



**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.,

v.

Civil Action No. 15-C-1022 KAN

Triad Engineering, Inc., et al.

**ORDER REGARDING PROPOSED ORDERS  
FOR RULINGS ISSUED ON NOVEMBER 30, 2018**

On November 30, 2018, the Presiding Judges conducted a hearing in the Yeager Airport Litigation and issued numerous rulings. See *Order Regarding Rulings Issued on November 30, 2018* (Transaction ID 62723906). The Court **ORDERS** the following counsel to file and serve detailed, proposed findings of fact and conclusions of law regarding the following motions ***no later than January 11, 2019***. Any objections to any of these proposed orders must be filed and served pursuant to Trial Court Rule 24.01.

1. Counsel for Triad Engineering, Inc. (Triad) and Westfield Insurance Company (Westfield) shall consult and prepare a joint proposed Order denying *The Travelers Indemnity Company's Motion for Summary Judgment Regarding Insurance Coverage* (Transaction ID 62579412), granting *Triad's Motion for Partial Summary Judgment against Travelers* (Transaction ID 62578588), and granting *Westfield Insurance Company's Motion for Summary Judgment on Coverage Issues with Respect to Travelers Policies* (Transaction ID 62579818), as to the issue of duty to defend.

2. Counsel for Central West Virginia Regional Airport Authority, Inc. (Airport Authority) shall prepare a proposed order denying the *Joint Motion for Determination on the Measure of*

*Plaintiff's Recoverable Damages* (Transaction ID 62610309).

3. Counsel for Triad shall prepare a proposed order denying *Defendant Cast & Baker Corporation's Renewed Motion for Summary Judgment* (Transaction ID 62612486) as premature.

4. Counsel for Cast & Baker Corporation (Cast & Baker) shall prepare a proposed order denying *Defendant Novel Geo-Environmental, LLC's Motion for Partial Summary Judgment as to the Limitation of Liability Provision in its Contract with Cast & Baker Corporation* (Transaction ID 62611597).

It is so **ORDERED**.

**ENTER:** December 11, 2018.

John A. Hutchison  
Lead Presiding Judge  
Yeager Airport Litigation