

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 2:24  
FURN 1 14 18  
CIRCUIT CLERK  
WETZEL COUNTY, WV

**ORDER DISMISSING DEFENDANT'S MOTION FOR JUDGMENT BY DEFAULT  
AGAINST THIRD-PARTY DEFENDANT FURMANITE AMERICA, 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 Furmanite America, Inc. due to its failure to file any responsive pleadings or otherwise appear in the above-captioned case. As Third-Party Defendant Furmanite America, Inc. has now appeared

and filed responsive pleadings<sup>1</sup>, 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 Furmanite America, Inc. filed October 27, 2018, is hereby DISMISSED as MOOT.

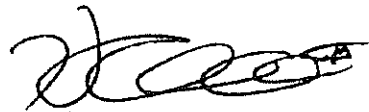
**CONCLUSION**

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

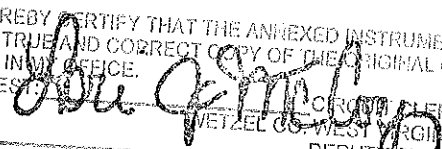
The Court notes the objections of the parties, if any, to any adverse ruling herein.

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:  CIRCUIT CLERK  
WETZEL CO. WEST VIRGINIA  
DEPUTY CLERK

<sup>1</sup> The Court notes that on November 13, 2018, Third-Party Defendant Furmanite America, Inc., by counsel, filed a Motion to Dismiss Third-Party Complaint and accompanying memorandum of law.