

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Swope Construction Company,
Plaintiff**

vs. Civil Action No. 16-C-87-S (McDowell)

**McDowell County Board of Education;
Mountaineer Contractors, Inc.; E.T. Boggess,
Architect, Inc.; ZMM, Inc.; Potesta &
Associates, Inc.; and The Thrasher Group, Inc.,
Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Defendants E.T. Boggess, Architect, Inc., by counsel, Robert H. Sweeney Jr. and the law firm of Jenkins Fenstermaker, PLLC; ZMM, Inc., by counsel, John B. Cromer and the law firm of Burke Cromer Cremonese, LLC; Potesta & Associates, Inc., by counsel, Samuel H. Simon and the law firm of Houston Harbaugh, P.C.; and The Thrasher Group, Inc., by counsel, Chad L. Taylor and the law firm of Simmerman Law Office, PLLC, have filed a joint motion to refer the above-referenced case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules. Defendant Mountaineer Contractors, Inc., by counsel, Debra A. Bowers, Matthew D. Elshiaty, and the law firm of Kay Casto & Chaney PLLC, filed a motion in support of the co-defendants' motion to refer. Plaintiff Swope Construction Company, by counsel, C. William Davis, and the law firm of Richardson & Davis, PLLC, filed a response in opposition to the motion to refer.

Upon careful review and consideration of the motions and the response thereto, the Chief Justice has determined that this dispute does not require specialized treatment to improve the expectation of a fair and reasonable resolution, and therefore, this case does not meet the criteria for referral under Rule 29.04(a)(2) of the West Virginia Trial Court Rules.

It is hereby ORDERED that the motion to refer this case to the Business Court Division is DENIED and that a copy of this order be transmitted to the Honorable Christopher C. Wilkes, Chair of the Business Court Division; to the Central Office of the Business Court Division; to the Honorable Booker T. Stephens, Judge of the Eighth Judicial Circuit; and to the Clerk of the Circuit Court of McDowell County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: DECEMBER 21, 2016



MENIS E. KETCHUM
Chief Justice