

14-0849

IN THE CIRCUIT COURT OF MINERAL COUNTY, WEST VIRGINIA

JOHN TERRY MALONE *

Plaintiff/Counter-Defendant *

vs. * Civil No. 13-C-63

POTOMAC HIGHLANDS * (Judge Jordan presiding)
AIRPORT AUTHORITY *

Defendant/Counter-Plaintiff *

* * * * *

ORDER

On this 5th day of August, 2013, appeared the Plaintiff/Counter-Defendant, in person and with his attorney Harry A. Smith, III, Esq., and the Defendant, by Ryan Shaffer, Airport Manager, by its counsel, Ramon Rozas III, Esq., for the purpose of considering Plaintiff's Request for Preliminary Injunction, and Defendant's Motion to Dismiss for Failure to State a Claim.

WHEREFORE, the Court heard testimony from Mr. John Terry Malone, and arguments from counsel for the parties. The Court hereby **FINDS** that the Plaintiff/Counter-Defendant has failed to demonstrate irreparable harm to himself as required by West Virginia Law, and upon which the Court does hereby **DENY** Plaintiff/Counter-Defendant's Request for a Preliminary Injunction.

The Court also considered Defendant/Counter-Plaintiff's Motion to Dismiss for Failure to State a Claim. Upon which, the Court does hereby **GRANT** said Motion, and dismisses Plaintiff/Counter-Defendant's claim.

- The Clerk is **DIRECTED** to forward an attested copy of this order to Harry A. Smith, III, Esq., and Ramon Rozas III, Esq.

R. Rozas
4-5-13

All of the proceedings had this date were taken by the court reported and are a part of this order as through the same were textually incorporated verbatim herein, but are not to be transcribed unless further ordered by the Court.

DONE and ENTERED this the 3rd day of Sept., 2013.

Philip Jordan
PHILIP JORDAN, CIRCUIT JUDGE
MINERAL COUNTY, WEST VIRGINIA

Approved for Form Only:

[Signature]
Harry A. Smith, III, Esq.
Attorney for the Plaintiff/Counter-Defendant

[Signature]
Ramon Rozas III, Esq.
Attorney for the Defendant/Counter-Plaintiff

TESTE COPY

[Signature]
The Circuit Court of Mineral County, W. Va.

14-0849

IN THE CIRCUIT COURT OF MINERAL COUNTY, WEST VIRGINIA

JOHN TERRY MALONE,
Plaintiff,

Civil Action No. 13-C-63

v.

POTOMAC HIGHLANDS AIRPORT
AUTHORITY, a public corporation,
Defendant.

ORDER DENYING MOTION

This matter came before Judge Phil Jordan on July 28, 2014, upon receipt of a Plaintiff's Motion Requesting Scheduling of Hearing. A copy was provided to this Judge.

The Motion asks for a rehearing to be scheduled on a Motion For Reconsideration and Rehearing filed September 12, 2013. A copy of that motion was not sent to this Judge, nor was a copy of the Defendant's response in opposition filed September 26, 2013. Since the Circuit Clerk would not normally notify the circuit judge of either of these filings, this judge did not know either had been filed until July 28, 2014.

Now that it is before the Court, the motions for reconsideration and hearing related thereto are hereby **DENIED**. Plaintiff has provided no new information and no reason to consider this motion.

The Clerk shall send a copy of this Order to Harry A. Smith, III, Esq., One Randolph Avenue, Elkins, WV 26241, and to Ramon Rozas, Esq., 201 Washington St., Cumberland, MD 21502.

Entered this 28th day of July, 2014.

TESTE COPY

Phil Jordan
JUDGE PHIL JORDAN

Ramon Rozas
Clerk Circuit Court of Mineral County, W. Va.

CT Malone
8-5-14

Rozas
7-28-14 XMM