corporation,
Defendants

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff J. F. Allen Corporation, by counsel, Charles M. Johnstone II, Johnson W. Gabhart, and the law firm of Johnstone & Gabhart, LLP, has filed a motion to refer the above-referenced action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). The Honorable Tod J. Kaufman, Chief Judge of the Thirteenth Judicial Circuit, has advised the Chief Justice that he supports the motion to refer. Defendant The Sanitary Board of the City of Charleston, by counsel, David Allen Barnette, and the law firm of Jackson Kelly, PLLC, and Defendant Burgess and Niple, Inc., by counsel, Peter T. DeMasters, and the law firm of Flaherty Sensabaugh Bonasso PLLC, have advised the Chief Justice that they have no objection to the referral.

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 Tod J. Kaufman; and to the Clerk of the Circuit Court of Kanawha County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JUNE 21, 2016


MENIS E. KETCHUM
Chief Justice