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2021 JUL 19 PM 1:40
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**CHARLESTON AREA MEDICAL
CENTER, INC.,**

Plaintiff,

v.

**Civil Action No. 19-C-1259
Honorable Paul T. Farrell**

**BSA LIFE STRUCTURES, INC., MI-DE-
CON, INC., ELCO MECHANICAL
CONTRACTORS, LLC, CARRIER
CORPORATION, MASON & BARRY,
INC., and ENGINEERING ECONOMICS,
INC.,**

Defendants.

AGREED ORDER OF DISMISSAL OF MI-DE-CON, INC.

COME NOW, Plaintiff Charleston Area Medical Center, Inc. ("CAMC"), by and through its counsel, Alexander L. Turner, Gerald M. Titus, III, and the law firm of Spilman, Thomas & Battle, PLLC, and Defendant Mi-De-Con, Inc. ("MDC"), by and through its counsel, Matthew G. Breneman, Thomas Cocchi, Adam Auchey, and the law firm of Zimmer Kunz, PLLC; and hereby announce unto this Honorable Court that all matters in difference between CAMC and MDC and all of CAMC's claims, damages, and allegations asserted or possibly arising out this action against MDC have been adjusted, compromised, released, and discharged.

Therefore, CAMC and MDC, by and through their respective counsel, move this Honorable Court to dismiss this action and all claims and damages asserted against MDC, with prejudice. CAMC and MDC have no objection to the entry of this Order. Pursuant to Rule 24.01(c) of the *West Virginia Trial Court Rules*, CAMC and MDC have submitted and provided notice of this Order to all parties of record. Pursuant to Rule 24.01(c) of the *West Virginia Trial Court Rules*, the remaining

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parties have not asserted any objections to this Order.

There being no objection thereto and noting the signatures of counsel on behalf of CAMC and MDC, this Honorable Court hereby **ORDERS**:

1. Any and all of CAMC's claims and damages against MDC, as related to the claims asserted in CAMC's Complaint, are hereby **DISMISSED, WITH PREJUDICE**.

2. Any and all cross claims filed against Mi-De-Con, Inc. by any co-Defendants, are hereby **DISMISSED, WITH PREJUDICE**.

3. That MDC is **DISMISSED, WITH PREJUDICE**, from this Civil Action, No. 19-C-1259, forever.

4. That CAMC and MDC bear their own attorney's fees, costs, and expenses.

5. That the Clerk of this Court is directed to send a certified copy of this Order to all counsel of record.

6. **This is a final order as to any and all claims and damages against MDC.**

Entered this 14 day of July, 2021.



Honorable Paul T. Farrell

7/21/2021

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| Case | 7/21/2021 |
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C. Bailey
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G. Titus
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W. Brute
W. Greve
H. Thiggsbottom

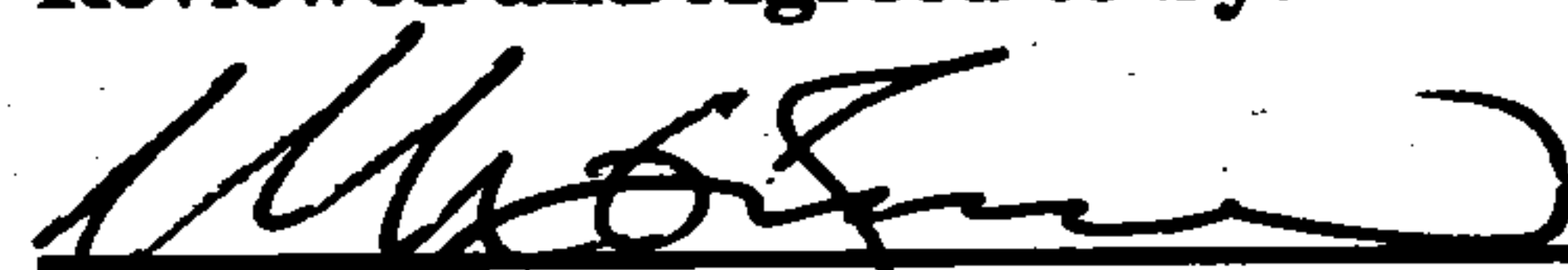
Prepared and Agreed to by:



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