



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO:

THEODORE CARTER and
REBECCA CARTER,

Plaintiffs,

v.

Civil Action No. 15-C-1074 KAN

NATIONWIDE MUTUAL
FIRE INSURANCE COMPANY, et al.,

Defendants.

Stipulation and Agreed Partial Dismissal Order

Plaintiffs, Theodore Carter and Rebecca Carter, and Defendant, Nationwide Mutual Fire Insurance Company (“Nationwide”), by their respective counsel, informed the Court that (i) Plaintiffs have agreed to dismiss all claims asserted against Nationwide in this Civil Action with prejudice, as Plaintiffs have compromised and settled all of their claims against Nationwide; and (ii) Plaintiffs and Nationwide jointly move the Court to dismiss Nationwide from this Civil Action with prejudice pursuant to Rule 41 of the West Virginia Rules of Civil Procedure. All parties who have appeared in this Civil Action have signed this Stipulation and Agreed Partial Dismissal Order.

It appearing to the Court that such is proper and hearing no objection, it is accordingly

ORDERED that:

1. All claims asserted against Nationwide in this Civil Action are hereby **DISMISSED** with prejudice and each party is to bear its own costs, including attorneys’ fees;
2. The Court shall retain jurisdiction to enforce the terms of the CONFIDENTIAL SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS of Theodore Carter and Rebecca Carter; and

3. The Clerk is directed to send a certified copy of this Order to counsel of record as listed below.

It is so **ORDERED**.

ENTER: October 16, 2017.

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

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Reviewed and agreed to by:

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