

**ADMINISTRATIVE ORDER
SUPREME COURT OF APPEALS OF WEST VIRGINIA**

PHILIP “MARK” FETTY and
PAULA N. FETTY,
Plaintiffs

vs.

Harrison County Civil Action No. CC-17-2023-C-167
Supreme Court Docket No. 23-660

BENEDUM AIRPORT AUTHORITY,
WOLFE’S EXCAVATING, LLC,
THE THRASHER GROUP, INC., and
JOHN DOE PERSONS AND/OR ENTITIES,
Defendants

ORDER GRANTING REFERRAL

On November 16, 2023, the Honorable Thomas A. Bedell, filed a judicial motion to refer this case to the Business Court Division in accordance with Rule 29 of the West Virginia Trial Court Rules (“TCR”). On December 5, 2023, the plaintiffs, by counsel Chad C. Groome, John R. Angotti, and David J. Straface, Angotti & Straface, LC, and the defendants, by counsel Teresa J. Dumire and Margaret E. Lewis, Kay Casto & Chaney PLLC; J. Mark Adkins, Unaiza R. Tyree, and Zachary J. Rosencrance, Bowles Rice LLP; and George N. Stewart and Matthew G. Breneman, Zimmer Kunz, PLLC, filed a joint response in support of the motion to refer.

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), and 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). The fact that the action involves individuals does not, of itself, exclude the case from eligibility.

It is ORDERED that the motion to refer this action to the Business Court Division is GRANTED.

The Clerk of Court shall provide a copy of this order to the Honorable Michael D. Lorensen, 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; to the Central Office of the Business Court Division, to the Honorable Thomas A. Bedell, Judge of the Circuit Court of Harrison County, and to the Clerk of the Circuit Court of Harrison County.

ENTERED: DECEMBER 6, 2023



A handwritten signature in dark ink, appearing to read "Elizabeth D. Walker", is written over a horizontal line.

ELIZABETH D. WALKER
Chief Justice