

101596

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

DAVID A. BOTKINS,  
Plaintiff,

v.

Civil Action No. 09-C-0022  
Judge James C. Stuckey

CITY OF SAINT ALBANS,  
a West Virginia municipal corporation,  
B. L. TAGAYUN and A. C. TRUITT,  
Defendants.

FILED  
2010 NOV -5 PM 3:31  
CATHY S. GARDNER, CLERK  
KANAWHA CO. CIRCUIT COURT

ORDER

On the 4<sup>th</sup> day of November, 2010, came the Plaintiff by counsel, Michael T. Clifford, and the Defendants by counsel, Duane Ruggier, David A. Holtappel, and the law firm of Pullen, Fowler, Flanagan, Brown & Poe, for a hearing on the Defendant's Motion for Summary Judgment.

Upon viewing the facts in the light most favorable to the Plaintiff, and for reasons stated on the record, the Motion for Summary Judgment is hereby DENIED.

The Defendants are free to raise these arguments in a motion for directed verdict at the proper time during the trial of this matter.

The Clerk of this Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED THIS 5 DAY OF NOVEMBER, 2010.

*John S. Hoko*  
JUDGE

Prepared by:

*[Signature]*  
Michael T. Clifford (#750)  
723 Kanawha Blvd. E., Ste. 1200  
Charleston, WV 25301

11/8/10  
Date: \_\_\_\_\_  
Certified copies sent to:  
 counsel of record  
 parties  
 other (please specify) \_\_\_\_\_  
By: *M. Clifford, D. Ruggier, D. Holtappel*  
 certified/registered mail  
 fax  
 hand delivery  
 electronic  
Clerk directed to accomplish:  
*[Signature]*  
Deputy Circuit Clerk

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