

No. 21959--      Doris Johnson, Individually and as a Parent and Natural Guardian of Michael Johnson, a Minor v. Marvin Mays, Individually and as a Parent and Natural Guardian of Tracy Mays and Shane Mays; and Loudermilk Services, Inc., a West Virginia Corporation

Neely, J., dissenting in part:

I dissent with regard to the Court's failure to dismiss Loudermilk. People put gasoline in all sorts of containers for all sorts of reasons. In Vietnam, we kept a glass jar of gasoline to fill our Zippo lighters. We would dunk the lighter in the jar using an unbent paper clip to hold it.

People buy gasoline to clean paint brushes, to run model airplanes and to power lawn mowers. It's a sorry day when a guy can't buy a little gasoline on a Saturday morning without executing an affidavit that he's not going to breath it, eat it or make a molotov cocktail.