



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO:

**REGINA ADKINS,
Individually and as the parent
and future guardian of Joshua Adkins;
JOSHUA ADKINS; and
MORGAN ADKINS,**

Plaintiffs,

v.

CIVIL ACTION NO. 17-C-75 KAN

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

Defendants.

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

ON THIS DAY CAME Plaintiffs, Regina Adkins, Joshua Adkins and Morgan Adkins, along with Defendants Triad Engineering, Inc., Novel Geo-Environmental, LLC, Michael Baker International, Inc. a/k/a Michael Baker Corporation, Nicolon Corporation d/b/a TenCate Geosynthetics Americas f/d/b/a TenCate Geosynthetics North America, Johnston-Morehouse-Dickey Company, d/b/a JMD, the Central West Virginia Regional Airport Authority, Inc. 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 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 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 both with respect to Regina Adkins', Joshua Adkins' and Morgan Adkins' claims against it, but also those asserted against it by Defendants Triad Engineering, Inc., Novel Geo-Environmental, LLC, Michael Baker International, Inc. a/k/a Michael Baker Corporation, Nicolon Corporation d/b/a TenCate Geosynthetics Americas f/d/b/a TenCate Geosynthetics North America, Johnston-Morehouse-Dickey Company, d/b/a JMD and the Central West Virginia Regional Airport Authority, Inc., in their respective 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 7, 2017.

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

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