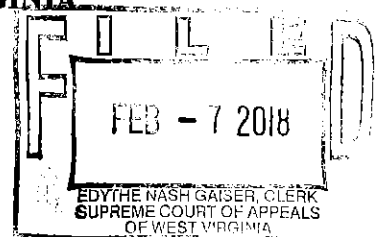


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**STATE OF WEST VIRGINIA, ex rel.
PATRICK MORRISEY, ATTORNEY
GENERAL, and PAUL A. MATTOX, JR. 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
Hon. Tod J. Kaufman**

OLDCASTLE, INC. *et al.*,

Defendants.

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

Plaintiffs,

v.

**Kanawha County Circuit Court
Civil Action No.: 16-C-1552 (lead)
Hon. Tod J. Kaufman**

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

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

Defendants.

**REPLY TO JOINT MOTION TO REFER TO BUSINESS COURT BY THE ATTORNEY
GENERAL, THE SECRETARY OF TRANSPORTATION AND COMMISSIONER OF
HIGHWAYS, AND THE CITIES OF CHARLESTON, HUNTINGTON,
PARKERSBURG, BECKLEY, AND BLUEFIELD, AND THE KANAWHA COUNTY
COMMISSION**

Pending before the Court is the joint motion by the Attorney General, the Secretary of Transportation and Commissioner of Highways, and the Cities of Charleston, Huntington, Parkersburg, Beckley, and Bluefield, and the Kanawha County Commission to refer the above-captioned cases to the West Virginia Business Court. In reply to this pending motion, Defendants CRH, plc; Oldcastle, Inc.; Oldcastle Materials, Inc.; West Virginia Paving, Inc.; Southern West Virginia Paving, Inc.; Southern West Virginia Asphalt, Inc.; and Camden Materials, LLC state that they have no objection to the requested referral to Business Court. In filing this reply, and in not contesting the requested referral, these Defendants do not waive, and hereby expressly preserve and maintain, any and all jurisdictional and other objections and defenses they possess including, without limitation, all available objections and defenses to personal jurisdiction in any West Virginia court.

Respectfully submitted,

**CRH, PLC; OLDCASTLE, INC.; OLDCASTLE
MATERIALS, INC.; WEST VIRGINIA
PAVING, INC.; SOUTHERN WEST VIRGINIA
PAVING, INC.; SOUTHERN WEST VIRGINIA
ASPHALT, INC.; AND CAMDEN
MATERIALS, LLC**

By counsel



R. Booth Goodwin II (W. Va. Bar No. 7165)
Carrie Goodwin Fenwick (W. Va. Bar No. 7164)
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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**STATE OF WEST VIRGINIA, ex rel.
PATRICK MORRISEY, ATTORNEY
GENERAL, and PAUL A. MATTOX, JR. IN
HIS OFFICIAL CAPACITY AS SECRETARY
OF TRANSPORTATION AND COMMISSIONER
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Kanawha; 16-C-666-Cabell)**

WEST VIRGINIA PAVING, INC. et al.,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing **REPLY TO
JOINT MOTION TO REFER TO BUSINESS COURT BY THE ATTORNEY GENERAL,**

**THE SECRETARY OF TRANSPORTATION AND COMMISSIONER OF HIGHWAYS,
AND THE CITIES OF CHARLESTON, HUNTINGTON, PARKERSBURG, BECKLEY,
AND BLUEFIELD, AND THE KANAWHA COUNTY COMMISSION** on this 7th day of
February, 2018, via US Mail to the following:

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Charleston, WV 25305

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Circuit Court of Kanawha County
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Charleston, WV 25301

Cathy S. Gatson, Clerk
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Charleston, West Virginia 25301

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Business Court Executive Director
Berkeley County Judicial Center
Business Court Division
Suite 2100
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A handwritten signature in cursive script, reading "R. Booth Goodwin II". The signature is written in dark ink and is positioned above a horizontal line.

R. Booth Goodwin II (W. Va. Bar No. 7165)

Carrie Goodwin Fenwick (W. Va. Bar No. 7164)

Richard D. Owen (W. Va. Bar No. 2794)

W. Jeffrey Vollmer (W. Va. Bar No. 10277)

Lucas R. White (W. Va. Bar No. 12501)