

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

**Highmark West Virginia Inc.,
Plaintiff**

vs.) **Civil Action No. 18-C-271 (Wood County)**

**MedTest Laboratories, LLC, Brice
and/or Billy Taylor, Muhammad
Amjad, Ph.D., Michael Chen, Ph.D.,
James Taylor, and Vitas Laboratory LLC,
Defendants**

and

**MedTest Laboratories, LLC,
Counterclaim-Plaintiff**

vs.)

**Highmark West Virginia Inc., et al.,
Counterclaim and Third-Party Defendants**

The Chief Justice of the Supreme Court of Appeals has been advised that Plaintiff Highmark West Virginia Inc., by counsel, Stuart A. McMillan, Peter G. Markham, Gabriele Wohl, and the law firm of Bowles Rice LLP, has filed a motion to refer the above-referenced case to the Business Court Division pursuant to Rule 29 of the West Virginia Trial Court Rules (“TCR”).

Defendants MedTest Laboratories, LLC, Brice Taylor, Billy Taylor, Muhammad Amjad, Ph.D., Michael Chen, Ph.D., James Taylor, and Vitas Laboratory, LLC, by counsel, Benjamin L. Bailey, Raymond S. Franks II, and the law firm of Bailey & Glasser LLP, and Joe R. Whatley, Jr., Edith M. Kallas, Patrick J. Sheehan, Sara Hacker Collins, and the law firm of Whatley Kallas, LLP, filed a response advising that they do not oppose the motion for referral. A Joinder of Certain Third Party Defendants in Motion to Refer Action to the Business Court Division was filed by counsel, Thomas J. Hurney, Jr., Laurie M. Miller, Chelsea Creta, and the law firm of Jackson Kelly PLLC, and Covert J. Geary, Michael C. Drew, Tyler J. Rench, Michael O’Brien, and the law firm of Jones Walker LLP, on behalf of certain third-party defendants named therein.

Upon careful review and consideration of the motion to refer, the response thereto, and the joinder on behalf of certain third-party defendants, 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 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 Robert A. Waters, Judge of the Fourth Judicial Circuit; and to the Clerk of the Circuit Court of Wood County, who is to provide copies of the same to all parties of record or their counsel.

ENTERED: JULY 17, 2019



ELIZABETH D. WALKER
Chief Justice