

FILED

2021 JUN 24 AM 8:22

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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

WW CONSULTANTS, INC.,

Plaintiff,

v.

POCAHONTAS COUNTY PUBLIC SERVICE
DISTRICT, and the WEST VIRGINIA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Defendants,

and

POCAHONTAS COUNTY PUBLIC SERVICE
DISTRICT,

Counterclaim Plaintiff,

v.

WW CONSULTANTS, INC., A3-USA, INC., and
PIPE PLUS, INC.,

Counterclaim Defendants,

v.

ORDERS CONSTRUCTION COMPANY, INC.,
A3-USA, INC., and PIPE PLUS INC.,

Counterclaim and Third-Party Defendants.

**ORDER OF STIPULATED DISMISSAL OF
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On this day came the Defendant, West Virginia Department of Environmental Protection ("WVDEP"), by counsel; the Plaintiff and Counterclaim Defendant, WW Consultants, Inc., by counsel; the Pocahontas County Public Service District, a political subdivision of the State of West Virginia, Defendant and Counterclaim Plaintiff, by counsel; and Pipe Plus, Inc.,

312

Counterclaim Defendant and Third-Party Defendant, by counsel, and stipulated, pursuant to Rule 41(a) of the West Virginia Rules of Civil Procedure, to voluntarily dismiss without prejudice all currently pending claims against WVDEP.


The Court, finding the stipulation to be in proper form and also being advised that there has been no objection by any other party with regard to the dismissal of WVDEP sought by the stipulation, is of the opinion that such dismissal should be allowed.

WHEREFORE, it is hereby ORDERED that WVDEP is hereby dismissed from this action WITHOUT PREJUDICE with respect to all currently pending claims against it. This action is to remain on the docket of the Court pending resolution of all other claims asserted therein.

ENTERED this 23rd day of June, 2021.


THE HONORABLE CHRISTOPHER WILKES, JUDGE


Prepared and Submitted By:


Scott Driver, Esq. (WV Bar ID #9846)
West Virginia Department of Environmental Protection
601 57th Street Southeast
Charleston WV 25304
Telephone: (304) 926-0499
E-mail: charles.s.driver@wv.gov
*Counsel for Defendant, West Virginia Department
of Environmental Protection*


Date: 6/24/21
Certified copies sent to:
 counsel of record
 parties
 other
(please indicate)
By: certified/1st class mail
 fax
 hand delivery
 interdepartmental
Other directives accomplished:
Ulada
Deputy Circuit Clerk

Bus Ct T. Spears
P. Mannix J. Adolitzell
C. Negley S. Driver
N. Daniels J. Burns

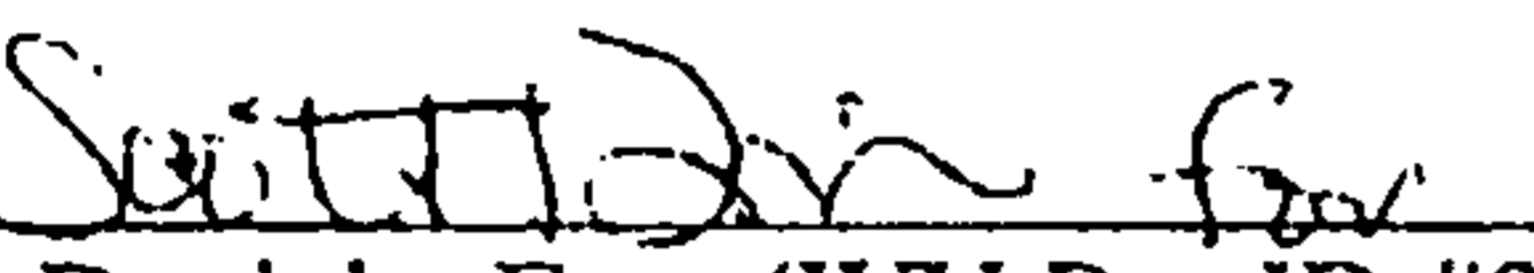
Approved by:



Paul M. Mannix, Esq. (WV Bar ID #7193)
Marcus & Shapira, LLP
301 Grant Street, 35th Floor
Pittsburgh PA 15219
Counsel for WW Consultants, Inc.



Christopher D. Negley, Esq. (WV Bar ID #6086)
Shuman, McCuskey & Slicer, PLLC
141 Virginia Street East, Suite 200
Charleston WV 25311
*Counsel for Pocahontas County Public
Service District*



Norm Daniels, Esq. (WV Bar ID #937)
Daniels Law Firm, PLLC
300 Summers Street, Suite 1270
Post Office Box 1433
Charleston WV 25304
Counsel for Pipe Plus, Inc.