



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.,
a West Virginia corporation,
Plaintiff,**

v.

Civil Action No. 15-C-1022 KAN

**TRIAD ENGINEERING, INC., et al.,
Defendants.**

**ORDER DENYING “CAST & BAKER CORPORATION’S MOTION TO
CONVERT ITS CROSS-CLAIM AGAINST TRIAD INTO A COUNTERCLAIM”**

On February 8, 2019, this case came on for hearing on “Cast & Baker Corporation’s Motion to Convert its Cross-Claim Against Triad Into a Counterclaim,” (Transaction ID 62916080) with Defendant Cast & Baker appearing by its counsel, Michael P. Markins and Defendant Triad Engineering appearing by its counsel, John C. Palmer IV and Teresa J. Dumire.

The Court, having heard the arguments of counsel, having reviewed “Triad’s Response in Opposition to ‘Cast & Baker Corporation’s Motion to Convert its Cross-claim Against Triad Into a Counterclaim,’” (Transaction ID 62929916) and being fully advised, is of the opinion that Cast & Baker’s motion should be denied because Cast & Baker’s cross-claim against Triad was dismissed by the Agreed Partial Dismissal Order entered January 24, 2019, prior to the filing of Cast & Baker’s motion, and because the Court does not believe that there is a basis for converting Cast & Baker’s former cross-claim into a counterclaim. The Court does, accordingly,

ORDER that Cast & Baker Corporation’s Motion to Convert Its Cross-claim Against Triad into a Counterclaim be, and it is hereby denied.

All objections of Cast & Baker to the foregoing are noted and preserved.

It is so ORDERED.

ENTER: February 19, 2019.

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

Presented by:

/s/ John C. Palmer IV
John C. Palmer IV (WVSB #2801)
Robinson & McElwee, PLLC
P.O. Box 1791
Charleston, WV 25326
jcp@ramlaw.com

Teresa J. Dumire, Esq. (WVSB 8032)
John D. Hoblitzell, II, Esq. (WVSB 9346)
Kay Casto & Chaney PLLC
1085 Van Vorhis Road, Suite 100
Morgantown, WV 26505
tdumire@kaycasto.com
jdhoblitzell@kaycasto.com
Counsel for Triad Engineering, Inc.

Inspected by:

/s/ Michael P. Markins
Michael P. Markins (WVSB #8825)
Cipriani & Werner, PC
500 Lee Street, East, Suite 900
Charleston, WV 25301
Counsel for Cast & Baker Corporation