



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

Civil Action No. 16-C-7000

THIS DOCUMENT APPLIES TO:

BROTHERHOOD MUTUAL INSURANCE COMPANY,
a foreign corporation, a/s/o The Keystone Apostolic Church
f/k/a The Pentecostal Assembly of Jesus Christ,
a non-profit association,

Plaintiff,

Civil Action No. 16-C-293 KAN

v.

CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, INC., a West Virginia corporation, et al.

Defendants.

STIPULATION AND AGREED ORDER OF DISMISSAL AND SUBSTITUTION

On a previous day came the Plaintiff, Brotherhood Mutual Insurance Company, and Defendant, Royal Ten Cate (USA), Inc., by and through their respective undersigned counsel. Came also, Johnston-Morehouse-Dickey Company d/b/a JMD, by its undersigned counsel. The Plaintiff has reached an agreement with the herein-named Defendant, Royal Ten Cate (USA), Inc., to dismiss, without prejudice, said Defendant and substitute Nicolon Corporation d/b/a TenCate Geosynthetics Americas. Plaintiff has further reached an agreement with Johnston-Morehouse-Dickey Company d/b/a JMD to join said entity as a defendant in this civil action.

Whereupon, based upon the agreement of the parties, the Court does hereby **ORDER** that the Defendant, Royal Ten Cate (USA), Inc., is dismissed, without prejudice, from this matter, and that Nicolon Corporation d/b/a TenCate Geosynthetics Americas and Johnston-Morehouse-Dickey Company d/b/a JMD are hereby substituted and joined as defendants in the Complaint asserted by the Plaintiff herein and any and all claims previously asserted against said dismissed

defendants shall be hereinafter deemed asserted against the defendants substituted and joined herein.

It is so **ORDERED**.

ENTER: April 7, 2017.

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

Prepared/Submitted By:

/s/ Allison S. McClure

Jeffrey D. Van Volkenburg (WV State Bar #10227)
Allison S. McClure (WV State Bar #10785)
McNeer, Highland, McMunn and Varner, L.C.
Empire Building – 400 W. Main Street
P.O. Drawer 2040
Clarksburg, West Virginia 26302-2040
Telephone: (304) 626-1100
Facsimile: (304) 623-3035
*Counsel for Plaintiff,
Brotherhood Mutual Insurance Company
a/s/o The Keystone Apostolic Church f/k/a
The Pentecostal Assembly of Jesus Christ*

Agreed to By:

/s/ John Andrew “Jack” Smith

John Andrew “Jack” Smith (WV State Bar #3470)
jsmith@fsblaw.com
Michael Bonasso (WV State Bar #394)
mbonasso@fsblaw.com
Jason A. Proctor (WV State Bar #12291)
jproctor@flahertylegal.com
Flaherty Sensabaugh Bonasso, PLLC
200 Capitol Street
Charleston, West Virginia 25338-3843

-and-

Jessica K. Burtnett (admitted pro hac vice)

jburtnett@cremerspina.com

William J. Cremer (admitted pro hac vice)

wcremer@cremerspina.com

Cremer Spina LLC

1 North Franklin St., 10th Floor

Chicago, Illinois 60606

Counsel for Substituted Defendant, Nicolon Corporation

d/b/a TenCate Geosynthetics Americas, and

Dismissed Defendant, Royal Ten Cate (USA), Inc.

/s/ Randall L. Trautwein

Randall L. Trautwein (WV State Bar #3791)

rtrautwein@lbtplaw.com

Jill E. Lansden (WV State Bar #12769)

jlansden@lbtplaw.com

Lamp Bartram Levy Trautwein & Perry PLLC

P.O. Box 2488

Huntington, West Virginia 25725-2488

Counsel for Joined Defendant,

Johnston-Morehouse-Dickey Company d/b/a JMD