

FILED
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

BLACKJEWEL L.L.C., a Delaware
Limited liability company,

Plaintiff,

v.

2019 MAY -1 PM 1:29
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Civil Action No. 19-C-74
Hon. Tod J. Kaufman, Judge

NATIONS EQUIPMENT FINANCE, LLC,
A Delaware limited liability company,
MATTHEW LIGHTFOOT, an individual,
And RANDY HICKS, an individual,

Defendants.

**BLACKJEWEL L.L.C.'s MOTION IN OPPOSITION TO REFERRAL TO BUSINESS
COURT**

COMES NOW Plaintiff, Blackjewel L.L.C. ("Blackjewel"), by Counsel and opposes Defendants' Motion to Refer to the Business Court Division. In accordance with Trial Court Rule 29.01, the Plaintiff states that (a) there are counts within the original complaint which fall outside of the parameters of Business Court purpose and that (b) the disputes do not present commercial and/or technological issues in which specialized treatment is likely to improve the expectation of fair and reasonable resolution. In further support of this, Plaintiff states as follows.

This matter arises from, at best, a negligent act on behalf of Nations Equipment Finance, LLC in falling for an "imposter" e-mail returning funds to an unknown third party; and at worst, an intentional act solely to subvert funds of Blackjewel L.L.C. The latter falls outside of the scope of the Business Court's purpose and the former would not be aided with specialized treatment. This matter does not rise to the level of highly specialized or highly technical that requires specialized knowledge or expertise in the subject matter

9-10

(Trial Court Rule 29.04 (a)(2)). As such, Blackjewel L.L.C. opposes the motion for referral to Business Court.

WHEREFORE for the foregoing reasons, Blackjewel opposes Defendants' Motion to Refer this matter to business court and respectfully requests that the matter remain before the Honorable Tod Kaufman in Kanawha County, West Virginia, who is more than capable of handling this matter fairly.

Respectfully Submitted,
Blackjewel L.L.C.,
By Counsel,

A handwritten signature in black ink, appearing to read 'Eric T. Frye', with a long horizontal flourish extending to the right.

Eric T. Frye (WVSB #10770)
General Counsel, Blackjewel L.L.C.
1051 Main Street
Milton, WV 25541
(Eric.Frye@blackjewel.us)
(304) 390-5962 direct
(304) 390-5975 facsimile

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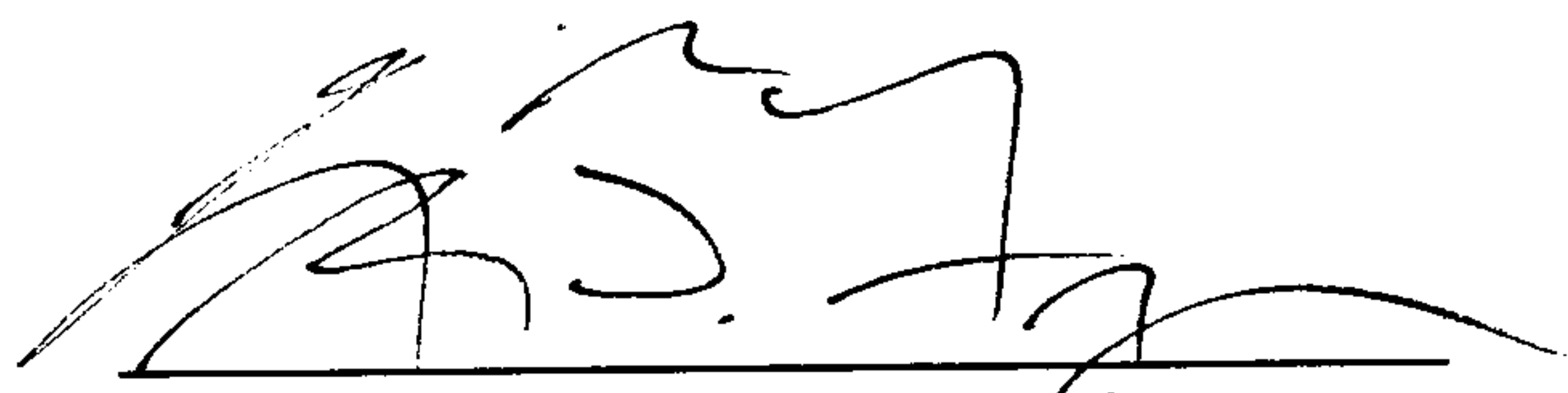
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CERTIFICATE OF SERVICE

I, the undersigned Counsel, do hereby certify that on this the 29th day of April 2019, I served the foregoing Motion in Opposition on all counsel of record, addressed below, via USPS First Class Mail.

William R. Slicer, Esq. (WVBN 5177)
Shuman, McCuskey & Slicer, PLLC
1411 Virginia Street, East, Suite 200
Post Office Box 3953
Charleston, WV 25339-3953


Eric T. Frye (WVSB #10770)