



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

Civil Action No. 16-C-7000

THIS DOCUMENT APPLIES TO:

**CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, INC.,**

Plaintiff,

v.

Civil Action No. 15-C-1022 KAN

TRIAD ENGINEERING, INC., et al.

Defendants.

AGREED PARTIAL DISMISSAL ORDER

This day came the Plaintiff and Defendants Triad Engineering, Inc., Westfield Insurance Company, and Cincinnati Insurance Company, by their respective counsel, and represented to the Court that all matters in controversy between the Plaintiffs and these Defendants have been fully settled, compromised, and agreed. Counsel for the parties jointly moved that all of the Plaintiff's claims against Triad Engineering, Inc., Westfield Insurance Company, and Cincinnati Insurance Company in this civil action be dismissed with prejudice to the Plaintiff, and also jointly moved that Triad Engineering, Inc.'s Counterclaim against the Plaintiff and Westfield's Cross-Claim against Cincinnati Insurance Company be dismissed with prejudice. Triad Engineering, Inc. has not dismissed and specifically preserves its express indemnity cross-claim against Cast & Baker Corporation and Triad Engineering, Inc. and Westfield Insurance Company have not dismissed and specifically preserve their Cross-Claims against The Travelers Indemnity Company, which remain pending. The Plaintiff likewise is preserving and pursuing its claims against all of the other Defendants not specifically dismissed herein, which remain pending.

It appears to the Court that all claims alleged by the Plaintiff against Triad Engineering, Inc., Westfield Insurance Company, and Cincinnati Insurance Company and the Counterclaim

raised by Triad Engineering, Inc. against the Plaintiff and Westfield Insurance Company's Cross-Claim against Cincinnati Insurance Company in this civil action have been settled, compromised, and agreed.

It is, accordingly, ORDERED that all claims alleged by the Plaintiff against Triad Engineering, Inc., Westfield Insurance Company, and Cincinnati Insurance Company, the Counterclaim raised by Triad Engineering, Inc. against the Plaintiff, and the Cross-Claim raised by Westfield Insurance Company against Cincinnati Insurance Company in this action be, and the same hereby are dismissed, with prejudice. Furthermore, Cincinnati Insurance Company shall be removed as a party to this action. Triad Engineering, Inc., and Westfield Insurance Company shall remain parties to this action only insofar as they continue to prosecute cross-claims against Cast & Baker Corporation and The Travelers Indemnity Company. The Plaintiff's claims against the other Defendants in this case are unaffected by this Order, and such claims remain pending.

Furthermore, based on the representations of the Plaintiff and Triad Engineering, Inc., by their counsel, the Court finds that the settlement in this matter between the Plaintiff and Triad Engineering, Inc. is a "good faith settlement," and therefore the Court hereby ORDERS that any and all cross-claims that have been alleged against Defendant Triad Engineering, Inc. in this civil action are also hereby dismissed, with prejudice.

This civil action shall remain on the docket, pending the further Order of the Court.

It is so ORDERED.

ENTER: January 24, 2019.

/s/ Derek C. Swope
Lead Presiding Judge
Yeager Airport Litigation

JOINTLY PRESENTED BY:

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