

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s),

vs.

\_\_\_\_\_ County Circuit Court  
Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant(s).

**TO: THE HONORABLE CHIEF JUSTICE**

**MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION**

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the \_\_\_\_\_(party),  
by counsel, \_\_\_\_\_, Esq., respectfully requests the above-styled case  
be referred to the Business Court Division.

In regard to additional related actions:

- There are no known related actions.
- The following related actions could be the subject of consolidation, and are
  - now pending
  - or
  - may be filed in the future. (Please list case style, number, and Court if any)

\_\_\_\_\_  
\_\_\_\_\_

This action involves: (Please check all that apply)

- |                                                                                                          |                                                                                  |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Breach of Contract;                                                             | <input type="checkbox"/> Commercial Non-consumer debts;                          |
| <input type="checkbox"/> Sale or Purchase of Commercial Entity;                                          | <input type="checkbox"/> Internal Affairs of a Commercial Entity;                |
| <input type="checkbox"/> Sale or Purchase of Commercial Real Estate;                                     | <input type="checkbox"/> Trade Secrets and Trademark Infringement;               |
| <input type="checkbox"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; | <input type="checkbox"/> Non-compete Agreements;                                 |
| <input type="checkbox"/> Terms of a Commercial Lease;                                                    | <input type="checkbox"/> Intellectual Property, Securities, Technology Disputes; |
|                                                                                                          | <input type="checkbox"/> Commercial Torts;                                       |

(continued on next)

- |                                                                                                                                          |                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Insurance Coverage Disputes in Commercial Insurance Policies;                                                   | <input type="checkbox"/> Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest; |
| <input type="checkbox"/> Professional Liability Claims in Connection with the Rendering of Professional Services to a Commercial Entity; | <input type="checkbox"/> Shareholders Derivative Claims;                                                      |
| <input type="checkbox"/> Anti-trust Actions between Commercial Entities;                                                                 | <input type="checkbox"/> Commercial Bank Transactions;                                                        |
| <input type="checkbox"/> Injunctive and Declaratory Relief Between Commercial Entities;                                                  | <input type="checkbox"/> Franchisees/Franchisors;                                                             |
| <input type="checkbox"/> Liability of Shareholders, Directors, Officers, Partners, etc.;                                                 | <input type="checkbox"/> Internet, Electronic Commerce and Biotechnology                                      |
|                                                                                                                                          | <input type="checkbox"/> Disputes involving Commercial Entities; or                                           |
|                                                                                                                                          | <input type="checkbox"/> Other (Describe) _____<br>_____                                                      |

In support of this motion, this matter contains issues significant to businesses, and presents novel and/or complex commercial or technological issues for which specialized treatment will be helpful, as more fully described here: \_\_\_\_\_

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In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the following other documents: \_\_\_\_\_

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In regard to expedited review, the Movant:

- DOES NOT request an expedited review under W.Va. Trial Court Rule 29.06(a)(4), and gives notice that all affected parties may file a memorandum stating their position, in accordance with W.Va. Trial Court Rule 29.
- hereby REQUESTS that the Chief Justice grant this Motion to Refer without responses, pursuant to W.Va. Trial Court Rule 29.06(a)(4), and contends that the following constitutes good cause to do so: \_\_\_\_\_

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WHEREFORE, the undersigned hereby MOVES, pursuant to W.Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, do hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I have served the foregoing "Motion to Refer Case to Business Court Division," with attachments by either hand delivery or first class mail to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ ; the \_\_\_\_\_ County Circuit Clerk's Office; and the Business Court Division Central Office, Berkeley County Judicial Center, 380 West South Street, Suite 2100, Martinsburg, WV 25401.

\_\_\_\_\_  
Sender Signature