

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
DIVISION NO. 3

MUTUAL BENEFIT GROUP, a/s/o RENEE
DILLOW,

Civil Action No. 19-CAP-31

JUDGE PHILLIP D. GAUJOT

Plaintiff,

v.

ERIC PARKS,

Defendant.

ORDER OF COURT

This matter came before the Court on December 18, 2019 for a non-jury trial following a May 17, 2019 hearing before Magistrate Judge Nabors.

Having heard the testimony of witnesses, Renee Dillow and Tatum Miller; having heard the admissions of defendant, Eric Parks; having received exhibits during the trial; and having considered the motions and argument of counsel, this Court finds and concludes as follows:

1. Renee Dillow was called as a witness for plaintiff and credibly testified that:
 - a. On October 23, 2017, she was driving through the parking lot of the West Virginia University Research Park when Eric Parks pulled out of a parking space and struck her car;
 - b. On the date of the accident, her automobile was insured by Mutual Benefit Insurance Company;
 - c. Mutual Benefit Insurance Company paid \$5,089.11 to have her car repaired; and
 - d. She paid the \$500.00 deductible on her policy in connection with the repairs that were made to her car.

2. Tatum Miller was called as a witness for plaintiff and credibly testified that:
 - a. On October 23, 2017, she was driving through the parking lot of the West Virginia University Research Park; and
 - b. She saw Eric Parks pull out of a parking space and strike the automobile being driven by Renee Dillow.
3. On December 11, 2018, defendant, Eric Parks, was served with a Request for Admissions and he did not respond to them within thirty (30) days.
4. Counsel for defendant, Eric Parks, who has been aware of the existence of the Request for Admissions since at least May 17, 2019, when the Request was introduced and admitted into evidence during the hearing before Magistrate Judge Nabors, made no attempt to withdraw the deemed admissions from the date of that hearing through and including the date of the non-jury trial in this matter.
5. Defendant, Eric Parks, has thus has made the following admissions, and the Court so finds and concludes:
 - a. The accident between himself and Renee Dillow was caused by his negligence;
 - b. The cost of the repairs which were performed on Renee Dillow's car total \$5,589.11;
 - c. The repairs that were performed on Renee Dillow's car were reasonable and necessary;
 - d. Mutual Benefit Insurance Company paid \$5,089.11 for the repairs to Renee Dillow's car;

- e. Renee Dillow paid the \$500.00 deductible required under her insurance policy for the repairs that were made to her car; and
- f. The cost of the repairs to Renee Dillow's car as well as the amounts paid by Renee Dillow and Mutual Benefit Insurance Company were fair and reasonable.

6. At the conclusion of her case, counsel for plaintiff, Mutual Benefit Group a/s/o Renee Dillow, made motions for a directed verdict and for judgment in its favor in the amount of \$5,589.11, and the Court holds that the motions are meritorious.


In light of the findings and conclusions set forth above, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motions of Mutual Benefit Group a/s/o Renee Dillow are granted. This Court finds in favor of Mutual Benefit Group a/s/o Renee Dillow and judgment is hereby entered in favor of Mutual Benefit Group a/s/o Renee Dillow and against Eric Parks in the amount of \$5,589.11 plus interest at the rate of 5.50% per year as of the date of the judgment on any unpaid balance.

IT IS FUTHER ORDERED that the Circuit Clerk is directed to send a certified copy of this Order to the following:

Jeanette H. Ho, Esquire
Thomas, Thomas & Hafer, LLP
525 William Penn Place
37th Floor, Suite 3750
Pittsburgh, PA 15219
Counsel for Mutual Benefit Group a/s/o Renee Dillow

Kevin T. Tipton, Esquire
Tipton Law Offices
316 Merchant Street
Fairmont, WV 26554
Counsel for Eric Parks

It is so ORDERED this 31st day of December, 20 19.



THE HON. PHILLIP D. GAUJOT, JUDGE

Order Prepared for Entry by:

Jeanette H. Ho, Esquire
WV Bar No. 9920
THOMAS, THOMAS & HAFER LLP
525 William Penn Place
37th Floor, Suite 3750
Pittsburgh, PA 15219

ENTERED: Dec 31 2019

DOCKET LINE 6 Jean Friend, Clerk

