



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: FELA ASBESTOS CASES

CIVIL ACTION NO. 02-C-9500

THIS DOCUMENT APPLIES TO:

JESSICA HIGGINBOTHAM,
Administratrix for the Estate
of DUSTIN C. HIGGINBOTHAM,

Plaintiff,

v.

CIVIL ACTION NO. 20-C-285 KAN FELA

NORFOLK SOUTHERN
RAILWAY COMPANY, *etc.*,

Defendant.

FINAL ORDER DISMISSING ALL CLAIMS

This day came the plaintiff by her counsel Joseph J. Cappelli and Martin W. McLemore of Bern Cappelli LLC and Troy N. Giatras of The Giatras Law Firm, PLLC and the defendant by its counsel Patrick M. Horvat of Burns White LLC and Luke A. Lafferre of Dinsmore & Shohl, LLP.

Thereupon, the parties announced to the Court that all matters in controversy between them have been compromised and settled and jointly moved the Court to dismiss this action on the following basis:

The plaintiff's claims against defendant Norfolk Southern Railway Company herein to be dismissed, with prejudice, as fully compromised and settled, each party to pay his or its own costs.

Whereupon the Court announced that it was of the opinion to sustain the motion of the parties. Accordingly, it is **ORDERED** that the plaintiff's claims against defendant Norfolk Southern Railway Company be and they are hereby **DISMISSED**, *with prejudice*, as fully compromised and settled, and further **ORDERED** that this action be, and the same hereby is, **DISMISSED** and stricken with prejudice from the docket of the court.

It is further **ORDERED** that each of the parties hereto shall bear his or its own costs of action with no statutory attorney's fee to be taxed.

A copy of this Order has this day been electronically served on all counsel of record via File & ServeXpress.

ENTERED: November 27, 2024.

/s/ Gregory L. Howard, Jr.
Presiding Judge
In re: FELA Asbestos Cases

Approved By:

/s/ Troy N Giatras
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