



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,

vs.

Civil Action No. 15-C-1022 KAN

TRIAD ENGINEERING, INC.,
A West Virginia corporation, et al.

Defendants.

**AGREED ORDER DISMISSING NICOLON CORPORATION d/b/a TENCATE
GEOSYNTHETICS AMERICAS WITH PREJUDICE**

On a prior day came the Plaintiff Central West Virginia Regional Airport Authority, Inc. (“Plaintiff”) and came Defendant Nicolon Corporation d/b/a Tencate Geosynthetics Americas (“Tencate”), by their respective counsel, and represented to the Court that all claims and controversies between them had been compromised and settled, in good faith, by way of confidential settlement agreement. Whereupon, Plaintiff and Tencate jointly moved this Court for the dismissal, with prejudice, of all claims and cross-claims which were, or which could have been asserted by or against Tencate in this action.

Hearing no objection and perceiving of none, and upon the parties’ representations made at the February 27, 2019, pretrial hearing in this matter, and upon their joint motion, it is accordingly **ORDERED** that:

1. All claims asserted by Plaintiff against Tencate in this matter are dismissed, with prejudice.
2. All cross-claims asserted by Tencate against co-defendants in this matter are dismissed, with prejudice.
3. All cross-claims asserted by co-defendants against Tencate in this matter are dismissed, with prejudice.
4. Tencate is hereby dismissed and removed as a party defendant in this action, with prejudice.
5. Plaintiff and Tencate shall bear their own costs of suit and attorneys' fees.

It is so **ORDERED**.

ENTER: April 9, 2019.

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

Respectfully submitted by:

/s/ John Andrew "Jack" Smith
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