

In the Circuit Court of Kanawha County, West Virginia

WW CONSULTANTS, INC.,
Plaintiff,

v.

Case No. CC-20-2018-C-115
Judge Christopher C. Wilkes

**POCAHONTAS COUNTY PUBLIC
SERVICE DISTRICT,**
Defendant

Partial Dismissal Order Dismissing Certain Claims and Third-Party Claims.

On a prior day came the Parties, jointly and by counsel, and announced to the Court that a settlement has been reached with respect to the third-party claims of WW Consultants, Inc., against Orders Construction Company, Inc. and, based on said settlement, requested that all claims against Orders Construction Company, Inc. be dismissed, with prejudice, and that some claims of the Plaintiff, Pocahontas County Public Service District against WW Consultants, Inc. also be dismissed, with prejudice.

Based upon the foregoing, the Court does hereby **ORDER** that all claims of Third-Party Plaintiff WW Consultants, Inc., as against Orders Construction Company, Inc. asserted in Civil Action 18-C-115 be, and hereby are, **DISMISSED, with prejudice**, from the active docket of this Court.

Further, the Court hereby **ORDERS** that those claims of the Plaintiff Pocahontas County Public Service District, against WW Consultants, Inc., if any, that arise out of or relate to the construction work performed by Orders Construction Company, Inc., Orders and/or its subcontractors or suppliers based on claims of vicarious or derivative liability against WW Consultants, Inc., for any acts or omissions, negligent or otherwise, of Orders with respect to the work performed by Orders and/or its subcontractors or suppliers in Civil Action 18-C-115 are also **DISMISSED, with prejudice**.

Notwithstanding the foregoing, the Pocahontas County Public Service District's claims against WW Consultants, Inc., asserted in Civil Action 18-C-115 alleging that it was professionally negligent in its design of certain aspects of the wastewater treatment plant and that it breached its contract with the Pocahontas County Public District are not dismissed and shall remain active and pending before the Court.

Each party shall bear their own costs and expenses including attorney fees, incurred in prosecuting or defending this action.

The Clerk shall send certified copies of this Order by uploading the same to WV E-File to counsel of record.

Entered this 27th day of March, 2025.

/s/ Christopher C. Wilkes
Circuit Court Judge
8th Judicial Circuit

Submitted by:

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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.