



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING
BAILEY & GLASSER LLP, ROBINSON & MCELWEE, PLLC, AND
WEBB LAW CENTRE, PLLC AS OUTSIDE COUNSEL ON BEHALF OF
THE OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL AND
PAUL A. MATTOX, JR. IN HIS OFFICIAL CAPACITY AS SECRETARY OF
TRANSPORTATION AND COMMISSIONER OF HIGHWAYS, WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**

The Office of the West Virginia Attorney General (hereinafter "WVAGO") sought the assistance of outside counsel to provide legal assistance with an antitrust matter. More specifically, the WVAGO sought counsel to assist staff with ongoing litigation against CRH, plc; Oldcastle, Inc.; Oldcastle Materials, Inc.; West Virginia Paving, Inc.; Southern West Virginia Paving, Inc.; Southern West Virginia Asphalt, Inc.; Kelly Paving, Inc.; Camden Materials, LLC; American Asphalt & Aggregate, Inc.; American Asphalt of West Virginia, LLC; and Blacktop Industries and Equipment Company for alleged violations of the West Virginia Antitrust Act.

Pursuant to the written determination issued on January 11, 2017, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVAGO with the needed legal services. A request for proposals, RFP # 58, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the January 27, 2017, deadline for proposals, the Office of the Attorney General received two timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firms of Bailey & Glasser LLP, Robinson & McElwee, PLLC, and the Webb Law Centre, PLLC's ("Bailey, Robinson, and Webb") joint submission is the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Bailey, Robinson, and Webb have the requisite attorneys and staff in the geographic area where the legal services are to be performed, and is readily available to perform the needed services in a timely manner;
- Bailey, Robinson, and Webb have the requisite litigation experience;

- Bailey, Robinson, and Webb is responsive to the WVDOT/DOHs needs, and of those who submitted proposals, is WVDOT/DOH's preferred counsel for this matter; and
- Bailey, Robinson, and Webb have agreed to perform the needed legal services on a contingency fee basis capped at twenty percent of the first \$10 million recovered and thereafter in accordance with subsection I. of the Attorney General's Policy on Outside Counsel.

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Bailey & Glasser LLP, Robinson & McElwee, PLLC, and the Webb Law Centre, PLLC to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Steven A. Travis
Deputy General Counsel
Dated: April 25, 2017