



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.,
v.
Triad Engineering, Inc., et al.

Civil Action No. 15-C-1022 KAN

**ORDER REGARDING RULINGS ISSUED DURING FEBRUARY 22, 2019
AND FEBRUARY 27, 2019 PRETRIAL CONFERENCES**

On February 22, 2019 and February 27, 2019 the Court conducted pretrial conferences in the above-styled case during which numerous motions were heard. Having reviewed the parties' motions, responses, and replies, and heard the arguments of counsel, and having conferred with one another to insure uniformity of their decisions, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, the Presiding Judges issued unanimous rulings on the following motions:

1. On February 22, 2019, Counsel for Defendant Westfield Insurance Company and Counsel for Defendant The Travelers Indemnity Company appeared before the Court and confirmed they have reached a settlement agreement, and Westfield and Traveler's will be submitting a dismissal order concluding the Westfield cross-claim against Travelers. In light of these developments and because the need for a liaison counsel for the insurers is no longer necessary, attorney Brent Kesner made an oral motion to be released from his duties as Liaison Counsel for the Insurance Defendants. There being no objection, Mr. Kesner's motion is **GRANTED** and Mr. Kesner is relieved of his duties and obligations as Liaison Counsel for the Insurance Defendants in this Litigation.
2. On February 27, 2019, Counsel for Defendant Nicolon Corporation d/b/a/ Tencate Geosynthetics Americas (Nicolon) and counsel for Defendant Johnstone-Morehouse-Dickey

d/b/a/ JMD (JMD) appeared before the Court and confirmed that both Defendants have reached settlement agreements with Plaintiff. Accordingly, the following motions are now

MOOT:

- a. *Nicolon Corporation's Motion for Reconsideration of its Motion for Summary Judgment* (Transaction ID 62985568) and *Defendant Johnstone-Morehouse-Dickey Company d/b/a/ JMD's Joinder in Nicolon Corporation's Motion for Reconsideration of its Motion for Summary Judgment* (Transaction ID 62986551); and
 - b. *Nicolon and JMD's Motion in Limine to Preclude any Evidence Related to Fire Pit Road and/or Carpenter Slip* (Transaction ID 62850179). Plaintiff has advised the Court that it still intends to use the evidence related to Fire Pit Road. Counsel for Cast & Baker Corporation has no objection.
3. Having considered the parties' proffer of evidence regarding *Plaintiff's Motion in Limine to Preclude the Defendants from Commenting, Suggesting or Presenting Evidence or Testimony that the Cost of Repair Exceeds the Market Value* (Transaction ID 62849911), the motion is **DENIED**. Defendant Cast & Baker Corporation will be permitted to bring in evidence on this issue through cross-examination of Plaintiff's witnesses.
4. *Defendants' Joint Motion in Limine to Place Defendant Triad Engineering, Inc. on the Verdict Form at Trial* (Transaction ID 62849944) is **DENIED** for the reasons set forth in the Court's Order entered on February 26, 2019 (Transaction ID 63002703).

It is so **ORDERED**.

ENTER: February 28, 2019.

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