

FILED
2019 DEC -3 AM 11:01
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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

v.

**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, and the WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION, a
Department of the State of West Virginia**

**Civil Action No. 18-C-115
Presiding: Judge Wilkes
Resolution: Judge Lorensen**

PARTIAL DISMISSAL ORDER

On this day came the Plaintiff, WW Consultant, Inc., by counsel, Christopher Brumley, Evan Aldridge and Flaherty, Sensabaugh and Bonasso, PLLC, and came the Defendant, the Pocahontas County Public Service District, a political subdivision of the state of West Virginia, and Defendants Mark Smith, David Gandee and David Dragan, sued in their official capacity as board members of the Pocahontas County Public Service District (collectively "the Defendants"), by counsel, Christopher D. Negley, Esq., and Shuman, McCuskey & Slicer, PLLC, and represented to the Court that all claims and controversies brought by the Plaintiff against the Defendant in this action have been fully **SETTLED**, and therefore the parties hereby jointly **MOVE** this Court to **DISMISS** the claims of the Plaintiff against Defendants with **PREJUDICE** to the parties.

Further, the Court and the parties recognize that a counterclaim brought by the Pocahontas County Public Service District against the Plaintiff survives this Partial Dismissal Order.

The Court having found no objection to the parties' motion accordingly **ORDERS** that all claims and controversies brought by the Plaintiff against the Defendants are hereby **DISMISSED**

with **PREJUDICE**. Thus, by **ORDER** of this Court, Defendants Mark Smith, David Gandee and David Dragan are hereby Dismissed from the case as well as all claims filed by WW Consultants, Inc., against the Pocahontas County Public Service District.

The Court also directs that each party is to pay their own respective costs, legal fees, and expenses. It is further **ORDERED** that the Clerk forward attested copies of this Dismissal Order to all counsel of record.

ENTERED this 3rd day of December, 2019.



THE HON. CHRISTOPHER WILKES, JUDGE

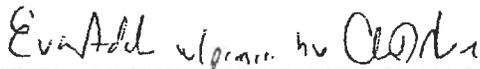
Prepared by:



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STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. BATSON, 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 3rd
DAY OF Dec, 2019
Cathy S. Batson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Approved by:



Christopher Brumley, Esquire (WVSB #7697)
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WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Counsel for WVDEP

Date: 12/3/19
Certified copies sent to:
 counsel of record
 parties
 other (please indicate)
By: certified/1st class mail
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Other directives accomplished:
S. Driver
Deputy Circuit Clerk

Bus Ct
C. Hegley
C. Brunley
P. Mannix
S. Driver