

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

AEROTEK ENERGY,

Plaintiff/Counterclaim Defendant,

v.

ELECTRICAL SYSTEMS, INC.

Defendant/Counterclaim Plaintiff.

FILED IN 15TH
CIRCUIT COURT

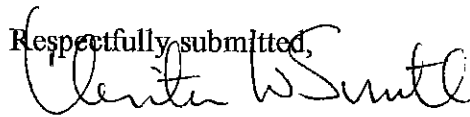
2016 MAY -9 P 12:11
Civil Action No. 16-C-77-2

**AEROTEK ENERGY'S MOTION TO DISMISS
ELECTRICAL SYSTEMS, INC.'S COUNTERCLAIM**

Plaintiff/Counter-Defendant Aerotek Energy, ("Aerotek") through counsel, and pursuant to W.Va. R. Civ. P. 12(b)(6), hereby moves for dismissal of Defendant/Counter-Plaintiff Electrical Systems, Inc. ("Electrical")'s counterclaim in its entirety. In support of its motion to dismiss, Aerotek relies upon the memorandum of law filed contemporaneously herewith.

WHEREFORE, Aerotek moves, pursuant to W.Va. R. Civ. P. 12(b)(6), for dismissal of Electrical's counterclaim.

Respectfully submitted,



Clinton W. Smith WVSb No. 3458
Law Office of Clinton W. Smith
Mezzanine Suite 4
405 Capitol Street
Charleston, WV 25301
Tel: (304) 343-4498
E-mail: cwsmithlawyer@aol.com

Margaret Inomata
Application to appear *pro hac vice* forthcoming
Shook, Hardy & Bacon, LLP
1155 F Street, NW, Suite 200
Washington, DC 20004
Tel: (202) 639-5619
E-mail: minomata@shb.com

Counsel for Plaintiff/Counter-Defendant
Aerotek Energy

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

AEROTEK ENERGY,

Plaintiff/Counterclaim Defendant,

v.

ELECTRICAL SYSTEMS, INC.

Defendant/Counterclaim Plaintiff.

FILED IN 15TH
CIRCUIT COURT
2016 MAY -9 P 12:11

Civil Action No. 16-C-77-2

CERTIFICATE OF SERVICE

I certify that on the 5th day of May, 2016, a true and correct copy of the foregoing
**AEROTEK ENERGY'S MOTION TO DISMISS ELECTRICAL SYSTEMS, INC.'S
COUNTERCLAIM** was sent via U.S. mail, postage paid to Sam. H. Harrold, III, 400 West
Main Street, Clarksburg, WV 26302.



Clinton W. Smith
Law Office of Clinton W. Smith
Mezzanine Suite 4
405 Capitol Street
Charleston, WV 25301
Tel: (304) 343-4498
E-mail: cwsmithlawyer@aol.com

Margaret Inomata
Application to appear *pro hac vice* forthcoming
Shook, Hardy & Bacon, LLP
1155 F Street, NW, Suite 200
Washington, DC 20004
Tel: (202) 639-5619
E-mail: minomata@shb.com
*Counsel for Plaintiff/Counter-Defendant
Aerotek Energy*