

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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GRAPHITE INVESTMENTS, LLC

Plaintiff,

v.

Civil Action No. 13-C-1795

JACOBS FINANCIAL GROUP, INC., and  
FIRST SURETY CORPORATION

Defendants.

**RESPONSE OF GRAPHITE INVESTMENTS, LLC TO  
MOTION TO REFER TO THE BUSINESS COURT DIVISION**

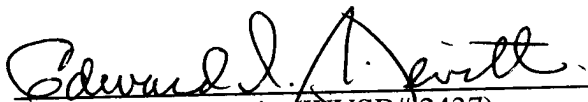
COME NOW, Plaintiff, Graphite Investments, LLC ("Graphite") and, as directed by the Judge of the Circuit Court of Kanawha County, makes its reply to the motion of the Defendants to refer this civil action to the Business Court Division pursuant to W. Va. Code § 51-2-15 and the West Virginia Trial Court Rules.

Graphite states that the civil matter which is the subject of Defendants' Motion is the type of case that would normally be considered for reference to the Business Court Division. However, Graphite, by Counsel, states that in Counsel's experience the Trial Court Judge currently assigned this matter has shown an ability and willingness to handle and dispose of complex business cases in an orderly and timely fashion.

Accordingly, Graphite Investments, LLC prays the Court to deny referral of this civil action to the Business Court Division.

**GRAPHITE INVESTMENTS, LLC**

By Counsel

  
Edward D. McDevitt (WVSB# 2437)  
Patrick C. Timony (WVSB #11717)  
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Charleston, West Virginia 25325-1386  
(304) 347-1100

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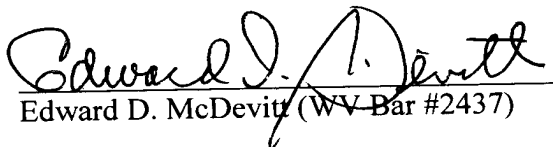
Defendants.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 25th day of November, 2013, I served the foregoing *Response of Graphite Investments, LLC to Motion to Refer to the Business Court Division* on the following counsel via hand delivery:

Honorable Louis H. Bloom  
Circuit Court of Kanawha County  
111 Court Street, 6<sup>th</sup> Floor  
Charleston, WV 25301

Herschel H. Rose III, Esquire  
Rose Law Office  
300 Summers Street  
Suite 1440  
Charleston, WV 25301  
*Counsel for Defendants*

  
Edward D. McDevitt (WV Bar #2437)