

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Soaring Eagle Lodge Master Association, Inc.,
a West Virginia non-profit corporation; and
Soaring Eagle Lodge Association, Inc., a West
Virginia non-profit corporation,
Plaintiffs**

vs.) Civil Action No. 15-C-2202 (Kanawha County)

**Soaring Eagle Development Company, LLC,
a West Virginia limited liability company;
GBBN Architects, Inc., an Ohio corporation;
and Branch & Associates, Inc., a Virginia corporation,
Defendants**

and

**Branch & Associates, Inc., a Virginia corporation,
Third-Party Plaintiff**

vs.)

**Applied Mechanical Systems, Inc., a West Virginia
Corporation; Eastcoast Siding, Inc., a Maryland
Corporation; Richardson and March Carpentry, LLC, a
West Virginia limited liability company; and Tri-State
Roofing & Sheet Metal Company of West Virginia, a
West Virginia corporation,
Third-Party Defendants**

and

**Soaring Eagle Development Company, LLC, a
West Virginia limited liability company,
Third Party Plaintiff**

vs.)

**Tri-State Roofing & Sheet Metal Company of
West Virginia, a/k/a Tri-State Roofing & Sheet
Metal Co., a West Virginia corporation; Applied
Mechanical Systems, Inc., an Ohio corporation;
Richardson and March Carpentry, LLC, a West
Virginia limited liability company; Richardson
Carpentry, LLC, a West Virginia limited company;
and Eastcoast Siding, Inc., a Maryland corporation,
Third-Party Defendants**


The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiffs Soaring Eagle Lodge Master Association, Inc. and Soaring Eagle Lodge Association, Inc., by counsel, J. Michael Benninger and Benninger Law, PLLC; Defendant and Third-Party Plaintiff Soaring Eagle Development Company, LLC, by counsel, John L. MacCorkle, Carrie A. Dysart, and the law firm of MacCorkle Lavender PLLC, and Shawn P. George and the law firm of George & Lorensen, PLLC; Defendant GBBN Architects, Inc., by counsel, Stephen F. Gandee and the law firm of Robinson & McElwee, PLLC; Defendant and Third-Party Plaintiff Branch & Associates, Inc., by counsel, Edgar A. Poe Jr., Anna F. Ballard, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC; Third-Party Defendant Tri-State Roofing & Sheet Metal Company of West Virginia, by counsel, Robert H. Sweeney Jr., Michael A. Frye, and the law firm of Jenkins, Fenstermaker, PLLC; Third-Party Defendant Richardson and March Carpentry, LLC, by counsel, Margaret L. Miner, David L. T. Butler, and the law firm of Shuman, McCuskey & Slicer, PLLC; and Third-Party Defendant Applied Mechanical Systems, Inc., by counsel, Ronald Hatfield Jr. and the law firm of Litchfield Cavo LLP, 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.

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). The Chief Justice has further determined 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), and the motion to refer should therefore be granted.

It is hereby ORDERED that the motion to refer this action to the Business Court Division is granted, and this order shall be transmitted to the Honorable Christopher C. Wilkes, 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.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable Louis H. Bloom, 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: APRIL 4, 2017


ALLEN H. LOUGHRY II
Chief Justice