

IN THE CIRCUIT COURT OF MARION COUNTY, WEST

JOHN J. MENTUS,

Petitioner,

v.

PETITION NO. 15-P-63

FRANK WASHENITZ and
R & W CABLE CO., INC.,
a West Virginia corporation,

Respondents,

and

FRANK WASHENITZ,

Respondent and
Third-Party Plaintiff,

v.

J&J MINE SERVICE LLC,

Third-Party Defendant.

**PETITIONER'S RESPONSE TO MOTION TO REFER
CASE TO BUSINESS COURT DIVISION**

Petitioner in response to respondent Frank Washenitz's motion to refer this action to the Business Court Division states as follows:

(1) Petitioner does not accept or admit all of the assertions set forth in respondent's motion and reserves the right to deny, dispute or take issue with any such assertion set forth in respondent's motion.

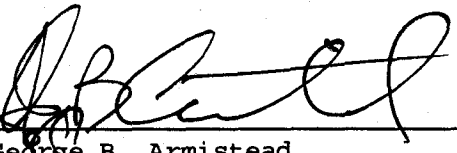
(2) Petitioner does agree that this action involves "business litigation" as defined by West Virginia Trial Court Rule 29.04(a).

(3) Petitioner does not object to the assignment of this matter to the Business Court Division as long as that division has the right to exercise all powers of judicial dissolution granted to the circuit courts of this State in W. Va. Code § 31D-14-1430, et seq.

WHEREFORE, inasmuch as all the shareholders of R&W Cable Co., Inc. (being the individuals who are also party to this action, John J. Mentus and Frank Washenitz) have moved for this Court to appoint a receiver in this matter, petitioner demands that this Court set a hearing to appoint a receiver and delineate any and all powers he may exercise.

JOHN J. MENTUS,
Petitioner

BY COUNSEL

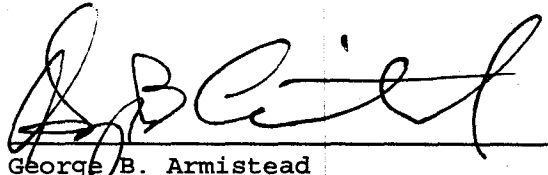

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing
PETITIONER'S RESPONSE TO MOTION TO REFER CASE TO BUSINESS COURT DIVISION was
this day electronically filed with the Clerk of the Court which will send
notification of such filing to counsel of record.

DATED: July 13, 2015


George B. Armistead
Counsel for Petitioner