

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Meral, Inc.,
a West Virginia corporation,

Plaintiff,

OCT 23 2017

v.

Circuit Court of Mercer County
Civil Action No. 17-C-303
(Judge Swope)

Brewster, Morhous, Cameron, Caruth,
Moore, Kersey & Stafford, PLLC,
a West Virginia professional limited liability company;
Lawrence E. Morhous;
and
Jerry J. Cameron,

Defendants.

MOTION TO REFER ACTION TO BUSINESS COURT DIVISION

Comes now Plaintiff, by counsel, pursuant to Rule 29.06 of the West Virginia Trial Court Rules, and moves that this action be referred and transferred to the Business Court Division. Plaintiff asserts the following grounds in support of its motion.

1. Plaintiff Meral Inc. is a corporation formed under West Virginia law currently headquartered in Tennessee.
2. Defendant Brewster, Morhous, Cameron, Caruth, Moore, Kersey and Stafford, PLLC is a professional limited liability company formed under West Virginia law. Defendant Brewster Morhous' offices are located in Bluefield, Mercer County, West Virginia.

3. As required by Trial Court Rule 29.06(a)(1), a copy of the complaint, the answer of Defendant Brewster Morhous, and docket sheet are attached to this motion as Exhibits A, B and C respectively.

4. As described in the attached complaint, this legal malpractice action grows out of Defendants' representation of Plaintiff in a commercial transaction involving the sale of Plaintiff's rights to mine metallurgical coal on approximately 11,000 acres located in Falling Springs District, Greenbrier County, West Virginia.

5. Plaintiff initially brought this action in the Circuit Court of Greenbrier County, West Virginia on April 3, 2017. The action was there identified as Civil Action 17-C-72. Defendants moved to dismiss the action alleging that venue in Greenbrier County was improper. Meral opposed the motion.

6. By order entered July 27, 2017, the Circuit Court of Greenbrier County granted Defendants' motion to dismiss. While Meral respectfully disagrees with the Greenbrier Circuit Court's conclusion that venue for this action does not exist in Greenbrier County, Meral opted to commence the present action in Mercer County. Meral's Mercer County complaint was filed on August 4, 2017.

7. There are no additional related actions pending or contemplated between the parties.

8. The principal claims in this action involve matters of significance to transactions between business entities as required by Trial Court Rule 29.04(a)(1).

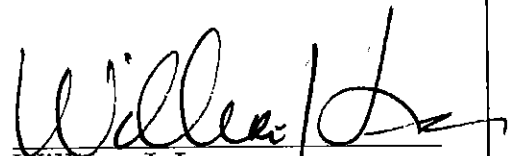
9. As required by Trial Court Rule 29.04(a)(2) the dispute concerns commercial issues for which specialized treatment is likely to improve the

expectation of a fair and reasonable resolution of the dispute because the need for specialized knowledge and expertise in the subject matter or familiarity of some specific law or legal principle that may be applicable.

10. This action does not involve consumer litigation, consumer malpractice actions or other claims of the type identified in Trial Court Rule 29.04(a)(3).

Wherefore, Plaintiff asserts that transfer of this action to the Business Court Division is permissible under Trial Court Rule 29.06 and respectfully requests that Plaintiff's motion be granted; that an order transferring this action to the Business Court Division be entered by the Court; and for such other and further relief as the Court deems appropriate.

Meral, Inc.,
Plaintiff, by counsel



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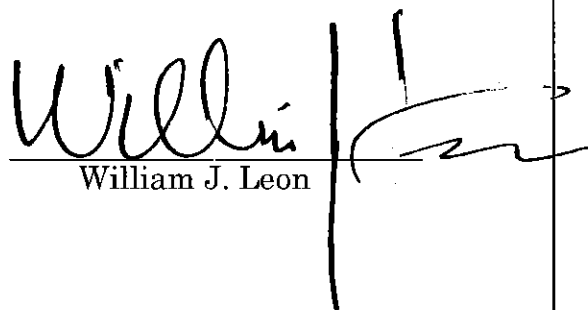
CERTIFICATE OF SERVICE

As required by Trial Court Rule 29.06(a)(3), I certify that on October 18th, 2017, I caused the attached Motion to Refer to be served via facsimile transmission and by placing the same in the United States Mail, first class and postage prepaid, upon counsel for Defendants at the following address:

Peter T. DeMasters
Flaherty Sensabaugh Bonasso PLLC
48 Donley Street, Suite 501
Morgantown, WV 26501

I further certify that as required by said Trial Court Rule, I also caused a copy of this motion to be served upon the Hon. Derek C. Swope, the circuit judge assigned this action at the following address:

Hon Derek C. Swope, Judge
Circuit Court of Mercer County
Mercer County Courthouse
1501 Main Street, Suite 200
Princeton, WV 24740


William J. Leon