

BOONE COUNTY
IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA
SUE ANN LICKLI UGSE

**BOONE MOTOR SALES, INC., D/B/A
STEPHENS AUTO CENTER**

Plaintiff,

v.

**THORNHILL GROUP, INC, D/B/A
THORNHILL FORD LINCOLN, and
FORD MOTOR COMPANY,**

Defendants.

2015 SEP 30 P 02:17

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Civil Action No.: 14-C-098

Circuit Court Judge: James H. Young, Jr.

Business Court Division

ORDER

On the 24th day of September, 2015, the Defendant, Thornhill Group, Inc., D/B/A Thornhill Ford Lincoln, by counsel, Andrew Fusco, filed a Motion to Extend Time Period in which to File a Motion for Rule 11 Sanctions.

Rule 11 of the West Virginia Rules of Civil Procedure states, in pertinent part, "[i]f [the motion for sanctions] shall be served as provided in Rule 5, but shall not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected." The Court in its Order of the 27th day of July, 2015, gave the Defendant sixty (60) days to file a motion for sanctions. The Court's sixty (60) day timeframe required that any motion seeking sanctions pursuant to Rule 11 of the West Virginia Rules of Civil Procedure must be filed within sixty (60) days of the entry of the Order of the 27th day of July, 2015. The Court prescribed a different time period pursuant to Rule 11 of the West Virginia Rules of Civil Procedure. Accordingly, the Defendant's deadline to file a Motion for

Sanctions passed at the close of business on the 25th day of September, 2015, without such a motion being filed.

The Court is of the opinion that it was clear at the time of the hearing and in its Order of July 27, 2015, that any motion for sanctions was to be filed before the end of the sixty (60) day period. As such, the Court finds no good cause has been demonstrated to extend the period for filing a motion for sanctions. Therefore, it is **ADJUDGED** and **ORDERED** that the Defendant's Motion to Extend Time Period in which to File a Motion for Rule 11 Sanctions is **DENIED**.

All accordingly which is **ORDERED** and **DECREED**.

Enter this 29th day of September, 2015.

ORDER
ENTER:


HONORABLE JAMES H. YOUNG, JR.

A COPY ATTEST



CIRCUIT COURT