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2010 JUL -7 AM 10:32  
CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

ROBERT FULMER,

Plaintiff,

v.

CIVIL ACTION NO. 09-MISC-371

KANAWHA COUNTY BOARD  
OF EDUCATION,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO ALTER OR AMEND JUDGMENT

This case is before the Court for consideration upon the "Defendant Kanawha County Board of Education's Motion to Alter or Amend Judgment" filed on April 14, 2010. "Plaintiff's Response to Defendant, Kanawha County Board of Education's, Motion to Alter or Amend Judgment" was filed on June 17, 2010.

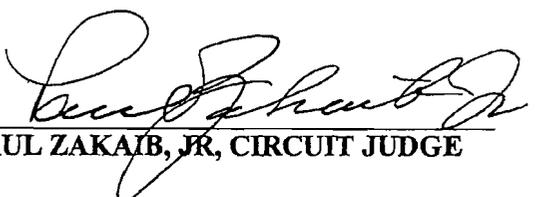
On June 30, 2010, came the Plaintiff, Robert Fulmer, in person and by counsel, William L. Mundy, Esq. and James A. Spenia, Esq., and came the Defendant, Kanawha County Board of Education, by counsel, Billie Jo Streyle, Esq., for oral argument on the Defendant's motion.

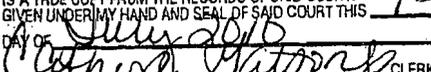
After hearing oral argument of counsel, and after reviewing the memoranda of law submitted by the parties, this Court is of the opinion to deny the Defendant's Motion to Alter or Amend Judgment.

An objection and exception is saved to all parties aggrieved by this ruling.

It is **FURTHER ORDERED** that a certified copy of this Order be sent to William L. Mundy, Esq., James A. Spenia, Esq. and Billie Jo Streyle, Esq.

Enter this 6<sup>th</sup> day of July, 2010.

  
PAUL ZAKAIB, JR., CIRCUIT JUDGE

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY S. GATSON, 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 7<sup>th</sup>  
DAY OF July, 2010  
  
CATHY S. GATSON, CLERK

FILED

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

ROBERT FULMER,

2010 NOV -8 PM 4: 12

Respondent (Plaintiff),

CATHY S. BAIRD, CLERK  
KANAWHA CO. CIRCUIT COURT

v.

Appeal No. \_\_\_\_\_  
[Civil Action No. 09-MISC-371  
Honorable Paul Zakaib]

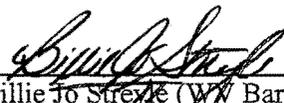
KANAWHA COUNTY BOARD OF  
EDUCATION,

Petitioner (Defendant).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing "Docketing Statement"  
was served upon the following parties by U.S. Mail on this day, November 8, 2010:

William Mundy, Esq.  
James A. Spenia, Esq.  
Mundy & Nelson  
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Huntington, WV 25728  
Attorney For: Robert Fulmer

  
\_\_\_\_\_  
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