

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**CIVIL CASE INFORMATION STATEMENT**  
(Civil Cases Other than Domestic Relations)

**FILED**

2018 MAR 12 P 3:30

**I. CASE STYLE:**

Case No. 18-C-115

**Plaintiff(s)**

WW CONSULTANTS, INC.

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

Judge:

Honorable Louis H. Bloom

vs.

**Defendant(s)**

WV WATER DEVELOPMENT AUTHORITY

Name

Days to

Answer

Type of Service

Street Address

City, State, Zip Code

**II. TYPE OF CASE:**

- General Civil
- Mass Litigation [As defined in T.C.R. 26.04(a)]
  - Asbestos
  - FELA Asbestos
  - Other: \_\_\_\_\_
- Habeas Corpus/Other Extraordinary Writ
- Other: \_\_\_\_\_
- Adoption
- Administrative Agency Appeal
- Civil Appeal from Magistrate Court
- Miscellaneous Civil Petition
- Mental Hygiene
- Guardianship
- Medical Malpractice

**III. JURY DEMAND:**  Yes  No CASE WILL BE READY FOR TRIAL BY (Month/Year): 03/2019

**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS?**

Yes  No

**IF YES, PLEASE SPECIFY:**

- Wheelchair accessible hearing room and other facilities
- Reader or other auxiliary aid for the visually impaired
- Interpreter or other auxiliary aid for the deaf and hard of hearing
- Spokesperson or other auxiliary aid for the speech impaired
- Foreign language interpreter-specify language: \_\_\_\_\_
- Other: \_\_\_\_\_

Attorney Name: Michael M. Fisher

Firm: Jackson Kelly PLLC

Address: P.O. Box 553, Charleston, WV 25322

Telephone: 304-340-1002

**Representing:**

- Plaintiff  Defendant
- Cross-Defendant  Cross-Complainant
- 3rd-Party Plaintiff  3rd-Party Defendant

Proceeding Without an Attorney

Original and \_\_\_\_\_ copies of complaint enclosed/attached.

Dated: 3 / 12 / 2018

Signature: [Handwritten Signature]

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**FILED**

**WW CONSULTANTS, INC.,  
a Virginia Corporation,**

2018 MAR 12 P 3:30

**Plaintiff,**

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

v.

**Civil Action No. 18-C-115  
Honorable Louis H. "Duke" Bloom**

**POCAHONTAS COUNTY PUBLIC  
SERVICE DISTRICT, a public corporation  
and local political subdivision of the  
State of West Virginia, MARK SMITH,  
DAVID GANDEE, and DAVID DRAGAN,  
in their official capacity as board  
members of the Pocahontas County  
Public Service District, the WEST  
VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, a  
Department of the State of  
West Virginia, and the WEST VIRGINIA  
WATER DEVELOPMENT AUTHORITY,  
an instrumentality of the State of  
West Virginia,**

**Defendants.**

**ANSWER OF WEST VIRGINIA WATER DEVELOPMENT AUTHORITY**

Comes now the defendant, West Virginia Water Development Authority (hereinafter, "this defendant"), by counsel, Michael M. Fisher, Esquire, and Jackson Kelly, PLLC, and answers and otherwise responds to the Complaint in the above-styled matter, as follows:

**FIRST DEFENSE**

This defendant is immune from and against the allegations contained in the Complaint; therefore, the Complaint must be dismissed against this defendant.

## SECOND DEFENSE

The Complaint fails to state a claim upon which relief can be granted against this defendant; therefore, the Complaint must be dismissed against this defendant.

## THIRD DEFENSE

1. Answering Paragraph 1 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

2. Answering Paragraph 2 of the Complaint, upon information and belief, this defendant admits the allegations contained therein.

3. Answering Paragraph 3 of the Complaint, upon information and belief, this defendant admits the allegations contained therein.

4. Answering Paragraph 4 of the Complaint, upon information and belief, this defendant admits the allegations contained therein.

