

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**Cami Watkins,
Plaintiff Below, Petitioner**

FILED
November 19, 2012
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

vs) **No. 11-0688** (Randolph County 10-C-43)

**Reckart Equipment Co.,
Defendant Below, Respondent**

MEMORANDUM DECISION

Petitioner Watkins's appeal, filed by counsel Laverne Sweeney, arises from the Circuit Court of Randolph County, wherein the circuit court granted judgment as a matter of law to respondent by order entered on March 21, 2011. Respondent, by counsel David H. Wilmoth, filed a response in support of the circuit court's ruling.

This Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision is appropriate under Rule 21 of the Revised Rules of Appellate Procedure.

Petitioner and respondent entered into an agreement for petitioner to rent-to-own construction equipment from respondent. At one point in time during their contract, the equipment needed repair. During the repair process, it was revealed that the equipment was a different model than originally represented when petitioner and respondent first entered into their contract. Petitioner filed a counterclaim against respondent, claiming fraud. During the course of the proceedings, petitioner and respondent engaged in various discovery methods, including the use of a discovery commissioner. The parties eventually went to trial before a jury in March of 2011. After petitioner's case-in-chief, respondent motioned the circuit court for a judgment as a matter of law on the basis that petitioner did not present a prima facie case on her asserted claims. The circuit court granted this motion and dismissed the case. Petitioner appeals.

Petitioner argues six assignments of error, three of which concern the discovery process and another three of which concern the circuit court's refusal to allow petitioner to present evidence on the amount of money respondent originally paid for the construction equipment. In response, respondent contends that the circuit court committed no errors in the discovery process, nor did it err in its decision to exclude evidence concerning respondent's original

payment of the construction equipment. Respondent argues that the circuit court recognized that such evidence would confuse the jury. Moreover, respondent argues that the circuit court properly prohibited petitioner from testifying herself on the value of this equipment, as she was unable to demonstrate the requisite experience or knowledge behind the value.

“A trial court is permitted broad discretion in the control and management of discovery, and it is only for an abuse of discretion amounting to an injustice that we will interfere with the exercise of that discretion. A trial court abuses its discretion when its rulings on discovery motions are clearly against the logic of the circumstances then before the court and so arbitrary and unreasonable as to shock our sense of justice and to indicate a lack of careful consideration.” Syl. pt. 1, *B.F. Specialty Co. v. Charles M. Sledd Co.*, 197 W.Va. 463, 475 S.E.2d 555 (1996).

Doe v. Wal-Mart Stores, Inc., 210 W.Va. 664, 674, 558 S.E.2d 663, 673 (2001). Moreover, “[r]ulings on the admissibility of evidence are largely within a trial court's sound discretion and should not be disturbed unless there has been an abuse of discretion.” *State v. Louk*, 171 W.Va. 639, 643, 301 S.E.2d 596, 599 (1983) (internal citations omitted).

We find no reversible error by the circuit court. Our review of the record supports the circuit court’s judgment as a matter of law to respondent. Moreover, our review indicates no error by the circuit court throughout the proceedings concerning discovery matters.

For the foregoing reasons, we affirm the circuit court’s ruling.

Affirmed.

ISSUED: November 16, 2012

CONCURRED IN BY:

Chief Justice Menis E. Ketchum
Justice Robin Jean Davis
Justice Brent D. Benjamin
Justice Margaret L. Workman
Justice Thomas E. McHugh