MDW
4-24-09

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

AMTECH ELEVATOR SERVICES *now known as* ABM AMTECH INCORPORATED, *et al.*, Plaintiffs, v. UNIWEST CONSTRUCTION, INC., *et al.*, Defendants.	Civil Action No. 08-5909

ORDER

THIS CAUSE came on to be heard on the trial of this matter on February 23 through March 2, 2009 and the subsequent hearing on the parties' post-trial motions and for the entry of this Order held on April 24, 2009, and

IT APPEARING, for the reasons stated on the record and based upon the testimony of the witnesses, the exhibits that were admitted into evidence, the arguments of counsel and the parties' respective post-trial motions and oppositions thereto, all of which are reflected in the record of these proceedings, that (i) Plaintiff/Counter-Defendant Amtech Elevator Services n/k/a ABM Amtech Incorporated ("Amtech") breached the obligation to procure insurance set forth in the Subcontract between it and Defendant/Counter-Plaintiff Uniwest Construction, Inc. ("Uniwest"), resulting in compensatory damages in the amount of $9,500,000 and (ii) Defendants/Counter-Plaintiffs are entitled to an award of prejudgment interest at Virginia's statutory rate accruing from April 26, 2006, until paid, it is therefore

ORDERED that judgment hereby is entered in favor of Defendants/Counter-Plaintiffs and against Plaintiff/Counter-Defendant Amtech Elevator Services n/k/a ABM Amtech Incorporated for compensatory damages in the amount of $9,500,000, plus prejudgment interest

at Virginia's statutory rate accruing from April 26, 2006, until paid, for breach of the obligation to procure insurance set forth in the Subcontract between it and Defendant/Counter-Plaintiff Uniwest Construction, Inc., and it is

FURTHER ORDERED that, consistent with the specific relief granted hereinabove in favor of Defendants/Counter-Plaintiffs, judgment hereby is entered in their favor and against Plaintiffs/Counter-Defendants as to Count II of the Complaint, and it is

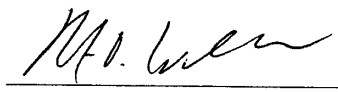
FURTHER ORDERED that judgment hereby is entered in favor of Plaintiffs/Counter-Defendants as to Count I, III and IV of the Complaint, and it is

FURTHER ORDERED that, except to the extent of the affirmative relied awarded in favor of Defendants/Counter-Plaintiffs, judgment is entered against them and in favor of Plaintiffs/Counter-Defendants as to the remaining claims set forth in the Counterclaims filed herein, and it is

FURTHER ORDERED that, except to the extent specifically addressed herein, the parties' post-trial motions hereby are denied.

ENTERED this 24 day of April, 2009.

AND THIS CAUSE IS FINAL, WITH THE ISSUE OF ATTORNEY'S FEES TO BE DETERMINED IN ACCORDANCE WITH THE TERMS OF THE CONSENT ORDER ENTERED OF EVEN DATE HEREWITH.



THE HONORABLE MARCUS D. WILLIAMS

PRESENTED AND OBJECTED TO FOR THE REASONS STATED ON THE RECORD OF THESE PROCEEDINGS AND IN THE PLEADINGS AND ALL OBJECTIONS TO ALL ADVERSE RULINGS ARE PRESERVED AND NOT WAIVED

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SEEN AND OBJECTED TO FOR THE REASONS STATED ON THE RECORD OF THESE PROCEEDINGS AND IN THE PLEADINGS; and all objections to all adverse rulings are preserved and not waived.

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#1085469v1 Final Order (Version 2)