

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Covestro, LLC,
Plaintiff**

vs.) Civil Action No. 18-C-202 (Marshall County)

**Axiall Corporation, Alltranstek, LLC,
and Rescar Companies,
Defendants**

and

**Axiall Corporation,
Third-Party Plaintiff**

vs.

**Superheat FGH Services, Inc.,
Third-Party Defendant**

and

**Axiall Corporation,
Plaintiff**

vs.) Civil Action No. 18-C-203 (Marshall County)

**Alltranstek, LLC, Rescar Companies,
and Superheat FGH Services, Inc.,
Defendants**


The Chief Justice of the Supreme Court of Appeals has been advised that the Honorable David W. Hummel, Jr., Judge of the Second Judicial Circuit, has filed a motion to refer the above-referenced consolidated actions to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules ("TCR"). Axiall Corporation, by counsel, Kathryn M. Kenyon, Russell J. Ober, Jr., Chad I. Michaelson, Antoinette C. Oliver, and the law firm of Meyer, Unkovic & Scott LLP; Bradley M. Whalen and the law firm of Porter Hedges LLP; William D. Wilmoth & the law firm of Steptoe & Johnson, PLLC; and Jeffrey V. Kessler and the law firm of Berry, Kessler, Crutchfield, Taylor & Gordon, filed a response in opposition to the motion to refer. Covestro, LLC, by counsel, Kevin M. Eddy and the law firm of Blank Rome LLP, filed a reply to Axiall Corporation's response.

Upon careful review and consideration of the motion to refer, the response thereto, and the reply, the Chief Justice has determined that the principal claims in the actions 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 these actions to the Business Court Division is granted, and this order shall be transmitted 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.

It is further ORDERED that a copy of this ORDER be transmitted to the Central Office of the Business Court Division; the Honorable David W. Hummel, Jr., Judge of the Second Judicial Circuit; and to the Clerk of the Circuit Court of Marshall County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: MAY 22, 2019



ELIZABETH D. WALKER
Chief Justice