

FILED

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

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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 CARRIER CORPORATION

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 Carrier Corporation ("Carrier"), by and through its counsel, Daniel R. Higginbotham, Sarah Meadows, and the law firm of Thomas Combs & Spann, PLLC, and Christopher C. Lam, Samuel M. Dearstyne, and the law firm of Bradley Arant Boult Cummings LLP; and hereby announce unto this Honorable Court that all matters in difference between CAMC and Carrier and all of CAMC's claims, damages, and allegations asserted or possibly arising out this action against Carrier have been adjusted, compromised, released, and discharged.

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

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

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

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

3. That CAMC and Carrier 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 Carrier.

Entered this 14 day of September 2021.

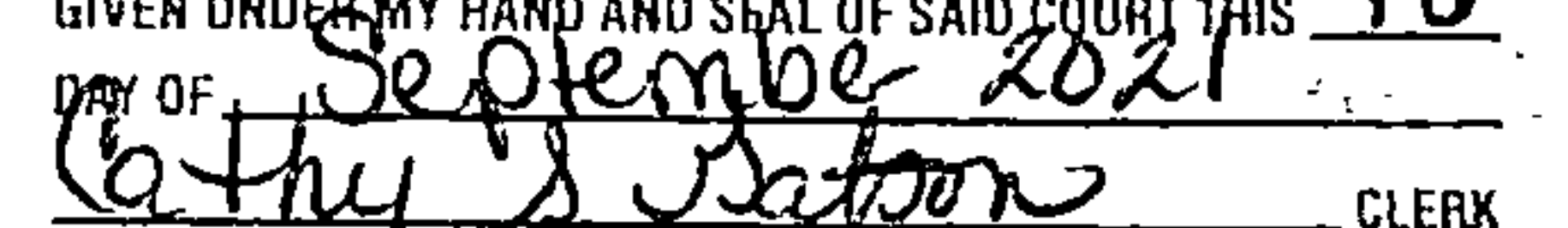


Honorable Paul T. Farrell

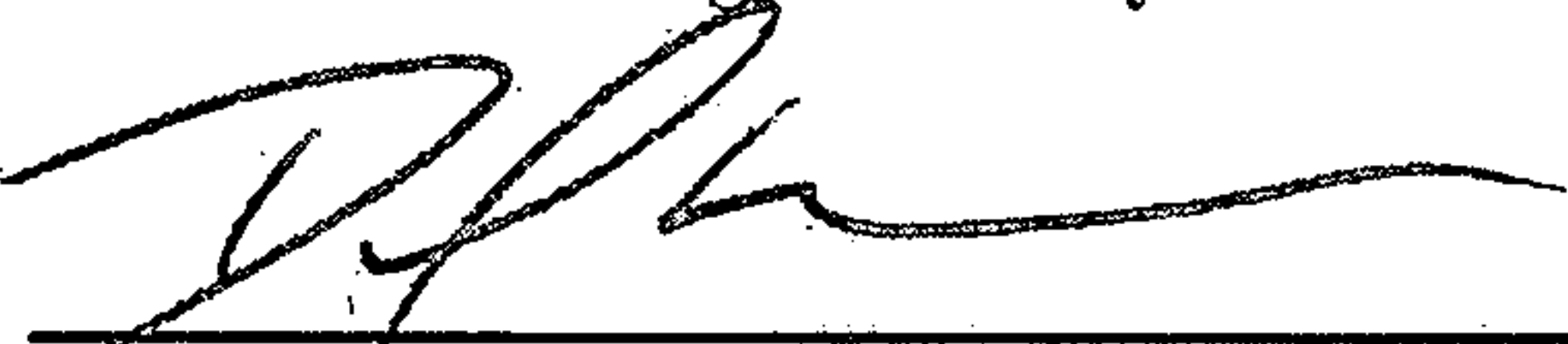
Prepared and Agreed to by:


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Charleston, WV 25301
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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 16th
DAY OF September 2021

CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
Clerk
LKidd

Reviewed and Agreed to by:



Daniel R. Higginbotham (WVSB #11680)

Sarah A. Meadows (WVSB #11639)

Thomas Combs & Spann, PLLC

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and

Christopher C. Lam (*pro hac vice*)

Samuel M. Dearstyne (*pro hac vice*)

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Counsel for Carrier Corporation

Date: 9/16/21
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other (please indicate)
By: _____
☐ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished: _____
Deputy Circuit Clerk

Bus Ct
C. Bailey
A. Turner
G. Titus
M. Markin
A. Auchey
C. Lam
S. Dearstyne
C. Webb-Barber
K. Nelson
M. Breneman
T. Cocchi
W. Greve
D. Higginbotham