

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



COVESTRO,  
Plaintiff,

vs.

ALLTRANSTEK, LLC, et al.  
Defendants,

Marshall County Circuit Court  
Civil Action No. 18-C-202  
Hon. David W. Hummel, Jr., Judge

and

AXIALL CORPORATION,  
Plaintiff,

vs.

ALLTRANSTEK, LLC, et al.  
Defendants.

Marshall County Circuit Court  
Civil Action No. 18-C-203  
Hon. David W. Hummel, Jr., Judge

JOSEPH M. RUCKI

2019 MAR -1 PM 3:51

FILED

TO: THE HONORABLE CHIEF JUSTICE

JUDICIAL MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Hon. David W. Hummel, Jr., Judge, 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)

- Breach of Contract;
- Sale or Purchase of Commercial Entity;
- Sale or Purchase of Commercial Real Estate;
- Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code;
- Terms of a Commercial Lease;

(continued on next)

- Commercial Non-consumer debts;
- Internal Affairs of a Commercial Entity;
- Trade Secrets and Trademark Infringement;
- Non-compete Agreements;
- Intellectual Property, Securities, Technology Disputes;
- Commercial Torts;
- Insurance Coverage Disputes in Commercial Insurance Policies;
- Professional Liability Claims in Connection with the Rendering of Professional Services to a Commercial Entity;
- Anti-trust Actions between Commercial Entities;
- Injunctive and Declaratory Relief Between Commercial Entities;
- Liability of Shareholders, Directors, Officers, Partners, etc.;
- Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest;
- Shareholders Derivative Claims;
- Commercial Bank Transactions;
- Franchisees/Franchisors;
- Internet, Electronic Commerce and Biotechnology
- Disputes involving Commercial Entities; or
- Other (Describe) \_\_\_\_\_

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. This case involves a dispute concerning a chlorine leak at the Axiall facility in Marshall County, West Virginia. The case will involve advanced chemical reactions and processes, and will take an understanding of the specialized sale of chemicals, detailed business agreements and contract arrangements surrounding the use, productions and transportation of hazardous chemicals, that will involve, the risk of loss and necessary training required in safe handling and use the chemicals or possible abatement of accidentally discharged chemicals, the division of responsibility among the personnel involved, could be helpful to reaching a fair and equitable resolution of the parties' dispute.

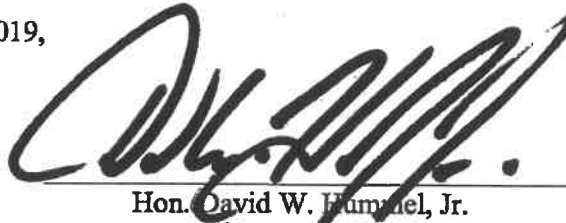
In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the Order consolidating.

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: N/A.

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.

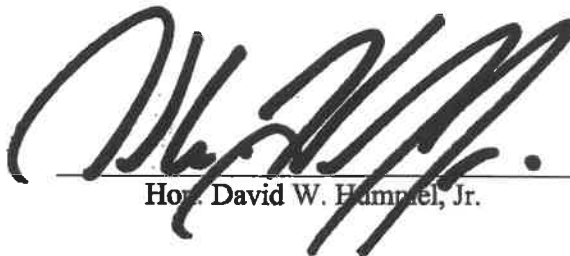
Respectfully submitted, March 1st, 2019,



Hon. David W. Hummel, Jr.  
Circuit Court Judge  
600 Seventh Street  
Moundsville, WV 26041

CERTIFICATE OF SERVICE

I, Hon. David W. Hummel, Jr, do hereby certify that on this 1st day of March, 2019, have served the foregoing "Judicial Motion to Refer Case to Business Court Division," with attachments by either hand delivery or first class mail to all counsel of record; the Marshall 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.



Hon. David W. Hummel, Jr.