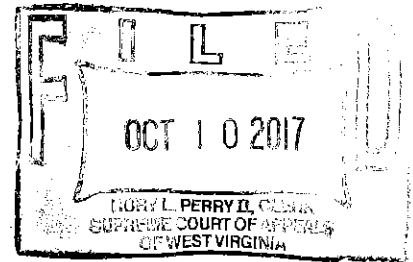


**IN THE CIRCUIT COURT OF
HANCOCK COUNTY, WEST VIRGINIA**



**WINE AND BEVERAGE MERCHANTS
OF WEST VIRGINIA, INC.;
ATOMIC DISTRIBUTING COMPANY;
BEVERAGE DISTRIBUTORS, INC;
J.C. DISTRIBUTING COMPANY LLC;
PHILLIP JAY SHIFFLETT;
JO'S GLOBE DISTRIBUTING COMPANY; and
MARTIN DISTRIBUTING COMPANY,**

Plaintiffs,

v.

Civil Action No. 17-C-91

**MOUNTAIN STATE BEVERAGE, INC.;
MOUNTAIN EAGLE, INC.;
NORTHERN EAGLE, INC.;
WILLIAM J. RUCKER, JR.;
SCOTT PARKES; and
JOHNSON BROTHERS LIQUOR COMPANY,**

Defendants.

**Plaintiffs' Reply in Support of the Circuit Court of Hancock County's
Motion to Refer to the Business Court Division**

Plaintiffs agree that this matter constitutes "Business Litigation" as the term is defined in W.Va. T.C.R. 29.04, and that transfer to the Business Court Division is proper. Defendants are continuing their predatory and monopolistic conduct, further harming competition; Plaintiffs respectfully request a speedy referral so that they may prosecute their action.

First, the principal claims in the litigation involve matters of significance between business entities. The complaint alleges various anti-competitive conduct and plaintiffs seek to recover for harm to their businesses caused by other businesses. Indeed, most of the parties to this litigation are incorporated or unincorporated business entities. Those that are not – Phillip

Jay Shifflett, William Rucker and Scott Parkes – are parties to this action because of actions they have taken in connection with their businesses. Mr. Shifflett was the principal of plaintiff J.C. Distributing Company LLC, which was driven out of the wine distribution business by the defendants. Messrs. Rucker and Parkes are principals at defendants Mountain State Beverage, Inc.; Northern Eagle, Inc; Mountain Eagle, Inc., and have engaged in conduct, individually and through their companies, that had and continues to have manifest impact on the plaintiffs.

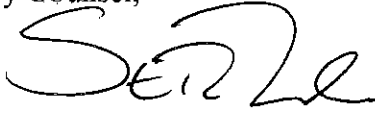
Second, this antitrust case presents commercial and technological issues in which specialized treatment is likely to improve the expectation of a fair and reasonable resolution because of the need for specialized knowledge and experience in the area of antitrust law. Although the issues in this case are not overly complex when compared to antitrust cases generally, they are more complex than those at issue in a typical civil action. This antitrust matter has the additional overlay of the regulatory framework, adopted by the legislature, governing the distribution of wine in the state of West Virginia.

Third, this matter does not involve any of the claims described in T.C.R. 29.04(a)(3) which would preclude a referral to the business court. Although the resolution of this case and the challenged conduct will ultimately affect consumers in West Virginia, it is not consumer litigation.

For these reasons, Plaintiffs agree that the Business Court Division would be an appropriate forum for the resolution of this case. In addition, a referral to the Business Court Division would entail the additional time and resources necessary to manage and decide this case more quickly and efficiently. Because harm to competition in West Virginia is continuing, Plaintiffs respectfully request that the Chief Justice grant the Circuit Court's motion pursuant to T.C.R. 29.06(c)(1). Plaintiffs do not believe a hearing is necessary.

**WINE AND BEVERAGE MERCHANTS
OF WEST VIRGINIA, INC.;
ATOMIC DISTRIBUTING COMPANY;
BEVERAGE DISTRIBUTORS, INC;
J.C. DISTRIBUTING COMPANY LLC;
PHILLIP JAY SHIFFLETT;
JO'S GLOBE DISTRIBUTING COMPANY; and
MARTIN DISTRIBUTING COMPANY,**

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JOHNSON BROTHERS LIQUOR COMPANY,**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October 2017, the foregoing Plaintiffs' Reply in Support of the Circuit Court of Hancock County's Motion to Refer to the Business Court Division was served on counsel of record by sending a true exact copy, by United States mail, postage prepaid, to the following:

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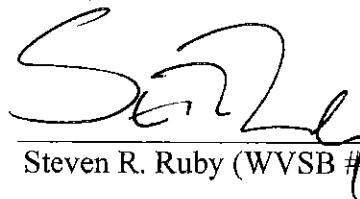
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