

FILED  
IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

BUSINESS COURT DIVISION

2022 JAN -5 PM 2:15

CHARLESTON AREA MEDICAL  
CENTER, INC.,

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

FILED  
2022 JAN -5 AM 11:36  
CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

Plaintiff,

v.

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

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

Defendants.

**AGREED ORDER OF DISMISSAL OF BSA LIFESTRUCTURES, 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 BSA LifeStructures, Inc., ("BSA") by and through its counsel, Kevin A. Nelson, Kelsey Haught Parsons, and the law firm of Dinsmore & Shohl LLP; and hereby announce unto this Honorable Court that all matters in difference between CAMC and BSA and all of CAMC's claims, damages, and allegations asserted or possibly arising out this action against BSA have been adjusted, compromised, released, and discharged. CAMC and BSA further state that CAMC has previously resolved the claims, damages and allegations it asserted in this action against the other named defendants, each of whom the Court has previously dismissed from this action, with prejudice.

Therefore, CAMC and BSA, by and through their respective counsel, move this Honorable Court to dismiss this action in its entirety, including all claims and damages asserted against BSA, with prejudice. CAMC and BSA have no objection to the entry of this Order.

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

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

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

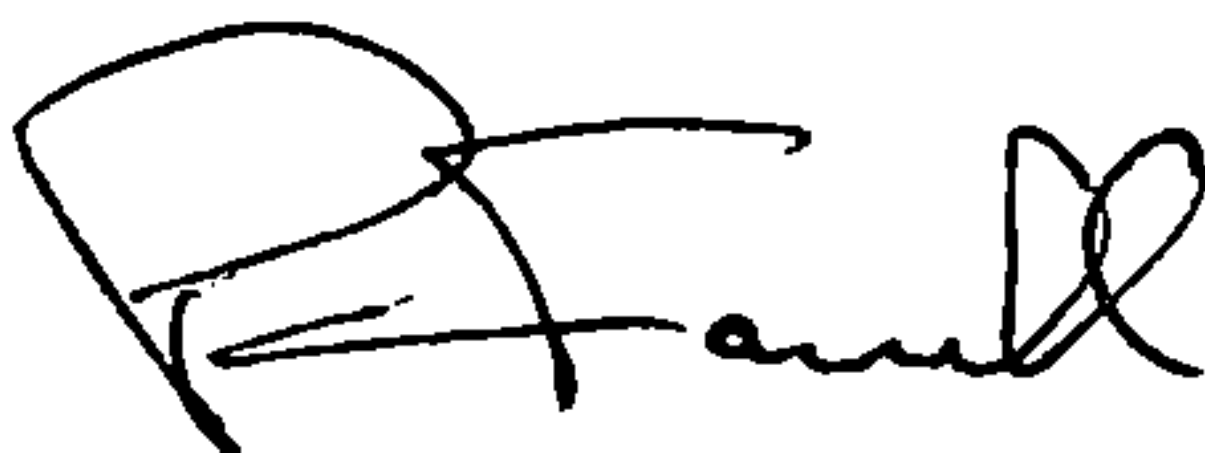
3. That CAMC and BSA bear their own attorney's fees, costs, and expenses.

4. **This is a final order as to any and all claims and damages against BSA.**

5. That this entire Civil Action, No. 19-C-1259, is hereby **DISMISSED, WITH PREJUDICE**, and shall be removed from the Court's docket.