5. Answering Paragraph 5 of the Complaint, this defendant denies the allegations contained therein and demands strict proof thereof.

6. Answering Paragraph 6 of the Complaint, this defendant denies the allegations contained in therein and demands strict proof thereof.

7. Answering Paragraph 7 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

8. Answering Paragraph 8 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

9. Answering Paragraph 9 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

10. Answering Paragraph 10 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

11. Answering Paragraph 11 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

12. Answering Paragraph 12 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

13. Answering Paragraph 13 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

14. Answering Paragraph 14 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

15. Answering Paragraph 15 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

16. Answering Paragraph 16 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof.

17. Answering Paragraph 17 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

18. Answering Paragraph 18 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

19. Answering Paragraph 19 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

20. Answering Paragraph 20 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

21. Answering Paragraph 21 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

22. Answering Paragraph 22 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

23. Answering Paragraph 23 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

24. Answering Paragraph 24 of the Complaint, this defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

25. Answering Paragraph 25 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

26. Answering Paragraph 26 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

27. Answering Paragraph 27 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

28. Answering Paragraph 28 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

29. Answering Paragraph 29 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

30. Answering Paragraph 30 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

31. Answering Paragraph 31 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

32. Answering Paragraph 32 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

33. Answering Paragraph 33 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

34. Answering Paragraph 34 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

35. Answering Paragraph 35 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

36. Answering Paragraph 36 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

37. Answering Paragraph 37 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

38. Answering Paragraph 38 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

39. Answering Paragraph 39 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof.

40. Answering Paragraph 40 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

41. Answering Paragraph 41 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

42. Answering Paragraph 42 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

43. Answering Paragraph 43 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

44. Answering Paragraph 44 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

45. Answering Paragraph 45 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

46. Answering Paragraph 46 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

47. Answering Paragraph 47 of the Complaint, this defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

48. Answering Paragraph 48 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

49. Answering Paragraph 49 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

50. Answering Paragraph 50 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

51. Answering Paragraph 51 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

52. Answering Paragraph 52 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

53. Answering Paragraph 53 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

54. Answering Paragraph 54 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

55. Answering Paragraph 55 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

56. Answering Paragraph 56 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

57. Answering Paragraph 57 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

58. Answering Paragraph 58 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

59. Answering Paragraph 59 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof.

60. Answering Paragraph 60 of the Complaint, this defendant realleges and incorporates by reference all of the above allegations as if set forth in their entirety herein.

61. Answering Paragraph 61 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

62. Answering Paragraph 62 of the Complaint, this defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

63. Answering Paragraph 63 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

64. Answering Paragraph 64 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

65. Answering Paragraph 65 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

66. Answering Paragraph 66 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the

same and denies strict proof thereof.

67. Answering Paragraph 67 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

68. Answering Paragraph 68 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

69. Answering Paragraph 69 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

70. Answering Paragraph 70 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

71. Answering Paragraph 71 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

72. Answering Paragraph 72 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

73. Answering Paragraph 73 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

74. Answering Paragraph 74 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

75. Answering Paragraph 75 of the Complaint, this defendant realleges and incorporates by reference all of the above responses as if set forth in their entirety herein.

76. Answering Paragraph 76 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this

Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

77. Answering Paragraph 77 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

78. Answering Paragraph 78 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

79. Answering Paragraph 79 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

80. Answering Paragraph 80 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

81. Answering Paragraph 81 of the Complaint, this defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

82. Answering Paragraph 82 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

83. Answering Paragraph 83 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

84. Answering Paragraph 84 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

85. Answering Paragraph 85 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the

same and denies strict proof thereof.

86. Answering Paragraph 86 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

87. Answering Paragraph 87 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

88. Answering Paragraph 88 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

89. Answering Paragraph 89 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

90. Answering Paragraph 90 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

91. Answering Paragraph 91 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

92. Answering Paragraph 92 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

93. Answering Paragraph 93 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

94. Answering Paragraph 94 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

95. Answering Paragraph 95 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

96. Answering Paragraph 96 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

97. Answering Paragraph 97 of the Complaint, this defendant realleges and incorporates by reference all of the above responses as if set forth in their entirety herein.

