

**IN THE WEST VIRGINIA SUPREME COURT OF APPEALS**

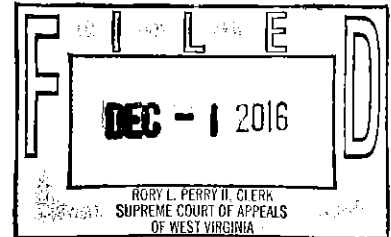
**HILB GROUP OF WEST VIRGINIA, LLC,**  
a Delaware limited liability company,

**Plaintiff,**

**v.**

**MICHAEL M. IDLEMAN, individually, and**  
**MAIN STREET INSURANCE, LLC,**  
a West Virginia limited liability company,

**Defendants.**



**Kanawha County Circuit Court**  
**Civil Action No. 16-C-1333**  
**Honorable Carrie L. Webster**

**TO: THE HONORABLE MENIS E. KETCHUM, II, CHIEF JUSTICE**

**JOINT MOTION FOR REFERRAL TO THE BUSINESS COURT DIVISION**

NOW COME the parties by and through their counsel, pursuant to Trial Court Rule 29.06, and jointly move that Civil Action No. 16-C-1333 be referred to the Business Court Division. In support of this referral motion, the parties aver as follows:

1. This matter involves contractual and extra-contractual claims among private businesses and an individual professional, who is a former employee of one private entity and current employee of another.
2. The parties to the civil action are all sophisticated as private business entities and a workers' compensation insurance professional. Plaintiff Hilb Group of West Virginia, LLC ("Hilb") is a Delaware limited liability company, which previously acquired City Insurance Professionals, and is a statewide insurance agency. Defendant Michael M. Idleman ("Idleman") is an insurance professional having specialized

expertise in the area of workers' compensation insurance. Idleman is a former employee of Hilb. Idleman and Hilb (including its predecessors) are parties to a series of contractual agreements ("Agreements"), namely an Employment Agreement, First Amended Employment Agreement, Second Amendment to Employment Agreement, Change in Control Agreement, Restricted Shares Award Agreement, and a Severance Agreement and General Release ("Severance Agreement"). Defendant Main Street Insurance, LLC ("Main Street") is an insurance agency and Idleman's current employer.

3. The nature of this matter satisfies the definitional requirements for Business Litigation appearing in Trial Court Rule 29.04(a).

4. The parties in Civil Action No. 16-C-1333 are a combination of private business entities and an experienced workers' compensation insurance professional. The Complaint reflects a total of seven (7) counts, which relate directly to the Severance Agreement and Idleman's current employment with Main Street.

5. Count I alleges breach of contract by Idleman and Main Street having aided and abetted in the same.

6. Count II alleges breach of fiduciary duty by Idleman and Main Street having aided and abetted in the same.

7. Count III alleges conversion of its confidential business information by Idleman and Main Street.

8. Count IV alleges intentional misappropriation of confidential and proprietary information by Idleman and Main Street for unfair competition.

9. Count V alleges misappropriation of trade secrets by Idleman and Main Street.

10. Count VI alleges torturous interference by Main Street with regard to the aforementioned Severance Agreement.

11. Count VII alleges torturous interference by Main Street with regard to business relationships.

12. Plainly, the claims herein concern matters of significance to the transactions, operations, or governance of the relationship between Hilb and Idleman. Additionally, the claims herein concern Idleman's current employment with Main Street while a party to private Agreements, including the Severance Agreement.

13. Idleman and Main Street contest the claims herein vigorously.

14. The claims herein present a significant commercial dispute. To improve the parties' expectation of a fair and reasonable resolution, specialized knowledge and expertise in commercial insurance related employment contracts is needed. Further, discovery of electronically stored information ("ESI") is underway and expected to continue, thus requiring specialized knowledge and expertise in ESI.

15. The claims herein are not those claims listed in Trial Court Rule 29.04(a)(3), which would preclude referral of this matter to the Business Court Division.

16. There are no related civil actions or commercial arbitration proceedings pending or reasonably expected to be filed in the future.

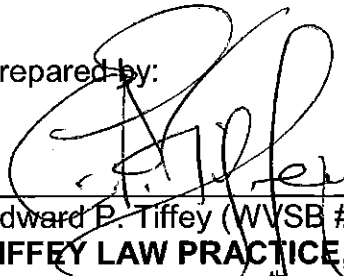
17. Pursuant to Trial Court Rule 29.06(a)(1), copies of the Complaint, Answers and Docket Sheet in Civil Action No. 16-C-1333 are attached hereto as Exhibits 1-4 to this motion.

WHEREFORE, Plaintiff Hilb Group of West Virginia, LLC, and Defendants Michael M. Idleman and Main Street Insurance, LLC respectfully request entry of an Order by the Chief Justice referring this matter to the Business Court Division.

**HILB GROUP OF WEST VIRGINIA, LLC,  
MICHAEL M. IDLEMAN, and MAIN STREET  
STRET INSURANCE, LLC,**

**By Counsel**

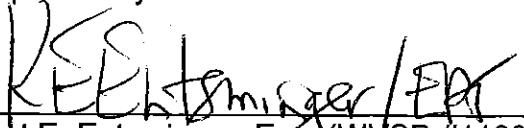
Prepared by:

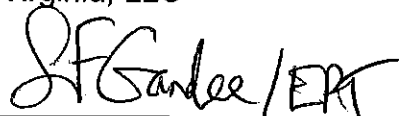


---

Edward P. Tiffey (WVSB #6042)  
**TIFFEY LAW PRACTICE, PLLC**  
205 Capitol Street, 4<sup>th</sup> Floor  
P. O. Box 3785  
Charleston, WV 25337-3785  
(304) 344-3200  
(304) 344-9919 (fax)  
*Counsel for Defendant Main Street  
Insurance, LLC*

Approved by:

  
Kurt E. Entsminger, Esq. (WVSB #1130)  
Raymond J. Harrell, Jr., Esq. (WVSB #12995)  
**FLAHERTY SENSABAUGH BONASSO PLLC**  
200 Capitol Street  
P.O. Box 3843  
Charleston, WV 25338-3843  
(304) 345-0200  
(304) 3435-0260 (fax)  
*Counsel for Plaintiff Hilb Group of West  
Virginia, LLC*

  
Stephen F. Gandee, Esq. (WVSB #5204)  
**ROBINSON & McELWEE, PLLC**  
P.O. Box 128  
Clarksburg, WV 26302-0128  
(304) 326-5313  
(304) 622-5065 (fax)  
*Counsel for Defendant Michael M. Idleman*