



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.
A West Virginia corporation,

Plaintiff,

vs.

Civil Action No. 17-C-825 KAN

TRIAD ENGINEERING, INC.,
A West Virginia corporation, et al.

Defendants.

**AGREED ORDER DISMISSING
NOVEL GEO-ENVIRONMENTAL, LLC, WITH PREJUDICE**

On a prior day came the Plaintiff Central West Virginia Regional Airport Authority, Inc. ("Plaintiff") and came Defendant Novel Geo-Environmental, LLC ("Novel"), by their respective counsel, and represented to the Court that all claims and controversies between them had been compromised and settled, in good faith, by way of a confidential settlement agreement. Whereupon, Plaintiff and Novel jointly moved this Court for the dismissal, with prejudice, of all claims and cross-claims which were, or which could have been asserted by or against Novel in this action.

Hearing no objection and perceiving of none, and upon the parties' representations and upon their joint motion, it is accordingly **ORDERED** that:

1. All claims asserted by Plaintiff against Novel in this matter are dismissed, with prejudice.
2. All cross-claims asserted by co-defendants against Novel in this matter are dismissed, with prejudice.

3. All cross-claims asserted by Novel against co-defendants in this matter are dismissed, with prejudice.

4. Novel is hereby dismissed and removed as a party defendant to this action, with prejudice.

5. Plaintiff and Novel shall bear their own costs of suit and attorneys' fees.

It is so **ORDERED**.

ENTER: March 22, 2019.

/s/ Derek C. Swope
Lead Presiding Judge
Yeager Airport Litigation

Respectfully submitted by:

/s/Chad L. Taylor
Frank E. Simmerman, Jr. (WVSB# 3403)
fes@simmermanlaw.com
Chad L. Taylor (WVSB# 10564)
clt@simmermanlaw.com
Frank E. Simmerman, III (WVSB# 11589)
trey@simmermanlaw.com
SIMMERMAN LAW OFFICE, PLLC
254 East Main Street
Clarksburg, WV 26301
Phone: (304) 623-4900
Fax: (304) 623-4906
Counsel for Novel Geo-Environmental, LLC

/s/Timothy C. Bailey
Anthony J. Majestro (WVSB# 5165)
James C. Powell (WVSB# 2957)
Powell & Majestro, PLLC
405 Capitol Street, Suite P 1200
Charleston, WV 25301
amajestro@powellmajestro.com

Scott S. Segal (WVSB# 4717)
Jason P. Foster (WVSB# 10593)
The Segal Law Firm
810 Kanawha Blvd., East
Charleston, WV 25301
scott.segal@segal-law.com
jason.foster@segal-law.com

Timothy C. Bailey (WVSB# 5839)
Bailey, Javins & Carter, LC
213 Hale Street
P.O. Box 3712
Charleston, WV 25337
timbailey@bjc4u.com
Counsel for Plaintiff