



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 TRIAD ENGINEERING, INC.**

The Presiding Judges have reviewed and maturely considered *Defendant Central West Virginia Regional Airport Authority, Inc.'s Motion to Dismiss Cross-Claims by Triad Engineering, Inc.* (Transaction ID 60206333) and the *Response of Triad Engineering, Inc. to Airport's Motion to Dismiss Cross-Claim Asserted in Brotherhood Matter* (Transaction ID 60426499). 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 Triad Engineering, Inc.'s cross-claim against the Airport Authority, as asserted in the *Answer and Cross-Claims of Triad Engineering, Inc., to Complaint Filed by Brotherhood Mutual Insurance Company* (Transaction ID 60183612) is GRANTED and Triad Engineering Inc.'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 Triad Engineering, Inc.’s cross-claim against the Airport Authority, as asserted in the *Answer of Triad Engineering, Inc., to the Intervening Complaint Filed by Keystone Apostolic Church and Cross-Claim* (Transaction 60309187) the motion is DENIED.

It is so ORDERED.

April 13, 2017

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