

**IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**PEOPLES BANK, NATIONAL ASSOCIATION,  
a national banking association,  
Plaintiff,**

**vs.**

**APPALACHIAN MINING AND RECLAMATION,  
LLC, et al.**

**Defendants.**

**Civil Case No.: 15-C-807  
Presiding: Judge Farrell  
Resolution: Judge Young**

2016 FEB -8 PM 12:04

FILED

**ORDER ASSIGNING PRESIDING AND RESOLUTION JUDGE TO CASE**

On February 4, 2016, Chief Justice Menis E. Ketchum entered an Administrative Order granting a Motion to Refer the above-styled case to the Business Court Division. Pursuant to West Virginia Trial Court Rule 29.07(a), "[a]n order from the Chief Justice granting a Motion to Refer is a transfer of Business Litigation to the Division.

As required by Trial Court Rule 29.07(a), the Division Chair, with the advice and consent of the Division, hereby assigns the Honorable Paul T. Farrell to serve as the presiding judge in the above-styled case.

The Division Chair further assigns the Honorable James H. Young, Jr. to serve as the Resolution Judge in the above-styled action.

The Clerk of the Circuit Court of Cabell County, West Virginia shall forward a certified copy of this order to all counsel of record, any pro se parties and the following:

**(Presiding Judge)**

The Honorable Paul T. Farrell, Judge  
Cabell County Courthouse  
750 Fifth Avenue  
Huntington, WV 25701

**(Resolution Judge)**

The Honorable James H. Young, Jr., Judge  
Wayne County Courthouse  
P.O. Box 68  
Wayne, WV 25570

Rory L. Perry II, Clerk  
West Virginia Supreme Court of Appeals  
State Capitol Rm E-317  
1900 Kanawha Blvd. East  
Charleston WV 25305

Carol A. Miller, Executive Director  
Business Court Division  
Berkeley County Judicial Center  
380 W. South Street, Ste. 2100  
Martinsburg, West Virginia 25401

Enter: February 8, 2016

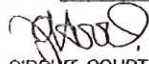


**CHRISTOPHER C. WILKES, CHAIR  
BUSINESS COURT DIVISION**

STATE OF WEST VIRGINIA  
COUNTY OF CABELL

I, JEFFREY E. HOOD, CLERK OF THE CIRCUIT  
COURT FOR THE COUNTY AND STATE AFORESAID  
DO HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE COPY FROM THE RECORDS OF SAID COURT  
ENTERED ON \_\_\_\_\_

GIVEN UNDER MY HAND AND SEAL OF SAID COURT  
THIS FEB 8 2016

 CLERK  
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA



ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Peoples Bank, National Association,  
a national banking association,  
Plaintiff

v. No. 15-C-807 (Cabell County)

Appalachian Mining and Reclamation, L.L.C.,  
a Kentucky limited liability company, DJWV2, LLC,  
a West Virginia limited liability company, Green Coal, LLC,  
a Kentucky limited liability company, Joint Venture  
Development, LLC, a Kentucky limited liability company,  
Producer's Coal, Inc., a Kentucky corporation, formerly  
known as Producer's Dock, Inc., Producer's Land, LLC,  
a Kentucky limited liability company, Redbud Dock, LLC,  
a Kentucky limited liability company, Southern Marine  
Services Limited Liability Company, a Kentucky limited  
liability company, Southern Marine Terminal, LLC, a Kentucky  
limited liability company, Denise Dawn Johnson, Trustee of  
the Denise Johnson Real Estate Trust, Dennis Johnson,  
a West Virginia resident, and Mark Pinson, a West Virginia resident,  
Defendants

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Peoples Bank, National Association, by counsel, Julia A. Chincheck, Stuart A. McMillan, Daniel J. Cohn, and the law firm of Bowles Rice LLP, has filed a motion to refer the above-styled action to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR").

Upon careful review and consideration of the motion, the Chief Justice has determined that the principal claims in the action involve matters of significance to the transactions, operations, or governance between business entities as required by TCR 29.04(a)(1). The mere fact that the action involves individuals does not, of itself, exclude the case from eligibility. The Chief Justice has further determined that specialized treatment is likely to improve the expectation of a fair and reasonable resolution of the controversy as required by TCR 29.04(a)(2), and the motion to refer should therefore be granted.

It is hereby ORDERED that the motion to refer this action 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 a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable Christopher D. Chiles, Chief Judge of the Sixth Judicial Circuit; and to the Clerk of the Circuit Court of Cabell County, who is to provide copies of the same to all parties of record or their counsel.

STATE OF WEST VIRGINIA  
COUNTY OF CABELL

I, JEFFREY E. KETCHUM, CLERK, do hereby certify that the foregoing is a true copy from the records of said court entered on

GIVEN UNDER MY HAND AND SEAL OF SAID COURT  
THIS

CLERK  
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

MENIS E. KETCHUM  
Chief Justice

JEFFREY E. KETCHUM  
CLERK  
CIRCUIT COURT  
CABELL COUNTY  
WEST VIRGINIA

2016 FEB 4 PM 1:57

FILED