

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

MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,
Plaintiff/Counterclaim Defendant,

v.

CIVIL ACTION NO. 16-C-66
JUDGE H. CHARLES CARL, III

BILFINGER WESTCON, INC.,
Defendant/Counterclaim Plaintiff/
Third Party Plaintiff,

v.

MARKWEST LIBERTY BLUESTONE, LLC,
MPLX LP, MARKWEST ENERGY PARTNERS
LP, THE HARTFORD STEAM BOILER
INSPECTION & INSURANCE COMPANY OF
CONNECTICUT, TEAM INDUSTRIAL
SERVICES, INC., FURMANITE AMERICA, INC.,
O'DONNELL CONSULTING ENGINEERS, INC.,
CEMI, LLC, AND QUALITY INTEGRATED
SERVICES, INC.,
Third Party Defendants.

FILED
2018 DEC 20 PM 2:25
LORI L. V. COLE
CLERK OF COURT
WETZEL COUNTY, WV

**ORDER DISMISSING DEFENDANT'S MOTION FOR JUDGMENT BY DEFAULT
AGAINST THIRD-PARTY DEFENDANT TEAM INDUSTRIAL SERVICES, INC.**

This matter came before the Court this 20 day of December 2018, upon Defendant Bilfinger Westcon, Inc's Notice of Withdrawal of Motions for Judgment by Default Judgment Against Third-Party Defendants Team Industrial Services, Inc. and Furmanite America, Inc. On October 27, 2018, Defendant had sought judgment by default against Third-Party Defendant Team Industrial Services, Inc. due to its failure to file any responsive pleadings or otherwise appear in the above-captioned case. As Third-Party Defendant Team Industrial Services, Inc.

has now appeared and filed responsive pleadings¹. Defendant seeks to withdraw its motion for judgment by default. The Court finds this request shall be granted. Therefore, Defendant's Motion for Judgment by Default Against Third-Party Defendant Team Industrial Services, Inc. filed October 27, 2018, is hereby DISMISSED as MOOT.

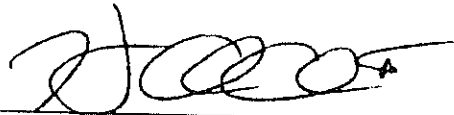
CONCLUSION

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED** that Defendant Bilfinger Westcon, Inc.'s Motion for Judgment by Default Against Third-Party Defendant Team Industrial Services, Inc. is hereby **DISMISSED** as **MOOT**.

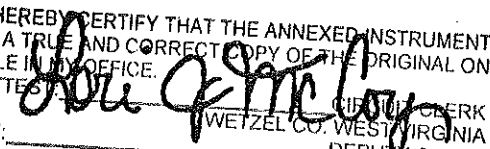
The Court notes the objections of the parties, if any, to any adverse ruling herein.

The Clerk is directed to enter this Order as of the date first hereinabove appearing, and send attested copies to all counsel of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 20 day of December 2018.



JUDGE H. CHARLES CARL, III
West Virginia Business Court Division

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

¹ The Court notes that on November 1, 2018, Third-Party Defendant Team Industrial Services, Inc., by counsel, filed a Motion to Dismiss Third Party Complaint and accompanying memorandum of law.