



**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 GRANTING IN PART AND DENYING IN PART  
CENTRAL WEST VIRGINIA REGIONAL AIRPORT AUTHORITY'S  
MOTION TO DISMISS CROSS-CLAIMS BY NOVEL GEO-ENVIRONMENTAL, LLC.**

The Presiding Judges have reviewed and maturely considered *Defendant Central West Virginia Regional Airport Authority, Inc.'s Motion to Dismiss Cross-Claims by Novel-Geo Environmental, LLC* (Transaction ID 60206415) and *Defendant Novel-Geo Environmental, LLC's Response to Defendant Central West Virginia Airport Authority, Inc.'s Motion to Dismiss Cross-Claim Asserted with Respect to Brotherhood Mutual Insurance Co. Complaint* (Transaction ID 60433971). Having conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, the motion is GRANTED IN PART and DENIED IN PART.

The Airport Authority's motion to dismiss Novel-Geo Environmental LLC's cross-claim against the Airport Authority, as asserted in Novel's Answer to Brotherhood Mutual Insurance Company's Complaint, and cross-claims against all co-defendants (Transaction ID 60188721) is GRANTED and Novel's cross-claim against the Airport Authority is dismissed as a matter of

law, pursuant to W.Va. Code § 29-12A-13(c), which provides that, “[a]ll actions filed against a political subdivision shall be filed in the name of the real party or parties in interest and in no event may any claim be presented or recovery be had under the right of subrogation.” W.Va. Code § 29-12A-13(c)(2016).

To the extent the Airport Authority’s motion to dismiss is directed at Novel’s cross-claim against the Airport Authority, as asserted in *Defendant Novel Geo-Environmental, LLC’s Answer to Intervening Complaint and Cross-Claims against all Co-Defendants* (Transaction 60334346) the motion is DENIED.

It is so ORDERED.

April 14, 2017

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