

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

THE BOARD OF EDUCATION  
OF THE COUNTY OF MARSHALL,

Plaintiff,

v.

Civil Action No 10-C-180-H  
Hon. Judge David W. Hummel, Jr.

MYRA KAY REILLEY, as Administratrix of  
The Estate of Francis E. Reilley, and MYRA KAY  
REILLEY, Individually.

Defendants.

**Order Granting Plaintiff's Motion for Injunctive Relief**

On September 15, 2020, came the Plaintiff, The Board of Education of the County of Marshall ("the Marshall Co. BOE"), by counsel, as well as the Defendants, Myra Kay Reilley, as Administratrix of the Estate of Francis E. Reilley, and Myra Kay Reilley, individually (collectively "the Reilley defendants"), for a hearing on Plaintiff's Motion for Injunctive Relief. Whereupon the Court heard arguments on the pending motion.

In addition to the arguments of counsel, the Court incorporates the evidence introduced at and accepts the findings of the Jury in its Verdict from the trial of the damages phase of the case where the Jury found that the Reilley defendants have, in fact, placed obstructions in the stream channel, drainageway and floodway of Little Grave Creek that cause water to impound upon the upstream property of the Marshall Co. BOE. Based upon the trial evidence and Jury Verdict finding that the Reilley Defendants have obstructed the flow of Little Grave Creek, the Court finds as a matter of law under each of the alternative theories of continuing trespass, violation of riparian rights and nuisance, that the Marshall Co. BOE is entitled to entry of an Order directing that the obstructions be removed or abated and that the stream channel, drainageway and floodway of Little Grave Creek be remediated.

Accordingly, based upon the written motion and arguments thereon and the trial evidence and Jury Verdict, the Court is of the opinion to and hereby GRANTS the Plaintiff's Motion for Injunctive Relief as follows: On or before April 1, 2021, the Reilley defendants shall remove the obstructions to Little Grave Creek and remediate the stream channel, drainageway

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and floodway in accordance with the conceptual plan contained in the April 2, 2020 Engineering Study attached to the Motion for Injunctive relief as Exhibit A.

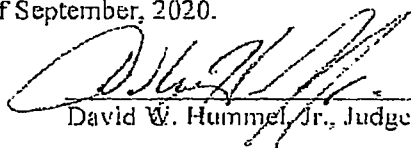
Pursuant to Rule 54(b) of the West Virginia Rules of Civil Procedure, this Order constitutes a final, appealable order in the present matter as all claims have now been decided by the Jury and by the Court. The objections and exceptions of any party adversely affected by this Order are noted and preserved.

The Clerk is directed to enter this Order as of the date set forth below and send attested copies to the following:

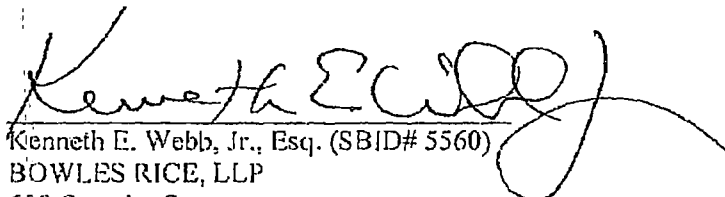
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*Counsel for Plaintiff*

Myra Kay Reilley  
1400 Duck Lane  
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*Defendant, Pro Se*

ENTERED this 21<sup>st</sup> day of September, 2020.

  
David W. Hummel, Jr., Judge

Prepared by:

  
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A Copy Teste:  
Joseph M. Rucki, Clerk  
By Donna Crew Deputy