

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 ELCO MECHANICAL CONTRACTORS, LLC**

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 ELCO Mechanical Contractors, LLC ("ELCO"), by and through its counsel, Michael P. Markins, Celeste Webb-Barber, and the law firm of Lewis Brisbois Bisgaard & Smith, LLP; and hereby announce unto this Honorable Court that all matters in difference between CAMC and ELCO and all of CAMC's claims, damages, and allegations asserted or possibly arising out this action against ELCO have been adjusted, compromised, released, and discharged.

Therefore, CAMC and ELCO, by and through their respective counsel, move this Honorable Court to dismiss this action and all claims and damages asserted against ELCO, with prejudice. CAMC and ELCO have no objection to the entry of this Order. Pursuant to Rule 24.01(c) of the *West Virginia Trial Court Rules*, CAMC and ELCO 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 parties have not asserted any objections to this Order.

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

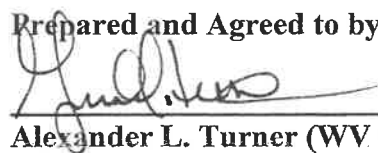
1. Any and all of CAMC's claims and damages against ELCO, as related to the claims asserted in CAMC's Complaint, are hereby **DISMISSED, WITH PREJUDICE**.
2. That ELCO is **DISMISSED, WITH PREJUDICE**, from this Civil Action, No. 19-C-1259, forever.
3. That CAMC and ELCO bear their own attorney's fees, costs, and expenses.
4. That the Clerk of this Court is directed to send a certified copy of this Order to all counsel of record.
5. This is a final order as to any and all claims and damages against ELCO.

Entered this 16 day of Aug, 2021.



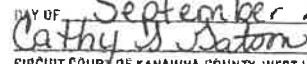
Honorable Paul T. Farrell

Prepared and Agreed to by:



Alexander L. Turner (WV Bar #10839)  
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*Counsel for Plaintiff Charleston Area Medical Center, Inc.*

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 8<sup>th</sup>  
DAY OF September 2021  
 CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
*Kidd*

Reviewed and Agreed to by:

*Michael P. Markins, by [Signature] WVS# 9392, with permission*

Michael P. Markins, Esq. (WVS# #8825)

Celeste Webb-Barber, Esq. (WVS# #10624)

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*Counsel for ELCO Mechanical Contractors,  
LLC*

Date: 9/8/21  
Certified copies sent to:  
☒ counsel of record  
☐ parties  
☐ other  
(please indicate)  
By: ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other directives accomplished:  
WDD  
Deputy Circuit Clerk

A. Turner

G. Titus

C. Bailey

W. Greve

M. Breneman

M. Markins

D. Higginbotham

K. Nelson

Bus et