

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

FILED
OCT 22 AM 10:18
CATHY S. CATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

WW CONSULTANTS, INC.,

Plaintiff,

v.

Civil Action No. 18-C-115
Honorable Christopher C. Wilkes

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.

ORDER OF DISMISSAL WITHOUT PREJUDICE
OF WEST VIRGINIA WATER DEVELOPMENT AUTHORITY

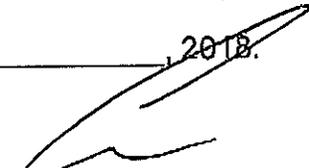
On a previous day came the Plaintiff/Counter-Claim Defendant, WW Consultants, Inc., and Defendant West Virginia Water Development Authority ("WVWDA"), by and through their respective counsel, and jointly announced to the Court that all matters and differences between them have been fully settled, compromised, and adjusted. Thereupon, the parties jointly moved the Court to dismiss the claims of WW Consultants, Inc. against WVWDA *without prejudice*. After mature consideration of such motion and for good cause shown, the Court is of the opinion to and does hereby GRANT such motion.

57

THEREFORE, it is hereby ORDERED, ADJUDGED and DECERED that the claims of WW Consultants, Inc. against WWDA be and the same are hereby dismissed *without prejudice*.

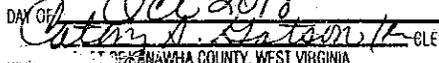
The Clerk is hereby DIRECTED to send certified copies of this Order to all counsel of record.

ENTERED this 23 day of October, 2018.

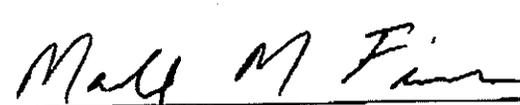

Honorable Christopher C. Wilkes

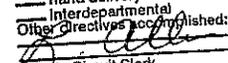
Prepared by:


Nathaniel K. Fawney (WVSB #8768)
Wesley P. Page (WVSB #10529)
Flaherty Sensabaugh Bonasso
Post Office Box 3843
Charleston, West Virginia 25338
(304) 345-0200
Counsel for WW Consultants, Inc.

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 23 DAY OF Oct 2018

CLERK
COUNTY OF KANAWHA, WEST VIRGINIA

Agreed to by:


Michael M. Fisher (WVSB #4353) *BY WPP*
Jackson Kelly, PLLC *w/permission*
500 Lee Street East, Suite 1600
PO Box 553
Charleston, WV 25322
Counsel for WV Water Development Authority

Date: 10/23/18
Certified copies sent to:
 counsel of record
 parties
 other (please indicate)
By: certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other directives accomplished:

Deputy Circuit Clerk

Bus Ct.
Judge Wilkes
Scott
Loeensen
E. Kaiser
C. Nezeley
C. Driver
P. Mann
W. Page -2-
M. Fisher

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

WW CONSULTANTS, INC.,

Plaintiff,

v.

**Civil Action No. 18-C-115
Honorable Christopher C. Wilkes**

**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.

CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiff/Counter-Claim Defendant, WW Consultants, Inc., by counsel, and Defendant West Virginia Water Development Authority, do hereby certify that on the 11th day of October 2018, the foregoing ***Order of Dismissal Without Prejudice of West Virginia Water Development Authority*** which was served upon counsel of record, via regular U.S. Mail addressed to:

**Christopher D. Negley, Esquire
Michael D. Dunham, Esquire
Shuman, McCuskey & Slicer, PLLC
9499-Virginia Street, East, Suite 200
Charleston, WV 25309
Counsel for Pocahontas PSD,
Marsh Smith, David Dragan and David Gandee**

C. Scott Driver, Esquire
WVDEP
601 57th Street, Southeast
Charleston, WV 25304
Counsel for WVDEP

Michael C. Fisher, Esquire
Jackson Kelly, PLLC
500 Lee Street East, Suite 1600
PO Box 553
Charleston, WV 25322
Counsel for WV Water Authority

Paul M. Mannix, Esq.
Marcus & Shapira LLP
One Oxford Centre, 35th Floor
301 Grant Street
Pittsburgh, PA 15219
Counsel for WW Consultants, Inc.

WW Consultants, Inc.

By counsel,



Wesley P. Page (WVSB #10529)
Flaherty Sensabaugh Bonasso
200 Capitol Street (25301)
Post Office Box 3843
Charleston, West Virginia 25338
304-345-0200
304-345-0260 fax