



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.

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

ON THIS DAY CAME defendants Triad Engineering, Inc.; Novel Geo-Environmental, LLC; Michael Baker International, Inc.; Engineered Arresting Systems Corporation d/b/a Zodiac Arresting Systems America; Nicolon Corporation d/b/a TenCate Geosynthetics Americas, formally d/b/a TenCate Geosynthetics North America; Johnston-Morehouse-Dickey Company d/b/a JMD; Cast & Baker Corporation; and West Virginia Paving, Inc., through their undersigned attorneys and stipulated, pursuant to Rule 41(a) of the West Virginia Rules of Civil Procedure to each voluntarily dismiss their claims against West Virginia Paving, Inc. in this Civil Action without prejudice. As part of this dismissal, West Virginia Paving, Inc. dismisses all the Cross-Claims it has asserted and 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.

The Court, finding the stipulation to be in proper form and also being advised that there has been no objection raised by any other party to this Civil Action with regard to the dismissal

of West Virginia Paving, Inc., sought by the stipulation, is of the opinion that such dismissal should be allowed.

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 claims asserted against it by defendants Triad Engineering, Inc.; Novel Geo-Environmental, LLC; Michael Baker International, Inc.; Engineered Arresting Systems Corporation d/b/a Zodiac Arresting Systems Americas; Nicolon Corporation d/b/a TenCate Geosynthetics Americas, formally d/b/a TenCate Geosynthetics North America; Johnston-Morehouse-Dickey Company d/b/a JMD; and Cast & Baker Corporation in their respective Cross-Claims and all of West Virginia Paving, Inc.'s Cross-Claims are dismissed **WITHOUT PREJUDICE**. 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: March 15, 2018.

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

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