



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

**IN RE: YEAGER AIRPORT LITIGATION**

**Civil Action No. 16-C-7000**

**THIS DOCUMENT APPLIES TO:**

**THE KEYSTONE APOSTOLIC CHURCH  
f/k/a THE PENTECOSTAL ASSEMBLY OF  
JESUS CHRIST**

**v.**

**CENTRAL WEST VIRGINIA REGIONAL  
AIRPORT AUTHORITY, INC.**

**Civil Action No. 16-C-536 KAN**

**ORDER GRANTING MOTION TO DISMISS PUNITIVE DAMAGES CLAIM**

The Presiding Judges have reviewed and maturely considered Defendant Central Regional West Virginia Airport Authority, Inc.'s *Motion to Dismiss* (Transaction ID 60206043) and *The Keystone Apostolic Church's Response to Central West Virginia Regional Airport Authority, Inc.'s Motion to Dismiss Claim for Punitive Damages* (Transaction ID 60256403).

The Panel FINDS that the facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Having conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules, and there being no objection to the motion, the Presiding Judges unanimously GRANT the Airport Authority's motion to dismiss Plaintiff's claim for punitive damages for the following reasons.

1. The Airport Authority is a political subdivision of the State of West Virginia pursuant to W.Va. Code, § 29-12A-3(c).
2. In Paragraph 3 of the Church's Complaint the Church admits the Airport Authority is a political subdivision of the State of West Virginia. Complt. at ¶ 3.
3. Count VII of Plaintiff's Complaint seeks recovery of punitive damages from the Airport Authority. Complt. at ¶¶ 55-58.

3. West Virginia Code § 29-12A-7(a) states that, “[i]n any civil action involving a political subdivision or any of its employees as a party defendant, an award of punitive or exemplary damages against such political subdivision is prohibited.” W.Va. Code § 29-12A-7(a)(2016).

Because W.Va. Code § 29-12A-7(a) prohibits an award of punitive damages against a political subdivision, the punitive damages claim asserted against Defendant Central West Virginia Regional Airport Authority, Inc. is hereby **DISMISSED**.

It is so **ORDERED**.

**ENTER:** March 29, 2017.

/s/ John A. Hutchison  
Lead Presiding Judge  
Yeager Airport Litigation