

ADMINISTRATIVE ORDER
SUPREME COURT OF APPEALS OF WEST VIRGINIA

**West Virginia Radio Corporation,
Plaintiff**

vs. Civil Action No. 13-C-468 (Monongalia County)

**West Virginia University Board of Governors,
West Virginia University Foundation, Inc.,
West Virginia Media Holdings, LLC, Andrew A.
Payne, III, David B. Alvarez, Albert Bray Cary, Jr.,
Ralph Ballard, Richard Ballard, Oliver Luck,
James P. Clements, and IMG College, LLC,
Defendants**

The Honorable Thomas C. Evans, III, Judge of the Fifth Judicial Circuit assigned to the above-styled case pursuant to Supreme Court Administrative Order entered on August 6, 2013, has submitted to the Chief Justice of the Supreme Court of Appeals his motion to refer the above-styled case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Each of the parties was afforded an opportunity to respond to the referral request, and it is therefore appropriate to consider the matter under Trial Court Rule 29.06(c)(1).

Upon careful review and consideration of the motion, the Chief Justice has determined that the principal claims in the action are between business entities as required by Trial Court Rule 29.04(a)(1), that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy as required by Trial Court Rule 29.04(a)(2), and the motion to refer should therefore be granted.

It is hereby ORDERED that the motion to refer this case 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 any members of the Business Court Division assigned to this matter by Judge Wilkes are authorized pursuant to Article VIII § 3 of the West Virginia Constitution and TCR 29.07(b) to preside over the above-styled case in Monongalia County.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; to the Honorable Thomas C. Evans, III; and to the Clerk of the Circuit Court of Monongalia County, who is to provide copies of the same to all parties of record

or their counsel.

ENTERED: SEPTEMBER 26, 2013


BRENT D. BENJAMIN
Chief Justice