

IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA

DOMENICK MARRARA, JR.,
Individually and as co-Trustee of the
Sandra Jean Marrara Trust, SANDRA
JEAN MARRARA, as co-Trustee of the
Sandra Jean Marrara Trust, and
SANDRA JEAN MARRARA TRUST,
Plaintiffs,

vs.

CIVIL ACTION NO. 13-C-198

ROCCO S. MARRARA, JR., individually
and as Trustee of the Mary Jane Marrara Irrevocable
Trust, and as Trustee of the Rocco S. Marrara, Sr. Credit
Shelter Trust, MARY JANE MARRARA
IRREVOCABLE TRUST, ROCCO S. MARRARA, SR.
CREDIT SHELTER TRUST, FIREBIRD CO., D & R
DISTRIBUTORS, INC., and PURE LAND, CO.,
Defendants.

JUDICIAL REQUEST TO REFER CASE TO THE BUSINESS COURT DIVISION

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Honorable Russell M. Clawges, Jr., respectfully requests the above-styled case be referred to the Business Court Division. A motion to refer was filed by the Defendants.

The nature of this action involves: (Please check all that apply)

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

Professional Liability Claims in Connection
with the Rendering of Professional Services
to a Commercial Entity;
Anti-trust Actions between Commercial Entities;
Injunctive and Declaratory Relief Between
Commercial Entities;
☒ Liability of Shareholders, Directors, Officers,
Partners, etc.;
Mergers, Consolidations, Sale of Assets, Issuance
of Debt, Equity and Like Interest;
☒ Shareholders Derivative Claims;
Commercial Bank Transactions;
Franchisees/Franchisors;
Internet, Electronic Commerce and Biotechnology
Disputes involving Commercial Entities; or
Other (Describe)

In support of this request, the above-styled action contains novel and/or complex issues as described below along with the basis for the request. Include attachments as necessary.
Management and dissolution of corporate entities with individuals and trusts as shareholders, corporate governance, malfeasance by corporate officers and shareholders.

The following cases are or may be consolidated or coordinated in the future: (Please list Case Style, Case Number and Current Court Location)

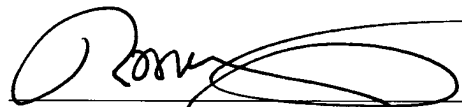
Rocco S. Marrara, Jr. Trustee, et al vs. Firebird Company, et al, Civil Action No. 11-C-225 pending in the Circuit Court of Preston County, West Virginia.

The Clerk shall provide copies of this request to all counsel of record and pro se parties, the Clerk of the Supreme Court of Appeals, and the Business Court Division Central Office, Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, West Virginia 25401.

Respectfully submitted this 5th day of December, 2013.

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WJL
WCB
Rory L. Arry II
Business Court



Judge Russell M. Clawges, Jr.

Entered: December 6, 2013

Patsy Grotte, Clerk

by: Lisa Leichman, Deputy