

In the Circuit Court of Kanawha County, West Virginia

MOUNTAINEER GAS COMPANY,
Plaintiff,

v.

Case No. CC-20-2023-C-1067
Judge David Hammer

**WEST VIRGINIA-AMERICAN WATER
COMPANY,**
Defendant

AGREED ORDER DIRECTING FURTHER INSPECTION OF PIPES

This matter came before the Court on West Virginia-American Water Company's Motion for Expedited Consideration and Entry of an Order Directing Further Inspection of Pipelines filed recently in this matter. The Court notes that the parties have completed excavation of removal of the section of water and gas pipelines in accordance with the Court's Order entered on October 20, 2024. Further, the parties have completed CT scans and other examination of the pipes as per this Court's Order entered on January 24, 2025. The Court notes the agreement of Mountaineer Gas Company to this Motion and further notes that a copy of Defendants' Motion and protocol was provided to counsel for Plaintiffs in the following cases:

- *Kate Dodson, et al. v. West Virginia-American Water Company, et al.* – Civil Action No. 23-C-1010;
- *Robert Ruffin, et al. v. West Virginia-American Water Company, et al.* – Civil Action No. 23-C-1003;
- *Lawade Thomas v. West Virginia-American Water Company, et al.* – Civil Action No. 23-C-1110; and
- *Thomas Toliver, et al. v. West Virginia-American Water Company, et al.* –

Accordingly, for good cause shown, the Court hereby orders that the protocol attached to Defendant's motion is hereby adopted and approved by the Court. The Court hereby ORDERS that the parties may commence further examination and inspection of the pipeline and gas line consistent with the protocol attached as Exhibit A to West Virginia-American Water Company's Motion for Expedited Consideration and Entry of an Order Directing Further Inspection of Pipelines.

/s/ David M. Hammer
Circuit Court Judge
8th Judicial Circuit

Prepared and submitted by:

/s/ Robert L. Massie
Marc E. Williams, Esq. (WVSN 4062)
Robert L. Massie, Esq. (WVSN 5743)
Alexander C. Frampton, Esq. (WVSN 13398)
NELSON MULLINS RILEY & SCARBOROUGH LLP
949 Third Avenue, Suite 200
Huntington, WV 25701
Phone: (304) 526-3500
Fax: (304) 526-3599
Email: marc.williams@nelsonmullins.com
Email: bob.massie@nelsonmullins.com
Email: alex.frampton@nelsonmullins.com

and

Kent Mayo, Esq. (admitted *pro hac vice*)
BAKER BOTTS, LLP
700 K Street, N.W.
Washington, D.C. 20001-5692

**COUNSEL FOR DEFENDANT
WEST VIRGINIA-AMERICAN WATER COMPANY**

Agreed by:

/s/ Richard D. Owen w/permission
R. Booth Goodwin II (WVSB #7165)

Benjamin B. Ware (WVSB #10008)
Richard D. Owen (WVSB #2794)
GOODWIN & GOODWIN, LLP
300 Summers Street, Ste. 1500
Charleston, WV 25301
Phone: (304) 346-7000
Fax: (304) 344-9692
Email: rbg@goodwingoodwin.com
Email: bbw@goodwingoodwin.com
Email: rdo@goodwingoodwin.com

COUNSEL FOR PLAINTIFF

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.