



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

**IN RE: YEAGER AIRPORT LITIGATION**

**CIVIL ACTION NO. 16-C-7000**

**THIS DOCUMENT APPLIES TO:**

Central West Virginia Regional Airport Authority, Inc.,  
v.  
Triad Engineering, Inc., et al.

Civil Action No. 15-C-1022 KAN

Central West Virginia Regional Airport Authority, Inc.,  
v.  
Triad Engineering, Inc., et al.

Civil Action No. 17-C-825 KAN

Kenneth W. Carter  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 15-C-1791 KAN

Robert L. Harrah II  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 15-C-1792 KAN

Terry Letart, et al.  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 15-C-1793 KAN

Deborah K. Harrah  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 15-C-1794 KAN

Patricia A. Wolfe, et al.  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 16-C-1815 KAN

James Johnson, et al.  
v.  
Cast & Baker Corporation, et al.

Civil Action No. 16-C-1826 KAN

Brotherhood Mutual Insurance Co., et al.  
v.  
Central West Virginia Airport Authority, Inc., et al.

Civil Action No. 16-C-293 KAN

**ORDER REGARDING RULINGS ISSUED ON OCTOBER 15, 2018  
AND NOTICE OF HEARING ON NOVEMBER 30, 2018**

On October 15, 2018, the Presiding Judges conducted a hearing in the Yeager Airport Litigation and issued the following rulings after hearing oral argument on various motions:

1. *Defendant Cast & Baker Corporation's Motion for Summary Judgment* (Transaction ID 61953458) filed in Civil Action No. 16-C-1826 KAN is **GRANTED**.
2. *Defendant Cast & Baker Corporation's Motion for Summary Judgment* (Transaction ID 62259348) filed in Civil Action Numbers 15-C-1791 KAN, 15-C-1792 KAN; 15-C-1793 KAN, 15-C-1794 KAN, and 16-C-1815 KAN is **DENIED**.
3. *Triad's Motion to Sever and Consolidate Cross Claims Against Cast & Baker* (Transaction ID 61823102) filed in Civil Action Numbers 15-C-1022 KAN, 15-C-1791 KAN, 15-C-1792 KAN, 15-C-1793 KAN, 15-C-1794 KAN, 16-C-1815 KAN, 16-C-1826 KAN and 16-C-293 KAN is **GRANTED**. Attorney Teresa Dumire shall file and serve a proposed order with detailed findings of fact and conclusions of law regarding motions 1, 2 and 3 **no later than October 30, 2018**
4. *Plaintiff's Motion for Summary Judgment on Plaintiff's Claim for Declaratory Judgment against Defendant Westfield Insurance Company* (Transaction ID 62263384) filed in Civil Action No. 15-C-1022 KAN is **DENIED**. Defendant Westfield Insurance Company's *Cross-Motion for Summary Judgment on Coverage Issues* (Transaction ID 62314280) filed in Civil Action No. 15-C-1022 KAN is **GRANTED**. Attorney Brent Kesner shall file and serve a proposed order with detailed findings of fact and conclusions of law **no later than October 30, 2018**.
5. *Plaintiff's Motion for Summary Judgment on Defendant Triad Engineering, Inc.'s Fifteenth Affirmative Defense and Defendant Michael Baker International, Inc.'s Fifteenth Affirmative Defense* (Transaction ID 62171802) filed in Civil Action No. 15-C-1022 KAN is

**GRANTED.** Defendants Triad Engineering, Inc.'s and Michael Baker International, Inc.'s Cross-Motions for Summary Judgment (Transaction ID 62219387 and Transaction ID 62220231) filed in Civil Action No. 15-C-1022 KAN are **DENIED.** Attorney Anthony Majestro shall file and serve a proposed order with detailed findings of fact and conclusions of law **no later than October 30, 2018.**

6. *Defendant Architects & Engineers Insurance Company's Motion for Summary Judgment and Integrated Memorandum of Law* (Transaction ID 62298084) filed in Civil Action No. 17-C-825 KAN is **DENIED,** with the right to renew the motion at the conclusion of discovery. Attorney Timothy Bailey shall file and serve a proposed order with detailed findings of fact and conclusions of law regarding Plaintiff's motion **no later than October 30, 2018.**
7. *Hanson Ready Mix, Inc.'s Motion for Summary Judgment* (Transaction ID 62313332) filed in Civil Action No. 17-C-825 KAN is **GRANTED.** Attorney Carol Smith shall file and serve a proposed order with detailed findings of fact and conclusions of law regarding Plaintiff's motion **no later than October 30, 2018.**

All proposed orders shall be filed in rich text format. Any objections to proposed orders shall be filed and served **no later than November 13, 2018.**

The Presiding Judges are advised mediation is scheduled in Civil Action No. 15-C-1022 KAN on December 6 and 7, 2018. *Order Governing Mediation and Mediation Statements* (Transaction ID 62490546). All deadlines set forth in the Court's *Order Extending Deadlines Relative to Declaratory Judgment Motions* (Transaction ID 62516685) shall remain in effect. All other motions that require a ruling by the Presiding Judges prior to mediation shall be filed and served **no later than October 30, 2018.** All responses to such motions shall be filed and served **no later than November 13, 2018.** All replies to such motions shall be filed and served

**no later than November 20, 2018.** The Presiding Judges will hear all motions that require a ruling prior to mediation **at 10:00 a.m. on November 30, 2018,** in Courtroom Four, also known as the Ceremonial Courtroom, on the second floor of the Kanawha County Courthouse, located at 409 Virginia Street, East, in Charleston, West Virginia.

It is so **ORDERED.**

**ENTER:** October 16, 2018.

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