98. Answering Paragraph 98 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

99. Answering Paragraph 99 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

100. Answering Paragraph 100 of the Complaint, this defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

101. Answering Paragraph 101 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

102. Answering Paragraph 102 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

103. Answering Paragraph 103 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

104. Answering Paragraph 104 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the

same and denies strict proof thereof.

105. Answering Paragraph 105 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

106. Answering Paragraph 106 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

107. Answering Paragraph 107 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

108. Answering Paragraph 108 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

109. Answering Paragraph 109 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

110. Answering Paragraph 110 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

111. Answering Paragraph 111 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

112. Answering Paragraph 112 of the Complaint, this defendant realleges and incorporates by reference all of the above responses as if set forth in their entirety herein.

113. Answering Paragraph 113 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

114. Answering Paragraph 114 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this

Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

115. Answering Paragraph 115 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

116. Answering Paragraph 116 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

117. Answering Paragraph 117 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

118. Answering Paragraph 118 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

119. Answering Paragraph 119 of the Complaint, this defendant realleges and

incorporates by reference all of the above allegations as if set forth in their entirety herein.

120. Answering Paragraph 120 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

121. Answering Paragraph 121 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

122. Answering Paragraph 122 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

123. Answering Paragraph 123 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

124. Answering Paragraph 124 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained

therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

125. Answering Paragraph 125 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

126. Answering Paragraph 126 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

127. Answering Paragraph 127 of the Complaint, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies the same and demands strict proof thereof. To the extent this Paragraph attempts to allege a cause of action against this defendant, this defendant denies the same and denies strict proof thereof.

128. Answering Paragraph 128 of the Complaint, this defendant realleges and incorporates by reference all of the above responses as if set forth in their entirety herein.

129. Answering Paragraph 129 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

130. Answering Paragraph 130 of the Complaint, this defendant denies the

allegations contained therein and demand strict proof thereof.

131. Answering Paragraph 131 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

132. Answering Paragraph 132 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

133. Answering Paragraph 133 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

134. Answering Paragraph 134 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

135. Answering Paragraph 135 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

136. Answering Paragraph 136 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

137. Answering Paragraph 137 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

138. Answering Paragraph 138 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

139. Answering Paragraph 139 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

140. Answering Paragraph 140 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

141. Answering Paragraph 141 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

142. Answering Paragraph 142 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

143. Answering Paragraph 143 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

144. Answering Paragraph 144 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

145. Answering Paragraph 145 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

146. Answering Paragraph 146 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

147. Answering Paragraph 147 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

148. Answering Paragraph 148 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

149. Answering Paragraph 149 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

150. Answering Paragraph 150 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

151. Answering Paragraph 151 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

152. Answering Paragraph 152 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

153. Answering Paragraph 153 of the Complaint, this defendant denies the

allegations contained therein and demand strict proof thereof.

154. Answering Paragraph 154 of the Complaint, this defendant denies the allegations contained therein and demand strict proof thereof.

#### **FOURTH DEFENSE**

This defendant denies each and every allegation of the Complaint not specifically admitted herein.

#### **FIFTH DEFENSE**

Plaintiff's claims and damages, if any, were caused by entities or persons other than this defendant and, therefore, such claims and damages must be dismissed against this defendant.

#### **SIXTH DEFENSE**

No contracts or agreements exist between plaintiff and this defendant and, therefore, plaintiff's claims and damages, if any, must be dismissed against this defendant.

#### **SEVENTH DEFENSE**

This defendant owes no contractual duties or obligations to plaintiff and, therefore, plaintiff's claims and damages, if any, must be dismissed against this defendant.

#### **EIGHTH DEFENSE**

Because no contract exists and this defendant owes no contractual duties or obligations to plaintiff, the claims and damages of the plaintiff must be dismissed against this defendant.

