



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

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

**WRITTEN DETERMINATION REGARDING THE  
APPOINTMENT OF 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**

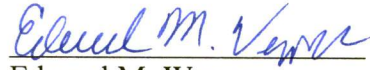
The Office of the West Virginia Attorney General (hereinafter "WVAGO") is seeking the assistance of outside counsel to provide legal assistance with an antitrust matter. More specifically, the WVAGO seeks counsel to assist staff with ongoing litigation against CRH, plc; Oldcastle, Inc.; Oldcastle Materials, 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 styled:

*State of West Virginia ex rel. Patrick Morrissey, Attorney General and Paul A. Mattox, Jr. in his Official Capacity as Secretary of Transportation and Commissioner of Highways, West Virginia Department of Transportation v. CRH, PLC, et al. Civil Action 17-C-41 currently pending in the Circuit Court of Kanawha County, West Virginia.*

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- The matter at issue requires particular and specialized expertise in complex antitrust law that would benefit from the assistance of outside counsel.
- Kanawha County is the primary geographic area where the legal services will be performed.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services without the assistance of outside counsel at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.



Edward M. Wenger  
General Counsel

Date Signed: January 11, 2016