

**ADMINISTRATIVE ORDER**

**SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**Riley Natural Gas Company,  
a West Virginia corporation,  
Plaintiff**

**vs. Civil Action No. 16-C-365 (Harrison County)**

**Berry Energy, Inc.,  
a West Virginia corporation,  
Defendant**

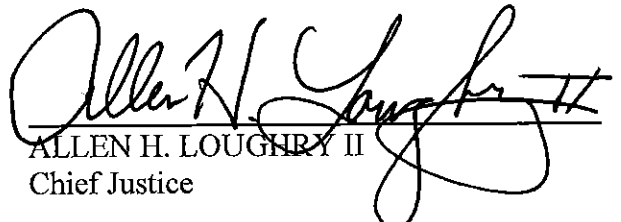
The Chief Justice of the Supreme Court of Appeals has been advised that Defendant Berry Energy, Inc., by counsel, Jonathan R. Marshall, Raymond S. Franks II, and the law firm of Bailey & Glasser, LLP, has filed a motion to refer the above-styled action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR") and has requested that the Chief Justice consider said motion on an expedited basis. The Chief Justice has determined that good cause exists to consider the motion without response under TCR 29.06(a)(4).

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 this matter be consolidated with Marshall County Civil Action No. 16-C-92, which is currently pending before the Business Court Division.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable James A. Matish, Judge of the Fifteenth Judicial Circuit; and to the Clerk of the Circuit Court of Harrison County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: APRIL 20, 2017

  
ALLEN H. LOUGHRY II  
Chief Justice