

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

MICHAEL D. HARLOW,  
Plaintiff,

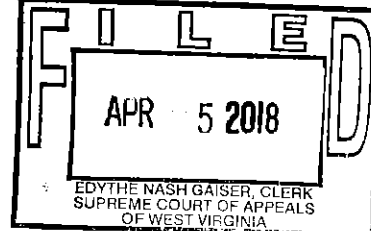
vs.

EASTERN ELECTRIC, LLC,  
Defendant.

TO: THE HONORABLE CHIEF JUSTICE

Nicholas County Circuit Court

Civil Action No. 17-C-149



**MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION**

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Plaintiff, Michael D. Harlow, by and through the undersigned counsel, respectfully requests the above-styled case be referred to the Business Court Division.

In regard to additional related actions:

☒ There are no known related actions.

☐ The following related actions could be the subject of consolidation, and are

☐ now pending

or

☐ may be filed in the future. (Please list case style, number, and Court if any)

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This action involves: (Please check all that apply)

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| <input type="checkbox"/> Breach of Contract;   | <input type="checkbox"/> Internal Affairs of a Commercial Entity;                      |
| <input type="checkbox"/> Sale or Purchase of Commercial Entity;  | <input type="checkbox"/> Trade Secrets and Trademark Infringement;                     |
| <input type="checkbox"/> Sale or Purchase of Commercial Real Estate;                                     | <input type="checkbox"/> Non-compete Agreements;                                       |
| <input type="checkbox"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; | <input type="checkbox"/> Intellectual Property, Securities, Technology Disputes;       |
| <input type="checkbox"/> Terms of a Commercial Lease;  | <input type="checkbox"/> Commercial Torts;   |
| <input type="checkbox"/> Commercial Non-consumer debts;  | <input type="checkbox"/> Insurance Coverage Disputes in Commercial Insurance Policies; |

- |  |  |
|--|--|
| <input type="checkbox"/> Professional Liability Claims in Connection with the Rendering of Professional Services to a Commercial Entity; | <input type="checkbox"/> Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest;                    |
| <input type="checkbox"/> Anti-trust Actions between Commercial Entities;   | <input type="checkbox"/> Shareholders Derivative Claims;   |
| <input type="checkbox"/> Injunctive and Declaratory Relief Between Commercial Entities;  | <input type="checkbox"/> Commercial Bank Transactions;   |
| <input type="checkbox"/> Liability of Shareholders, Directors, Officers, Partners, etc.;   | <input type="checkbox"/> Franchisees/Franchisors;  |
|  | <input type="checkbox"/> Internet, Electronic Commerce and Biotechnology   |
|  | <input type="checkbox"/> Disputes involving Commercial Entities; or  |
|  | <input checked="" type="checkbox"/> Other (Describe) <u>Valuation of distributional interest in a limited liability company.</u> |

In support of this motion, this matter contains issues significant to businesses, and presents novel and/or complex commercial or technological issues for which specialized treatment will be helpful, as more fully described here: This matter requires determination of the fair value of the Defendant as of April 14, 2017, which was the day that the Plaintiff dissociated from the Defendant. The matter will require complex business valuation expertise pursuant to W. Va. Code § 31B-7-701 and 702.

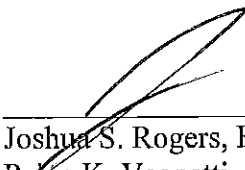
In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the following other documents: The Complaint, Answer, and Docket Sheet are attached hereto. No other documents have been filed in this case to date.

In regard to expedited review, the Movant:

- ☒ DOES NOT request an expedited review under W.Va. Trial Court Rule 29.06(a)(4), and gives notice that all affected parties may file a memorandum stating their position, in accordance with W.Va. Trial Court Rule 29.
- ☐ hereby REQUESTS that the Chief Justice grant this Motion to Refer without responses, pursuant to W.Va. Trial Court Rule 29.06(a)(4), and contends that the following constitutes good cause to do so: \_\_\_\_\_
- \_\_\_\_\_

WHEREFORE, the undersigned hereby MOVES, pursuant to W.Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted, this 3rd day of April, 2018,



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Joshua S. Rogers, Esq. (WVSB # 9928)  
Paige K. Vagnetti, Esq. (WVSB # 12828)  
**DINSMORE & SHOHL LLP**  
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Morgantown, West Virginia 26501  
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*Counsel for Plaintiff*

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vs.

Nicholas County Circuit Court  
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CERTIFICATE OF SERVICE

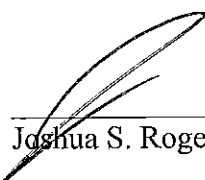
I, Joshua S. Rogers, counsel for the Plaintiff, do hereby certify that on the 3rd day of April, 2018, I served the foregoing "Motion to Refer Case to Business Court Division," with attachments by first class mail to:

Thomas H. Ewing, Esq.  
Kay Casto & Chaney PLLC  
103 Fayette Avenue  
Fayetteville, WV 25840

Senior Status Judge James Rowe  
Nicholas County Courthouse  
700 Main Street  
Summersville, WV 26651

Debbie Facemire, Clerk  
Circuit Court of Nicholas County  
700 Main Street, Suite 5  
Summersville, WV 26651

Business Court Division Central Office  
Berkeley County Judicial Center  
380 West South Street, Suite 2100,  
Martinsburg, WV 25401

  
\_\_\_\_\_  
Joshua S. Rogers