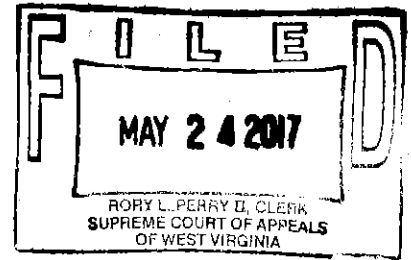




FIFTEENTH JUDICIAL CIRCUIT
HARRISON COUNTY



THOMAS A. BEDELL, JUDGE
PHONE (304) 624-8630
FACSIMILE (304) 624-8736
thomas.bedell@courts.wv.gov

HARRISON COUNTY COURTHOUSE
301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301

May 22, 2017

Rory L. Perry, II, Clerk of Court
State Capitol Rm E-317
1900 Kanawha Blvd. East
Charleston WV 25305

Re: Reply Memorandum to Petitioner's *Motion to Refer Case to the Business Court Division* in Harrison County Civil Action No. 17-C-98-2

Dear Mr. Perry:

Please find enclosed my original Reply Memorandum to the Petitioner's Motion to Refer in the above-referenced civil action in keeping with Rule 29.06(a)(4) of the *West Virginia Trial Court Rules* for presentation to our Chief Justice for further review and consideration.

Copies thereof have this day been sent to the Central Office of the Business Court Division, the parties' respective legal counsel of record and other affected judges as well as delivered to the Harrison County Circuit Clerk for filing therein.

Thanking you for your time and most kind attention to this matter, I remain

Very truly yours,

THOMAS A. BEDELL, Judge

TAB/kg

Encl: Reply Memorandum

Cc: Carol A. Miller, Executive Director
Business Court Division
Legal Counsel and Affected Judges

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

ANTERO RESOURCES CORPORATION,

Petitioner,

v.

Civil Action No. 17-C-98-2
THOMAS A. BEDELL, Judge

THE HONORABLE DALE STEAGER,
West Virginia State Tax Commissioner,
THE HONORABLE JOSEPH R. ROMANO,
Assessor of Harrison County, and
THE COUNTY COMMISSION OF HARRISON COUNTY,
Sitting as a Board of Assessment Appeals and as a
Board of Equalization and Review,

Respondents.

TO: THE HONORABLE CHIEF JUSTICE, ALLEN H. LOUGHRY, II

**REPLY MEMORANDUM OF THE HONORABLE THOMAS A. BEDELL
TO THE *MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION*
PURSUANT TO RULE 29.06(a)(4) OF THE WEST VIRGINIA TRIAL COURT RULES**

Comes now The Honorable Thomas A. Bedell, Judge, Division 2, Circuit Court of Harrison County, West Virginia to timely file his Reply Memorandum pursuant to Rule 29.06(a)(4) of the *West Virginia Trial Court Rules* in response to the Petitioner, Antero Resources Corporation's, *Motion To Refer Case To The Business Court Division*. Accompany such Motion are copies of the required civil action documents as well as Exhibits A through D.¹

¹ This affected judge has no record of being provided a "courtesy copy" of such Motion to Refer with accompanying document copies and Exhibits in keeping with *West Virginia Trial Court Rule 29(a)(3)* or having received same as of the date of its Reply Memorandum. However, copies thereof were filed herein on May 17, 2017. Those documents have been fully reviewed by this affected judge.

A Notice Of Filing Of Motion To Refer To The Business Court Division was filed with the Circuit Clerk of Harrison County on May 19, 2017 by and through Rory L. Perry II, Clerk of Court, Supreme Court of Appeals of West Virginia. This affected judge was duly provided a courtesy copy of such Notice of Filing stating such Motion to Refer had been filed and docketed pursuant to *West Virginia Trial Court Rule 29.06(a)(1)* and that a Reply Memorandum may be timely filed.

Upon such filings and notice as well as in keeping with *West Virginia Trial Court Rule 29.06(a)(4)*, this affected judge now timely replies in memorandum form to the Plaintiff's Motion to Refer for the benefit of Chief Justice Allen H. Loughry, II and for his honorable review all thereof and subsequent determination all thereon, to-wit:

1. Since the filing of such Motion to Refer and prior to the preparation of this Reply, this affected judge has not caused to be entered any order to stay further proceedings herein as is allowed within its discretion pursuant to *West Virginia Trial Court Rule 29.06(b)*.

