

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

F.K. EVEREST, INC., and
J. MIKE MARTIN

Plaintiffs,

v.

CIVIL ACTION NO. 15-C-134

Presiding Judge: James J. Rowe

Resolution Judge: Paul T. Farrell

RYAN L. EDDY, DAVID BRYTE,
INFINITY ELECTRIC, INC.,
ORANGE CONSTRUCTION CORPORATION,
JAROD GRAFFIUS, and JASON TOMARO,

Defendants.

**STIPULATION OF VOLUNTARY DISMISSAL OF
AMENDED COMPLAINT WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the West Virginia Rules of Civil Procedure and the settlement agreement executed by the parties, Plaintiffs, by their counsel, agree and stipulate to the voluntary dismissal, with prejudice, of all claims asserted against any defendant in its amended complaint, with each side to bear their own costs.

Pursuant to the settlement agreement executed by the parties, the Court shall retain jurisdiction to enforce the terms of that agreement.

Stipulated, Agreed and Enforced as of this 4th day of September, 2015.

Prepared By:



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P.O. Box 619

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Appearing as Local Counsel for

FILED

SEP -4 2015

**JEAN FRIEND
CIRCUIT COURT**

Plaintiffs .K. Everest, Inc. and J. Mike Martin

And

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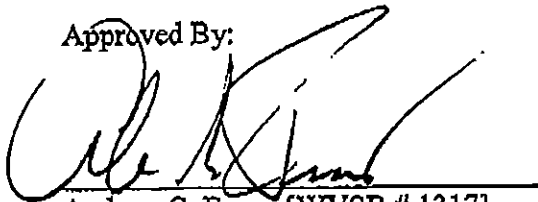
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Appearing as Lead Counsel for Plaintiffs

F.K. Everest, Inc. and J. Mike Martin

Approved By:



Andrew G. Fusco [WVSB # 1317]

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Appearing as Counsel for All Defendants



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MONONGALIA COUNTY CIRCUIT COURT

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Defendants.

CERTIFICATE OF SERVICE

I, Wendy G. Adkins, do hereby certify that I served the foregoing
Stipulation of Voluntary Dismissal of Amended complaint with Prejudice, upon counsel
of record by e-mail, and by depositing a true copy thereof in the United States mail,
postage prepaid, on this 4th day of September, 2015, addressed as follows:

Andrew G. Fusco, Esquire
BOWLES RICE LLP
7000 Hampton Center
Morgantown, WV 26505
Counsel for Defendants



Wendy G. Adkins (W.Va. Bar No. 9412)