



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, et al.**

Plaintiffs,

v.

CIVIL ACTION NO. 16-C-293 KAN

**CENTRAL WEST VIRGINIA REGIONAL
AIRPORT AUTHORITY, INC., et al.,**

Defendants.

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

ON THIS DAY CAME cross-claim plaintiff, Michael Baker International, Inc. a/k/a Michael Baker Corporation (“Michael Baker”) 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 hereby voluntarily dismiss the cross-claims against West Virginia Paving, Inc. in this action without prejudice. As part of this dismissal, West Virginia Paving, Inc. dismisses its cross-claim against Michael Baker in this action 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 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 action WITHOUT PREJUDICE with respect to Michael Baker International, Inc. a/k/a Michael Baker Corporation's cross-claims and West Virginia Paving, Inc.'s cross-claims are dismissed WITHOUT PREJUDICE. This action is to remain on the docket of this Court pending the resolution of all other claims asserted herein.

It is so ORDERED.

ENTER: April 11, 2017.

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

Prepared and Submitted By:

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