

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

UNIVERSITY HEALTHCARE FOUNDATION, INC.
f/k/a CITY HOSPITAL FOUNDATION, INC.,

Petitioner,

v.

LARRY A. HESS, ASSESSOR OF
BERKELEY COUNTY, WEST VIRGINIA, and
DALE W. STEAGER¹,
STATE TAX COMMISSIONER,
Respondents.

BERKELEY COUNTY CIRCUIT CLERK
2017 FEB - 7 A 11: 08
VIRGINIA M. SINE, CLERK

CASE NO. 15-AA-6

AGREED ORDER OF DISMISSAL

By Order entered July 29, 2015, this matter was stayed pending the outcome of the timely appeal of this Court's Final Order in Case No. 14-AA-4. The Supreme Court of Appeals of West Virginia, on October 11, 2016, filed its opinion in *MARK W. MATKOVICH, STATE TAX COMMISSIONER, and LARRY A. HESS, ASSESSOR of BERKELEY COUNTY, WEST VIRGINIA, Respondents Below, Petitioners v. UNIVERSITY HEALTHCARE FOUNDATION, INC. f/k/a CITY HOSPITAL FOUNDATION, INC., Petitioner Below, Respondent*, NO. 15-0597 AND 15-0599, which dealt with the issues related to Berkeley County Circuit Court Case No. 14-AA-4.

The Supreme Court having reversed the May 15, 2015, Order of the Circuit Court of Berkeley County, which found in favor of University Healthcare Foundation, Inc., on issues substantially related to the 2014 case, the parties hereto agree that this matter should be dismissed with prejudice.

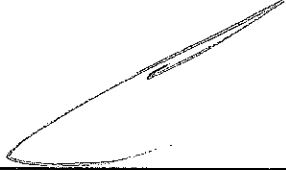
The Court agrees that this related case should be and the same is here by DISMISSED with prejudice.

¹ On January 16, 2017, Governor Justice appointed Dale W. Steager, Esquire, to be the WV State Tax Commissioner. Tax Commissioner Steager is substituted as party in place of the previous Tax Commissioner, Mark W. Matkovich, pursuant to Rule 25(d) of the West Virginia Rules of Civil Procedure.


The Clerk shall remove this action from the active docket of the Court and place it among matters ended. She shall provide an attested copy of this Order to all counsel of record.

All of the above is ORDERED, ADJUDGED, and DECREED.

Entered this the 6 day of February, 2017.



CHRISTOPHER C. WILKES, JUDGE

Prepared by:

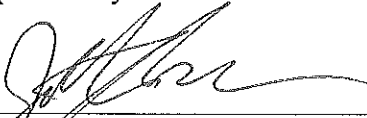

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Counsel for The Honorable Larry A. Hess

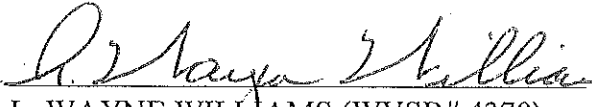
A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: 
Deputy Clerk

Approved by:


MICHAEL E. CARYL, ESQ. (WVSB# 662)
TYLER J. MAYHEW, ESQ. (WVSB#11469)
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