

11-1265

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

ROBIN SKINNER PRINZ, et al.,

PLAINTIFF,

vs.

Civil Action No. 09-C-415  
Judge David Sanders

JULIE MASSANOPOLI PIPER, et al.,

DEFENDANTS.

**ORDER DENYING DEFENDANT STATE FARM'S  
MOTION TO ALTER OR AMEND VERDICT OR FOR A NEW TRIAL**

RECEIVED  
AUG 05 2011  
JEFFERSON COUNTY  
CIRCUIT CLERK  
HJC

This matter came before the Court on the 4<sup>th</sup> day of Aug, 2011, upon Defendant State Farm Fire and Casualty Company's ("State Farm") motion to amend the verdict returned June 2, 2011 or for a new trial. Upon consideration of the memoranda in support and opposition, this Court finds that neither action is appropriate pursuant to West Virginia Rule of Civil Procedure 59.

Upon review, this Court finds that it did not err in its application of the Dead Man's Statute, West Virginia Code § 57-3-1. The witnesses proffered by Defendant State Farm were interested parties whose testimony was intended to describe personal transactions or communications with the deceased Will Piper. Moreover, the Court did not err when it also excluded documents created after the death of Will Piper under the Dead Man's Statute. Finally, the Court did not err in disallowing the Defendant's jury instruction on the term "Household," as the focus of the insurance policy at issue was "the primary residence" of the individual seeking coverage.

ACCORDINGLY, Defendant's Motion to Alter or Amend Verdict or for a New Trial is **DENIED.**

The Clerk shall enter the foregoing as of the day and date set forth below and provide copies to

Stephen G. Skinner, Esquire  
Skinner Law Firm  
P.O. Box 487  
Charles Town, WV 25414  
Counsel for the Estate of Kyle Hoffman, Jr.

Timothy P. Bosson, Esquire  
Simms Showers LLP  
305 Harrison St. SE, Third Floor  
Leesburg, VA 20175  
Counsel for the Estate of Kyle Hoffman, Jr.

E. Kay Fuller, Esquire  
Martin & Seibert, L.C.  
P.O. Box 1286  
Martinsburg, WV 25402  
Counsel for State Farm

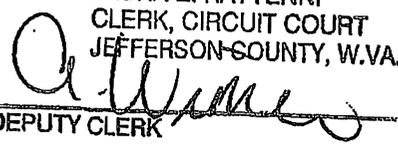
Jeffrey W. Molenda, Esquire  
Pullin, Fowler, Flanagan, Brown & Poe, PLLC  
P.O. Box 1970  
Martinsburg, WV 25402  
Counsel for Julie Massanopoli Piper

Michael D. Lorensen, Esquire  
Bowles Rice McDavid Graff & Love LLP  
P.O. Drawer 1419  
Martinsburg, WV 25402-1419  
Counsel for Julie Massanopoli Piper

- R. Shimer Printz  
8/8/11  
AW  
Enter 8/4/11

  
Judge of the Circuit Court of  
Jefferson County, West Virginia

Prepared by:  
  
Stephen G. Skinner

A TRUE COPY  
ATTEST:  
LAURA E. RATTENI  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.  
BY   
DEPUTY CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

ROBIN SKINNER PRINZ, the  
Personal Representative of the ESTATE  
OF KYLY HOFFMAN, JR.,  
e  
Plaintiff,

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JUN 13 2011

JEFFERSON COUNTY  
CIRCUIT CLERK

vs.

Civil Action No. 09-C-415

STATE FARM FIRE & CASUALTY,

Defendants.

JUDGMENT ORDER

On the 1st day of June 2011 came the Plaintiff, Robin Skinner Prinz, in person and by counsel, Stephen G. Skinner, Esquire, Timothy Bosson, Esquire and the Skinner Law Firm, and State Farm Fire and Casualty Company, by counsel E. Kay Fuller, Esquire and the firm of Martin & Seibert, L.C. upon the scheduling of this bifurcated matter down for a jury trial for the declaratory judgment on Count IV of Plaintiff's complaint.

A Jury Trial began on June 1, 2011 and continued through June 2, 2011. At the conclusion of the presentation of all evidence in the case, on the issues joined, the jury did return its verdict and answered the following special interrogatory:

Was William Lee Piper's primary residence, on October 28, 2007, the household of Paul Massanopoli in Berryville, Virginia?

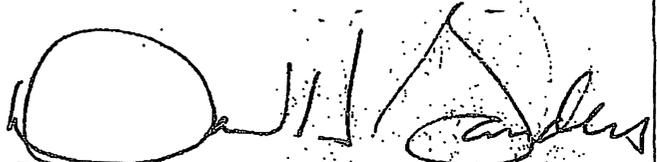
Yes   x   No       

Accordingly, it is ADJUDGED and ORDERED that the Massanopoli's State Farm umbrella policy at issue provides liability coverage for the purportedly negligent actions of William Piper for the death of Kyle Hoffman, Jr. and the Clerk shall tax costs assessed against State Farm Fire and Casualty Company.

The Court notes any objections of the parties for the record.

The Clerk of this Court shall enter the foregoing as of the day and date first above written and shall provide an attested copy of this order upon Stephen G. Skinner, Skinner Law Firm, P.O. Box 487, Charles Town, WV 25414, Timothy Bosson, Esquire, Simms Showers, LLP, 305 Harrison Street, SE, Third Floor, Leesburg, VA 20175, E. Kay Fuller, Esquire, Martin & Seibert, L.C., P.O. Box 1286, Martinsburg, WV 25402; Michael Lorensen, Esquire, P.O. Drawer 1419, Martinsburg, WV 25402 and Jeffrey W. Molenda, Esquire, Pullin, Fowler, Flanagan, Brown & Poe, PLLC, P.O. Box 1970, Martinsburg, WV 25402.

Entered: 6/13/11

  
David H. Sanders, Judge of the 23rd Judicial Circuit

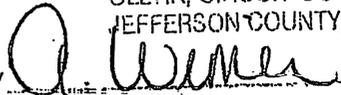
Submitted by:

approved by e-mail  
Stephen G. Skinner, Esquire (WVSB 6725)  
SKINNER LAW FIRM  
P.O. Box 487  
Charles Town, WV 25414  
Counsel for Plaintiff

A TRUE COPY

ATTEST:

LAURA E. RATTENNI  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.

BY   
DEPUTY CLERK

Seen by:

approved by e-mail  
E. Kay Fuller, Esquire (WVSB 5594)  
Martin & Seibert, L.C.  
P.O. Box 1286  
Martinsburg, WV 25402