#### **NINTH DEFENSE**

Plaintiff's claims and damages, if any, must be dismissed against this defendant for lack of privity of contract between them.

**TENTH DEFENSE**

Plaintiff's claims and damages, if any, must be dismissed against this defendant pursuant to the doctrine of failure of consideration.

**ELEVENTH DEFENSE**

Plaintiff's claims and damages, if any, must be dismissed against this defendant pursuant to the doctrine of unclean hands.

**TWELFTH DEFENSE**

Plaintiff is estopped from bringing claims and damages against this defendant and, therefore, plaintiff's claims and damages must be dismissed against this defendant.

**THIRTEENTH DEFENSE**

Plaintiff's claims and damages, if any, must be dismissed against this defendant pursuant to the doctrine frustration of purpose.

**FOURTEENTH DEFENSE**

Plaintiff is not a third party beneficiary of any contract to which this defendant is a party and, therefore, plaintiff's claims and damages must be dismissed against this defendant.

**FIFTEENTH DEFENSE**

Plaintiff is not a party, direct beneficiary, or a non-incidental beneficiary to any contract to which this defendant is a party and, therefore, plaintiff's claims and damages must be dismissed against this defendant.

**SIXTEENTH DEFENSE**

This defendant has not entered into any contracts which contain language and/or intend to create any third party beneficiary status to plaintiff and, therefore, plaintiff's claims and damages must be dismissed against this defendant.

**SEVENTEENTH DEFENSE**

Plaintiff lacks standing to bring claims this defendant and, therefore, plaintiff's claims and damages must be dismissed against this defendant.

**EIGHTEENTH DEFENSE**

This defendant reserves the right to assert any additional affirmative defenses as may be developed during discovery and investigation of this matter.

**NINETEENTH DEFENSE**

This defendant reserves the right to assert to assert any counterclaims, cross-claims, or third-party claims as may be warranted by further investigation and discovery in this matter.

WHEREFORE, this defendant moves that the Complaint in this matter be dismissed, with prejudice; that this defendant be awarded its costs and attorney's fees involved in the defense of this matter; and that the Court award such other and further relief as it may deem just and appropriate.

THIS DEFENDANT DEMANDS A TRIAL BY JURY.

WEST VIRGINIA WATER  
DEVELOPMENT AUTHORITY

By Counsel



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*Counsel for defendant West Virginia Water  
Development Authority*

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WW CONSULTANTS, INC.,  
a Virginia Corporation,

Plaintiff,

v.

**FILED**

2018 MAR 12 P 3:30

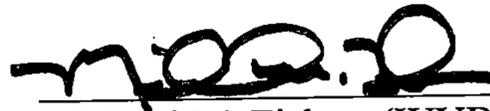
CATHY S. CATSON, CLERK  
Civil Action No. 18-CV-015  
HONORABLE LOUIS H. "DUKE" BLOOM  
CIRCUIT COURT

POCAHONTAS COUNTY PUBLIC  
SERVICE DISTRICT, a public corporation  
and local political subdivision of the  
State of West Virginia, MARK SMITH,  
DAVID GANDEE, and DAVID DRAGAN,  
in their official capacity as board  
members of the Pocahontas County  
Public Service District, the WEST  
VIRGINIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, a  
Department of the State of  
West Virginia, and the WEST VIRGINIA  
WATER DEVELOPMENT AUTHORITY,  
an instrumentality of the State of  
West Virginia,

**CERTIFICATE OF SERVICE**

I, Michael M. Fisher, counsel for West Virginia Water Development Authority do hereby certify that service of the *Answer of West Virginia Water Development Authority* was made upon the following counsel of record, by forwarding a true and exact copy thereof to each of them, in properly stamped and addressed envelopes, deposited in the regular course of the United States mail, on this 15<sup>th</sup> day of March, 2017:

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Keith R. Hoover, Esquire (WVSB #11099)  
Flaherty Sensabaugh Bonasso  
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