

**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,**

**v**

**Civil Action No. 13-C-13  
Judge Thomas C. Evans III**

**BOARD OF EDUCATION OF THE  
COUNTY OF MARSHALL, WEST VIRGINIA,**

**Defendant/Third-Party Plaintiff/  
Third-Party Defendant,**

**and**

**SCALISE INDUSTRIES CORPORATION,  
a wholly owned subsidiary of EMCOR GROUP,  
INC.,**

**Third-Party Defendant/  
Third-Party Plaintiff,**

**and**

**McKINLEY & ASSOCIATES, INC.,**

**Defendant,**

**and**

**PROJECT AND CONSTRUCTION SERVICES, INC.**

**Third-Party Defendants.**

FILED  
2015 MAY -4 PM 12:20  
DAVID R. EVANS

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**AGREED DISMISSAL ORDER**

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NOW COMES the parties and their respective counsel to advise the Court that all claims asserted in this action have been resolved through a settlement agreement.


Accordingly, the parties jointly ask that this action, in its entirety, be dismissed with prejudice.

There being no objection thereto and good cause having been shown, all claims asserted by any party in this action are **DISMISSED WITH PREJUDICE** and this matter shall be REMOVED from this Court's docket. All parties are to bear their own fees and costs incurred in this matter.

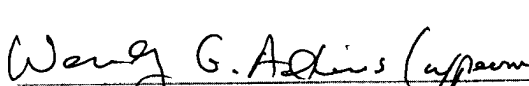
It is so **ORDERED**.

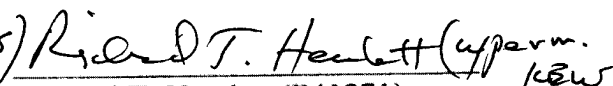
The Clerk of this Court is directed to mail certified copies of this Order to the undersigned counsel.

Entered this 27<sup>th</sup> day of APR., 2015.

  
Honorable Thomas C. Evans III

PREPARED BY:

  
Wendy G. Adkins (WVBN# 9412)  
Jackson Kelly PLLC  
150 Clay Street, Suite 500  
Morgantown, WV 26507-0619  
Local Counsel for Third-Party  
Defendant/Plaintiff Scalise Industries  
Corporation

  
Richard T. Hewlett (P41271)  
Varnum LLP  
39500 High Pointe Blvd., Suite 350  
Novi, MI 48375  
Lead Counsel for Third-Party  
Defendant/Plaintiff Scalise Industries  
Corporation

AGREED TO BY:

Michael J. Pawk (w/pam. KBW 4-23-15)

Michael J. Pawk  
Lutz & Pawk  
The Morgan Center Building, Suite 102  
101 E. Diamond Street  
Butler, PA 16001  
*Lead Counsel for Plaintiff*

Kenneth E. Webb, Jr. (w/pam. KBW 4-23-15)

Kenneth E. Webb, Jr. (WVBN#5560)  
Bowles Rice LLP  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25325-1386  
*Counsel for Defendant/Third-Party Plaintiff  
Board of Education for the County of  
Marshall, West Virginia*

John B. Cromer (w/pam. KBW 4-23-15)

John B. Cromer (WVBN#9310)  
Burke Cromer Cremonese, LLC  
517 Court Place  
Pittsburgh, PA 15219  
*Counsel for Defendant McKinley  
& Associates, Inc.*

Kevin M. Pearl (w/pam. KBW 4-23-15)

Kevin M. Pearl (WVBN# 8840)  
Frankovitch, Anetakis, Colantonio &  
Simon  
337 Penco Road  
Weirton, WV 26002  
*Local Counsel for Plaintiff*

David L. Wyant (w/pam. KBW 4-23-15)

David L. Wyant (WVBN# 4149)  
Bailey & Wyant, PLLC  
1219 Chapline Street  
Wheeling, WV 26003  
*Counsel for Defendant/Third Party  
Plaintiff Board of Education for the  
County of Marshall, West Virginia*

Douglas C. Hart (w/pam. KBW 4-23-15)

Anthony C. Sunseri (WVBN# 9189)  
Douglas C. Hart (WVBN#12204)  
BURNS WHITE LLC  
The Maxwell Centre  
32 20<sup>th</sup> Street, Suite 200  
Wheeling, WV 26003  
*Counsel for Third-Party Defendant  
Project and Construction Services, Inc.*