

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

GITO, INC. d/b/a NELLO
CONSTRUCTION COMPANY, for the
use and benefit of COST COMPANY,

Plaintiff

Vs.

BOARD OF EDUCATION OF THE
COUNTY OF MARSHALL, WEST
VIRGINIA, and McKINLEY &
ASSOCIATES, INC.,

Defendant

Vs.

SCALISE INDUSTRIES CORPORATION,
A wholly owned subsidiary of EMCOR
GROUP, INC. and PROJECT AND
CONSTRUCTION SERVICES, INC.,

Third Party Defendants

CIVIL ACTION NO. 13-C-13K

The Honorable Thomas C. Evans, III
Presiding Judge

DAVID R. EALY

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FILED

ORDER OF COURT

AND NOW, to-wit, this 9th day of March 2015, upon consideration of McKinley & Associate, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint, it is hereby Ordered, Adjudged, and Decreed that McKinley & Associate, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint is DENIED for the reasons stated on the record.

BY THE COURT,



The Honorable Thomas C. Evans, III