



**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.,**

**Plaintiff,**

**v.**

**Civil Action No. 17-C-825 KAN**

**TRIAD ENGINEERING, INC., et al.,  
Defendants.**

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**SCHEDULING ORDER**

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On April 27, 2018, the Court conducted a status conference in *Central West Virginia Regional Airport Authority, Inc. v. Triad Engineering, Inc.*, Civil Action No. 17-C-825 KAN (the “Taxiway A case”), consolidated with *In re: Yeager Airport Litigation*, Civil Action No. 16-C-7000 (“Yeager Airport Litigation”) by Panel Order entered on April 16, 2018 (Transaction ID 61921363). At the time of the status conference, discovery was ongoing in the Yeager Airport Litigation, and fact witness depositions had already been scheduled and commenced prior to consolidation of the cases. Formal discovery has not commenced in the Taxiway A case. The parties moved the Court to place the Taxiway A case on a separate discovery track from the Yeager Airport Litigation. The Court took the parties’ request under advisement and directed the parties to submit a proposed scheduling order for the Taxiway A case. *Order Regarding Rulings Issued on April 27, 2018* (Transaction ID 62041920).

Having considered the parties’ motion and there being no objection, the Court hereby **ORDERS** the Taxiway A case placed on a separate discovery track from the Yeager Airport Litigation, as follows:

### **Outstanding Insurance Coverage Issue**

An outstanding insurance coverage issue remains regarding whether Triad's work performed on Taxiway A – Runway 23 Safety Area Improvement pursuant to "Contract FAA AIP Project No. 3-54-0003-3103" involves the same project as the work performed on Runway 5 Safety Area Improvements at issue in Civil Action No. 15-C-1022 KAN, pursuant to the same contract, as that term is used in Triad's professional liability insurance policy issued by AEIC. The parties have agreed that this issue should be resolved prior to formal discovery commencing in the Taxiway A case. Accordingly, motion practice on this issue shall be subject to the following schedule:

**Motions for Summary Judgment Regarding Outstanding Insurance Coverage Issue due by  
.....August 1, 2018**

**Responses due by..... August 15, 2018**

**Proposed Findings of Fact and Conclusions of Law due by .....September 16, 2018**

### **Dispositive Motion by Defendant Hansen Ready Mix**

Defendant Hansen Ready Mix requests that its dispositive motion be heard and ruled upon prior to formal discovery commencing in the Taxiway A case. Accordingly, motion practice on this issue shall also be subject to the following schedule:

**Defendant Hansen Ready Mix's Dispositive Motion due by .....August 1, 2018**

**Responses due by..... August 15, 2018**

**Proposed Findings of Fact and Conclusions of Law due by .....September 16, 2018**

### **Discovery**

Upon resolution of the outstanding insurance coverage issue referenced above, the parties shall submit a proposed, amended scheduling order to the Court for consideration of a schedule for formal discovery, mediation, pre-trial, and motion practice. Such proposed order shall be

submitted to the Court within twenty (20) days of the entry of an order by the Court deciding the motions on the outstanding insurance coverage issue.

It is so **ORDERED**.

**ENTER:** June 29, 2018.

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