

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.
PATRICK MORRISEY, ATTORNEY
GENERAL, and THOMAS J. SMITH IN
HIS OFFICIAL CAPACITY AS SECRETARY
OF TRANSPORTATION AND COMMISSIONER
OF HIGHWAYS, WEST VIRGINIA DEPARTMENT OF
TRANSPORTATION,

Plaintiffs,

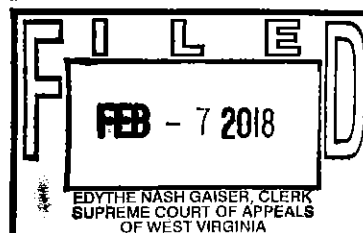
v.

Kanawha County Circuit Court
Civil Action No. 17-C-41

JUDGE KAUFMAN

OLDCASTLE, INC. *et al.*,

Defendants.



CITY OF CHARLESTON,
and all other similarly situated, *et al.*,

Plaintiffs,

v.

Kanawha County Circuit Court
Civil Action No. 16-C-1552 (lead)

(Consolidated with 16-C-661-B -Raleigh;
16-C-337-DS -Mercer; 16C-425 -Wood;
16-C-1598 -Kanawha; 16-C-666 -Cabell)

JUDGE KAUFMAN

WEST VIRGINIA PAVING, INC., *et al.*,

Defendants.

TO THE HONORABLE CHIEF JUSTICE LOUGHRY:

**RESPONSE AND AGREEMENT OF AMERICAN ASPHALT & AGGREGATE, INC.,
AMERICAN ASPHALT OF WEST VIRGINIA, LLC, AND BLACKTOP
INDUSTRIES AND EQUIPMENT COMPANY TO JOINT MOTION
TO REFER TO BUSINESS COURT**

COME NOW, Defendants, American Asphalt & Aggregate, Inc., American Asphalt of West Virginia, LLC and Blacktop Industries and Equipment Company, by counsel, and file their response and agreement that the above-referenced matters be referred to the Business Court.

While these Defendants concede no liability or responsibility for any of the allegations set forth in the civil-actions, these Defendants do agree that the matters at issue do meet the requirements of Rule 29.03(a) of the West Virginia Trial Court Rules.

WHEREFORE, Defendants, American Asphalt & Aggregate, Inc., American Asphalt of West Virginia, LLC and Blacktop Industries and Equipment Company, agree and will join in the Motion to refer these cases to Business Court as set forth in Rule 29 and respectfully request that the above matters be referred to the Business Court.

Respectfully submitted,

**AMERICAN ASPHALT & AGGREGATE, INC.,
AMERICAN ASPHALT OF WEST VIRGINIA,
LLC, AND BLACKTOP INDUSTRIES AND
EQUIPMENT COMPANY,
By Counsel:**



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JUDGE KAUFMAN

WEST VIRGINIA PAVING, INC., *et al.*,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I have served true and accurate copies of the forgoing via hand-delivery and/or U.S. Mail, this 6th day of February 2018, addressed as follows:

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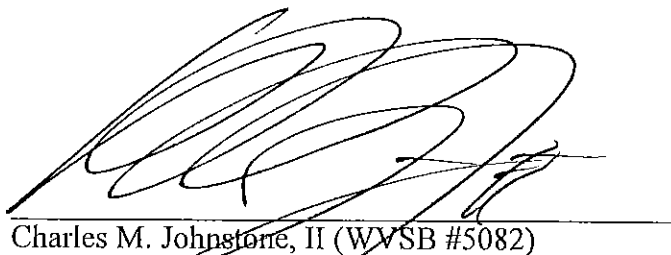
Honorable Tod Kaufman, Judge
Circuit Court of Kanawha County
Judicial Annex Building
111 Court Street
Charleston, WV 25301

Cathy S. Gatson, Clerk
Circuit Court of Kanawha County
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