



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**IN RE: ASBESTOS PERSONAL
INJURY LITIGATION**

**CIVIL ACTION NO.: 02-C-9500
Honorable James P. Mazzone**

THIS DOCUMENT APPLIES TO:

**DONALD R. SOWARDS *and*
WILMA L. SOWARDS, *his wife***

Plaintiffs,

v. (Circuit Court of Kanawha County, W.Va., Civil Action No. 17-C-1242 KAN FELA)

CSX TRANSPORTATION, INC.

Defendant.

AGREED ORDER OF VOLUNTARY DISMISSAL

This day came the plaintiffs by their counsel Leif J. Ocheltree of Goldberg Persky & White, P.C. and Scott S. Segal of The Segal Law Firm and came defendant CSX Transportation, Inc. ("CSXT") by its counsel Luke A. Lafferre of Dinsmore & Shohl LLP and jointly moved the Court, pursuant to Rule 41(a)(2) of the West Virginia Rules of Civil Procedure, to dismiss, *without prejudice*, the claims of the plaintiffs against defendant CSX Transportation, Inc..

WHEREUPON, the Court, perceiving no objection thereto, hereby **ORDERS** that the claims against defendant CSX Transportation, Inc. be, and the same hereby are, dismissed from the docket of this Court *without prejudice*, with the parties each bearing their own costs of suit and attorney's fees. The Court further **ORDERS** that the voluntary dismissal of the claims of the plaintiffs against defendant CSX Transportation, Inc. shall not affect the claims asserted by the plaintiffs against any other defendant in this action. Therefore, this action shall remain on the docket of the Court as to other said defendants and is dismissed only as to defendant CSX Transportation, Inc.

Granted Judge James P. Mazzone Dec 11, 2017

It is further **ORDERED** that the Clerk of the Court shall remove the above-styled cause of action from the docket as to defendant CSX Transportation, Inc. and that the Clerk of the Court is directed to send copies of this order to all counsel of record.

ENTERED this _____ day of _____, 2017.

Honorable James P. Mazzone, Judge

Prepared By:

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Approved By:

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Counsel for Plaintiffs,

**DONALD R. SOWARDS and
WILMA L. SOWARDS, his wife**

This document constitutes a ruling of the court and should be treated as such.

Court: WV Kanawha County Circuit Court

Judge: James P Mazzone

File & Serve

Transaction ID: 61374348

Current Date: Dec 12, 2017

Case Number: 17-C-1242 KAN FELA

Case Name: Sowards, Donald R vs 20th Century Glove Corp et al

Court Authorizer: James P Mazzone

/s/ Judge James P Mazzone