

# WEST VIRGINIA UNCONSCIONABLE CONTRACT



**M**ark A. Kepple, Member of the Wheeling Office, was successful in the matter of Horizon Ventures of West Virginia, Inc., a West Virginia Corporation, v. American Bituminous Power Partners, L.P., No. 19-0171 (January 2021). Kepple successfully argued on behalf of Horizon that the lower court erred in finding that a contract between Horizon and American Bituminous was unconscionable without finding both procedural and substantive unconscionability. Horizon's position was adopted by the court and the lower court reversed. Mark Kepple argued the case and Benjamin Visnic provided research support and moot court preparation assistance.



**MARK KEPPLER**

304.233.3100  
[mkepple@baileywyant.com](mailto:mkepple@baileywyant.com)