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

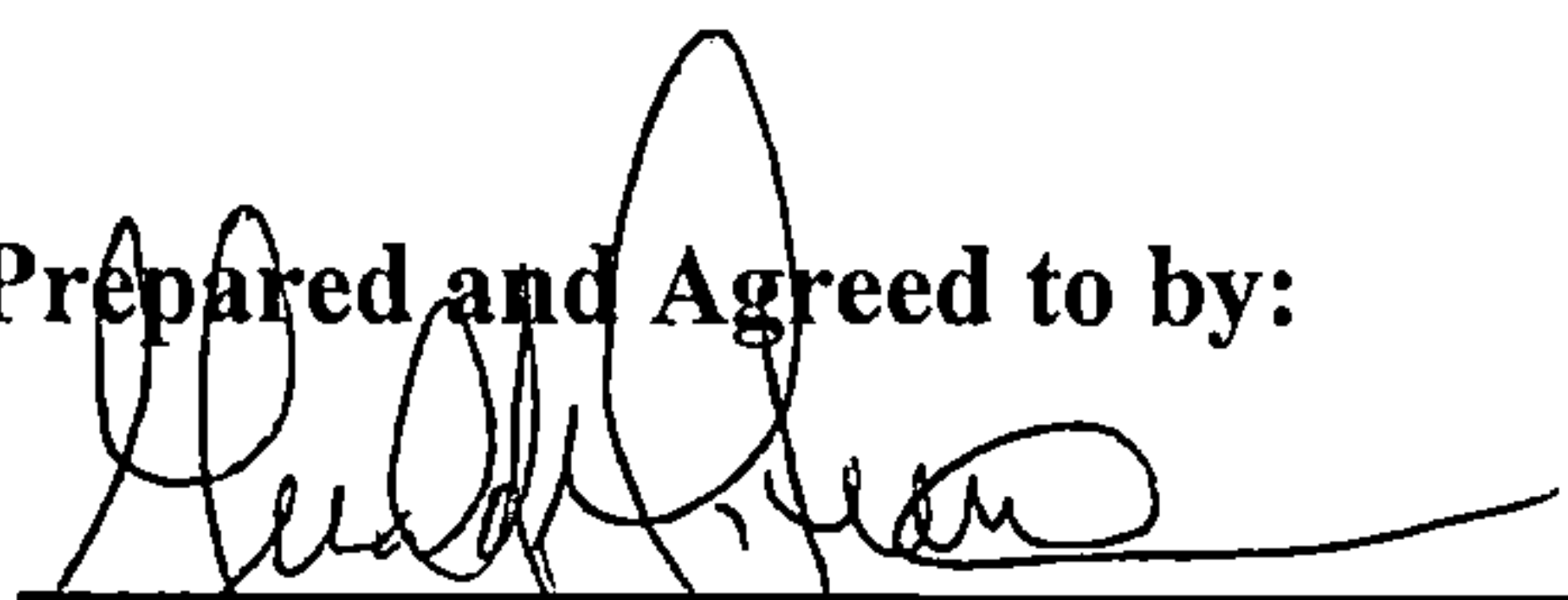
Entered this 3 day of Jan, 2024.



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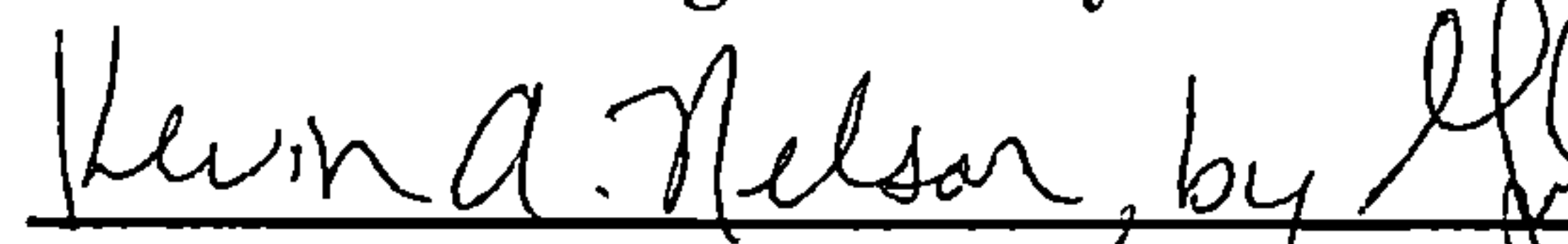

Honorable Paul T. Farrell

Prepared and Agreed to by:


  
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*Counsel for Plaintiff Charleston Area Medical Center, Inc.*

Reviewed and Agreed to by:

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*Counsel for Defendant BSA LifeStructures, Inc.*

Date: 1/5/2022  
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

  
K. Nelson  
G. Titus  
A. Turner