

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM &
RESOURCES, LLC,

Plaintiff,

v.

CIVIL ACTION NO.: 16-C-82
Honorable H. Charles Carl, III

J.F. ALLEN COMPANY; AMEC FOSTER
WHEELER ENVIRONMENT &
INFRASTRUCTURE, INC.; REDSTONE
INTERNATIONAL, INC.; CIVIL &
ENVIRONMENTAL CONSULTANTS, INC;
And COASTAL DRILLING EAST, LLC,

Defendants,

v.

J.F. ALLEN COMPANY,

Defendant and Third-Party Plaintiff,

v.

THE LANE CONSTRUCTION CORPORATION,

Third-Party Defendant.

PARTIAL DISMISSAL ORDER

On this day, came Defendant and Third-Party Plaintiff, J.F. Allen Company, by counsel, Douglas C. LaSota and Marshall Dennehey Warner Coleman & Goggin, and Third-Party Defendant The Lane Construction Corporation, by counsel, Traci L. Wiley and MacCorkle Lavender PLLC, and advised the Court that all matters in controversy between the Defendant/Third-Party Plaintiff and the Third-Party Defendant have been settled and compromised. Therefore, the Defendant/Third-Party Plaintiff moved the Court to dismiss its Third-Party Complaint against the Third-Party Defendant, with prejudice, as to all claims. The

Defendant Third-Party Plaintiff and Third-Party Defendant further advised the Court that this Order is not intended to extend to Plaintiff's claims against any of the Defendants, or to any cross-claims or counterclaims asserted by or against any party to this action other than The Lane Construction Corporation.

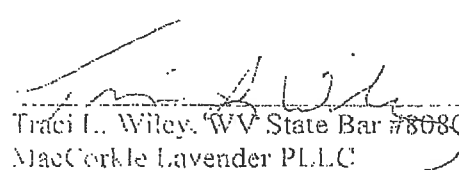
For good cause shown, pursuant to Rule 41(a)(1) and (c) of the West Virginia Rules of Civil Procedure, it is hereby **ORDERED** that the Third-Party Complaint of J.F. Allen Company against The Lane Construction Corporation be dismissed, with prejudice, with each party to bear its own attorney's fees and costs. It is further **ORDERED** that, as no other claims remain in this action against The Lane Construction Corporation, the Third-Party Defendant is hereby dismissed from this action. This matter shall remain on the docket for the remaining claims being asserted in this action between the non-settling parties.

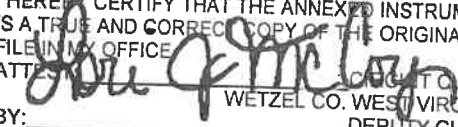
The Clerk is hereby directed to send certified copies of this Order to counsel of record.

ENTERED this 22 day of September, 2020.


H. CHARLES CARL, III
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

Prepared By:


Traci L. Wiley, WV State Bar #8080
MacCorkle Lavender PLLC
300 Summers Street, Suite 800
Post Office Box 3283
Charleston, WV 25332.3283
Counsel for Third-Party Defendant, The Lane Construction Corporation

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT
IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON
FILE IN MY OFFICE.
BY:  DEPUTY CLERK
WETZEL CO. WEST VIRGINIA

Approved By:

Douglas C. LaSota by [Signature] in permission
Douglas C. LaSota, WV State Bar #13575
Marshall Dennehey Warner Coleman & Goggin
Union Trust Building, Suite 700
501 Grant Street
Pittsburgh, PA 15219
Counsel for Defendant/Third-Party Plaintiff, J.F. Allen Company

Joseph M. Ward, WV State Bar #9733
Kevin P. Colosimo (*admitted pro hac vice*)
Katherine B. Capito, WV State Bar #11633
Frost Brown Todd LLC
500 Virginia Street East, Suite 1000
Charleston, WV 25301
Counsel for Plaintiff, Markwest Liberty Midstream & Resources, LLC


Jonathan G. Brill, WV State Bar #11316
Jonathan G. Brill, PLLC
P.O. Box 932
Romney, WV 26757
Counsel for Plaintiff, Markwest Liberty Midstream & Resources, LLC

Vic L. McConnell by [Signature] in permission
Vic L. McConnell, WV State Bar #13514
Smith Cashion & Orr, PLC
One American Center
3100 West End Avenue, Suite #800
Nashville, TN 37203
Counsel for Defendant, AMEC Foster Wheeler Environment & Infrastructure, Inc.

Bruce E. Stanley, WV State Bar #5434
Alicia M. Schmitt, WV State Bar #12333
Stanley & Schmitt, PC
2424 Craftmonr Avenue
Pittsburgh, PA 15205
Counsel for Defendant, Redstone International, Inc.

Michael A. Jacks, WV State Bar #11044
Jacks Legal Group, PLLC
United Federal Credit Union Building
3467 University Avenue, Suite 200
Morgantown, WV 26505
Counsel for Defendant, Redstone International, Inc.

Stephen F. Gandee, WV State Bar #5204
Robinson & McElwee, PLLC
P.O. Box 128
140 West Main Street, Suite 300
Clarksburg, WV 26302-0128
Counsel for Defendant, Coastal Drilling East, LLC

 w/ permission
Darion Thomas, WV State Bar #13735
Blumling & Gusky, LLP
1200 Koppers Building
456 Seventh Avenue
Pittsburgh, PA 15219
Counsel for Defendant, Civil & Environmental Consultants