

IN THE CIRCUIT COURT OF UPSHUR COUNTY, WEST VIRGINIA

TIMOTHY J. GREGORY and

JANICE L. GREGORY,

Plaintiffs,

VS

JACK O. LONG and

LORA A. LONG,

Defendants.

Civil Action No. 17-C-128

Jacob E. Reger, Judge

ORDER GRANTING JOINT MOTION

The Court has received a "JOINT MOTION" from the Plaintiffs, Timothy Gregory and Janice Gregory, and the Defendants, Jack Long and Lora Long, in the above-styled case which bears the signatures of their respective counsel. The motion moves the Court to declare its "ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS AND DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT" of July 10th, 2020 to be a final appealable order pursuant to West Virginia Rule of Civil Procedure 54 for the purpose of appeal as to the Plaintiffs' theory of public road / public right-of-way.

The Court **FINDS** that, although both the Plaintiffs' and Defendants' retain claims that survived the Court's Order of July 10th, 2020, based on the parties' joint motion, the parties agree that the Court's Order of July 10th, 2020 was dispositive to the issue of public road / public right-of-way, and that issue is, therefore, ripe for appeal.

Therefore, in the interest of judicial economy, the Court hereby **GRANTS** the "JOINT MOTION" with regard to the issue of declaring the public road / public right-of-way a final appealable claim.

Pursuant to Rule 54 of the West Virginia Rules of Civil Procedure and Durm v. Heck's, 184 W.Va. 562 (1991), the Court hereby **ORDERS** that the Court's "ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THE PLEADINGS AND DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT" of July 10th, 2020 is a final appealable order with regard to the Plaintiffs' claim of public road / public right-of-way.

The Court further **ORDERS** that the pretrial conference, jury selection, and trial are continued and stayed pending the appeal of this matter.

The Clerk of the Court is **ORDERED** to mail or otherwise provide certified copies of this order to all parties or counsel of record.

ENTERED this 20th day of August, 2020.

cc 8/21/2020
J. Hunter
P. Nichols

ATTEST: A true copy from the records located in the office of the Clerk of the Circuit Court of Upshur County, West Virginia.

under hand

9/3/2020

BRIAN E. GAUDIN, CLERK

[Signature]
Deputy Clerk

[Signature]

Jacob E. Reger
Circuit Court Judge
26th Judicial Circuit

UPSHUR COUNTY, W.V.
FILED
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BRIAN E. GAUDIN
CIRCUIT CLERK

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