

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

J. F. Allen Corporation,
a West Virginia Corporation,
Plaintiff

v. Civil Action No. 14-C-1182 (Kanawha County)

The Sanitary Board of the City of
Charleston, West Virginia, and
Burgess and Niple, Inc.,
an Ohio Corporation,
Defendants

The above-styled civil action was referred to the Business Court Division by Supreme Court Administrative Order entered on June 21, 2016. On June 28, 2016, the Business Court Division assigned the Honorable Joanna I. Tabit, Judge of the Thirteenth Judicial Circuit and a member of the Business Court Division, to serve as the presiding judge in this matter.

By letter dated February 27, 2019, Judge Tabit advised the Chief Justice of the Supreme Court of Appeals that she presided over all proceedings in the above-styled civil action including the trial and post-trial motions and that she recently ordered a new trial solely on the issue of damages.

Plaintiff J. F. Allen Corporation, by counsel, Charles M. Johnstone, II, Johnson W. Gabhart, and the law firm of Johnstone & Gabhart, LLP; Defendant The Sanitary Board of the City of Charleston, West Virginia, by counsel, David A. Barnette, Vivian H. Basdekis, and the law firm of Jackson Kelly, PLLC; and Defendant Burgess and Niple, Inc., by counsel, Peter T. DeMasters and the law firm of Flaherty Sensabaugh Bonasso PLLC, have filed a joint motion to remove the above-styled civil action from the Business Court Division and return this action to the Circuit Court of Kanawha County.


Upon careful review and consideration of the joint motion, under these unique set of circumstances, the Chief Justice has determined that the joint motion is warranted.

It is hereby ORDERED that the joint motion to remove the above-styled civil action from the Business Court Division and return this action to the Circuit Court of Kanawha County is granted.

It is further ORDERED that the above-styled civil action is hereby transferred from the Business Court Division to the Circuit Court of Kanawha County.

It is further ORDERED that a copy of this ORDER be transmitted to the Honorable Michael D. Lorensen, Chair of the Business Court Division; Central Office of the Business Court Division; the Honorable Joanna I. Tabit, Chief Judge of the Thirteenth Judicial Circuit; and to the Clerk of the Circuit Court of Kanawha County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: MARCH 8, 2019



ELIZABETH D. WALKER
Chief Justice