



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.,**

Plaintiffs,

v.

CIVIL ACTION NO. 15-C-1022 KAN

TRIAD ENGINEERING, INC., et al.,

Defendants.

**ORDER OF STIPULATED DISMISSAL OF
WEST VIRGINIA PAVING, INC. WITHOUT PREJUDICE**

ON THIS DAY CAME the Plaintiff, Central West Virginia Regional Airport Authority, Inc., (“Airport”), along with defendant, West Virginia Paving, Inc. (“WVP”), by their respective counsel and hereby state as follows:

1. On March 15, 2018, this Court entered an Order of Stipulated Dismissal of West Virginia Paving, Inc. Without Prejudice (Transaction ID 61761869) wherein, pursuant to Rule 41(a) of the West Virginia Rules of Civil Procedure, the Airport agreed to voluntarily dismiss WVP from the above-styled matter.

2. On April 24, 2018, the Airport filed Plaintiff’s Motion to Amend Second Amended Complaint (Transaction ID 61952433). Attached to said Motion as Exhibit 1 was a draft of Plaintiff’s Third Amended Complaint. The Third Amended Complaint contains allegations against WVP, but it is not the intention of the Airport to reassert claims against WVP.

3. On June 25, 2018, Plaintiff's Third Amended Complaint was filed (Transaction ID 62170183).

4. The Airport and WVP, through their undersigned attorneys, stipulate, pursuant to Rule 41(a) of the West Virginia Rules of Civil Procedure to each voluntarily dismiss Plaintiff's claims against West Virginia Paving, Inc. in the Third Amended Complaint without prejudice. As part of this dismissal, West Virginia Paving, Inc. agrees that it will waive any statute of limitations/laches defenses should it later be determined that West Virginia Paving, Inc. caused or contributed to causing any of Plaintiff's alleged damages.

WHEREFORE, it is hereby **ORDERED** that West Virginia Paving, Inc. be and **IS HEREBY DISMISSED** from this Civil Action **WITHOUT PREJUDICE** with respect to the Plaintiff's claims against it. This Civil Action is to remain on the Docket of this Court pending the resolution of all other claims asserted herein.

It is so **ORDERED**.

ENTER: July 5, 2018.

/s/ John A. Hutchison
Lead Presiding Judge
Yeager Airport Litigation

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