

FILED

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CLERK'S OFFICE
KANAWHA COUNTY CIRCUIT COURT

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

THE THRASHER GROUP, INC.

Plaintiff,

v.

Civil Action No.: 20-C-772
Presiding Judge: Joseph K. Reeder
Resolution Judge: Paul T. Farrell

BEAR CONTRACTING, LLC
and GREAT AMERICAN INSURANCE COMPANY

Defendants,

And

BEAR CONTRACTING, LLC

Counterclaimant,

v.

THE THRASHER GROUP, INC.

Counterclaim Defendant.

**ORDER GRANTING PARTIES' JOINT MOTION
TO STAY CERTAIN CLAIMS AND COUNTERCLAIMS**

On December 9, 2022, the Parties filed their *Joint Motion to Stay Certain Claims and Counterclaims*, in which they moved to stay the claims by The Thrasher Group Inc. ("Thrasher") and the counterclaims by Bear Contracting LLC ("Bear") (collectively the "Parties") related to the Blue Horizon Project¹ in this action.

In support, the Parties informed that, as to the First Count, Second Count, and Third Count of Thrasher's Complaint and Count One of Bear's Counterclaims, they had entered into a Conditional Settlement Agreement and Release of All Claims related to the Blue Horizon Project

¹ The Blue Horizon Project is a project performed for the West Virginia Department of Highways ("WVDOH") and is formally designated as "Blue Horizon Dr. - PA St Ln" and Project Number S331-79-155.50 00, NFA-2117(035).

SCANNED

163-161

("Settlement Agreement"). The Settlement Agreement is conditional in nature and is dependent on certain conditions precedent occurring in the relatively near future, including certain actions by the WVDOH.

They further informed that the Settlement Agreement does not affect the Parties' remaining claims and counterclaims related to the two other projects at issue in their dispute and that they wished to proceed with their remaining claims related to the two other projects that are the subject of their dispute and are not requesting any changes to the current schedule established by the Court. Consequently, the Parties request that the Court stay their claims related to the Blue Horizon Project.

For reasons appearing to the Court, the Court GRANTS the Parties' joint motion and stays their respective claims related to the Blue Horizon Project.

It is so ORDERED.

The Circuit Clerk is directed to forward a copy of this Order to all counsel of record; the Presiding Judge Joseph K. Reeder; the Resolution Judge Paul T. Farrell; and to the Business Court Division Central Office, Berkeley County Judicial Center, Suite 2100, 380 West South Street, Martinsburg, West Virginia 25401.

ENTERED

1/25/23

Judge Joseph K. Reeder

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
DAY OF

Cathy S. Gatson
CLERK

Date: 1/26/23
Certified copies sent to:
____ counsel of record
____ parties
____ other (please indicate) Judge Reeder
By: Judge Farrell
____ certified/1st class mail
____ fax
____ hand delivery
____ interdepartmental
Other directives accomplished: C. Ennis
Deputy Circuit Clerk

Prepared by:

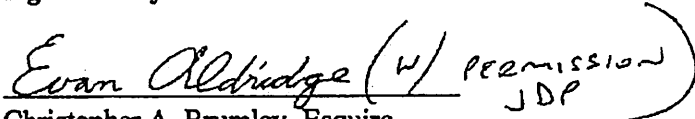


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And Great American Insurance Company*