2. Since the filing of such Motion to Refer, the record herein reflects that all named Respondents have been served with a *Civil Summons and Complaint*. Additional pleadings filed since such service include: (a) *Answer Of The West Virginia State Tax Department And Assessor Joseph R. Romano To Complaint* was filed on April 19, 2017; and (b) *Answer Of The County Commission Of Harrison County Sitting As A Board Of Assessment Appeals* was filed on May 10, 2017.

3. There have been no further filings made a matter of record herein, as reflected by those maintained in the Office of the Circuit Clerk of this Court, at the time of this presiding judge's preparation and submission of this Reply Memorandum.

4. In keeping with *West Virginia Trial Court Rule 29.06(a)(1)*, the Plaintiff's Motion to Refer appears to adequately reflect the nature of this Civil Action and to establish a sufficient basis for referral by meeting the criteria of "Business Litigation" as particularly defined in *West Virginia Trial Court Rule 29.04(a)(1)(2)(3)*.

5. It is confirmed that there are currently no other known related actions pending before this affected judge or in this circuit. However, it does appear that related actions are pending before other affected judges in two (2) other circuits. These matters are addressed in detail by Petitioner in this Motion to Refer. (See Motion to Refer, p. 2 at ¶¶ 1 and 2).

6. It is further confirmed that there are no other pending Motions or other procedural matters in this particular Civil Action requiring further determinations at this present time.

Conclusion

The undersigned affected judge verily believes himself to be fully able to preside over these matters competently, efficiently, and with more than adequate expectation for a fair, reasonable and final resolution of the controversies alleged by and between the parties in this Civil Action. However, he further believes and thereby concurs with Petitioner, as represented by Petitioner's legal counsel, that this action satisfies the substantive requirements to sufficiently constitute "Business Litigation".

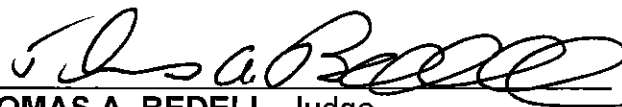
As such, this affected judge is not opposed to having this Civil Action referred to the Business Court Division for further management and resolution as contemplated in *West Virginia Trial Court Rule 29.01 et seq.*

Therefore, upon your review and determination, should you believe that it would be appropriate to refer this matter directly upon Petitioner, Antero Resources Corporation's, Motion to Refer or to direct the Business Court Division so that it may conduct a hearing and make recommendations concerning further proceedings under *West Virginia Trial Court Rule 29.06(c)*, this Court would not take umbrage to your actions and would be in full support thereof.

Filing and Certificate of Service

In keeping with Rule 29.06(a)(4), I am filing this Reply Memorandum with the Clerk of the Supreme Court of Appeals as well as certifying service of a true copy hereof to the Clerk of the Harrison County Circuit Court, the Central Office of the Business Court Division, all parties through their identified legal counsel and other affected judges as identified via first class United States Mail.

This matter is respectfully submitted to you on May 22, 2016 for your most kind consideration.


THOMAS A. BEDELL, Judge
15th Judicial Circuit ~ Division 2
Harrison County Circuit Court



FIFTEENTH JUDICIAL CIRCUIT
HARRISON COUNTY

THOMAS A. BEDELL, JUDGE
PHONE (304) 624-6630
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HARRISON COUNTY COURTHOUSE
301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301

May 22, 2017

Carol A. Miller, Executive Director
Business Court Division
Berkeley County Judicial Center
380 W. South Street ~ Suite 2100
Martinsburg, WV 25401

Re: Reply Memorandum to *Plaintiff's Motion to Refer Cases to the Business Court*
Division in Harrison County Civil Action No. 17-C-98-2

Dear Ms. Miller:

Please find enclosed a copy of my original Reply Memorandum to the Plaintiff's Motion to Refer in the above-referenced civil action in keeping with Rule 29.06(a)(4) of the *West Virginia Trial Court Rules*.

The original Reply Memorandum has this day been sent to Mr. Rory L. Perry, II, for presentation and further review by Chief Justice Allen H. Loughry, II, and copies thereof sent to respective legal counsel of record and other affected judges as well as delivered to the Harrison County Circuit Clerk for filing therein.

Thanking you for your time and most kind attention to this matter, I remain

Very truly yours,

THOMAS A. BEDELL, Judge

Encl: Reply Memorandum (copy)

Xc: Rory L. Perry, II, Clerk of Court ✓
WV Supreme Court of Appeal
Legal Counsel and Affected Judges