

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

SCA EFiled: Mar 11 2024  
VLS-PMD  
Transaction ID 72481851

JANIS LECKENBUSCH, individually and  
on behalf of all similarly situated,  
Plaintiff

vs.

**Harrison County Civil Action No. CC-17-2023-C-267**  
**Supreme Court Docket No. 24-80**

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

**CORRECTED ORDER GRANTING REFERRAL**

On February 12, 2024, the Honorable Christopher J. McCarthy, Judge for the Fifteenth Judicial Circuit, 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 February 14, 2024, the plaintiff Janis Leckenbusch, by counsel William M. Tiano, Tiano O'Dell, and Thomas G. Dyer, Dyer Law; the defendant Wolfe's Excavating, LLC, by counsel Teresa J. Dumire, Kay Casto & Chaney PLLC; the defendant Thrasher Group, Inc., by counsel J. Mark Adkins, Bowles Rice LLP; and the defendant Benedum Airport Authority, by counsel George N. Stewart, Zimmer Kunz, PLLC, filed a joint response of all parties in support of the judicial motion to refer.

Upon careful review and consideration of the motion and the response, 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 Christopher J. McCarthy, Judge of the Circuit Court of Harrison County, and to the Clerk of the Circuit Court of Harrison County.

ENTERED: MARCH 8, 2024



  
TIM ARMSTEAD  
Chief Justice