

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

THE THRASHER GROUP, INC.

Plaintiff/Counterclaim Defendant,

v.

**Civil Action No.: 20-C-772
Presiding Judge: Joseph Reeder
Resolution Judge: Paul T. Farrell**

BEAR CONTRACTING, LLC

Defendant/Counterclaimant,

GREAT AMERICAN INSURANCE COMPANY

Defendant.

AGREED PARTIAL DISMISSAL ORDER

Plaintiff/Counterclaim Defendant The Thrasher Group, Inc (“Thrasher”), Defendant/Counterclaimant Bear Contracting, LLC (“Bear”), and Defendant Great American Insurance Company, (collectively the “Parties”), through their respective counsel, have AGREED that all claims and counterclaims related to the two bridge projects¹ at issue in this matter have been settled and therefore should be dismissed with prejudice. The Parties AGREE that nothing in this Order shall affect any remaining claims related to the Blue Horizon Project.²

To more specifically identify the resolved claims: the parties have resolved counts four through eleven of Thrasher’s Complaint and counts two and three of Bear’s counterclaims (the “Resolved Claims”). Counts one through three of Thrasher’s Complaint and Count one of Bear’s counterclaims shall remain pending, but stayed, as the Blue Horizon Project has reached a possible settlement contingent on future events.

¹ The two bridge projects are more formally known as WVDOH Project Number NFA-2117(019)D (U351-15-8.67 00) (also referred to as the “Diana Deck Project”) and WVDOH Project Number NFA-2117(020)D (S309-23-8.20 00) (also referred to as the “Pike Fork Project”) (collectively referred to herein as the “Bridge Projects”).

² The “Blue Horizon Project” is more formally known as WVDOH Project Number NFA-2117(035) (S331-79-155.50 00)

The Court being sufficiently advised, it is therefore **ORDERED** and **ADJUDGED** that the claims and counterclaims related to the Bridge Projects (the Resolved Claims) are **DISMISSED with PREJUDICE**, with all parties bearing their own fees and expenses related thereto.

Entered this _____ day of _____, 2024.

Judge Joseph K. Reeder

Prepared and submitted by:

/s/ John D. Pizzo

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*Counsel for Bear Contracting, LLC and
Great American Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June 2024, I served the foregoing “Agreed Partial Dismissal Order” upon the following counsel and parties of record by depositing true copies thereof in the United States mail, postage prepaid, in envelopes addresses as follows:

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/s/ Joseph K. Reeder
Circuit Court Judge
13th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.