

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

RONALD NEIL ROBINSON, II,

Plaintiff,

v.

KAREN COFFIELD,

Defendant.

Case No.: 13-C-163

2019 DEC 13 AM 9:10

ORDER

On the 9th day of December, 2019, came Plaintiff, Ronald Neil Robinson, II, in person and by counsel, Amy Pigg Shafer, and also came Defendant Karen Coffield, in person and by counsel, Teresa Toriseva and Paul J. Harris, in the above-styled action for jury trial, the Honorable Jeffrey D. Cramer presiding, and at that time the following jurors were impaneled and previously sworn to duty:

1. Donald Cox
2. Jacqueline Cunningham
3. Jason Kordack
4. Betty Flowers
5. Christine Minor
6. Josie Garland

After the jury was impaneled, Plaintiff presented evidence as to his counts for fraud and intentional infliction of emotional distress. Plaintiff then rested his case on December 10, 2019. After Plaintiff rested, Defendant moved for Rule 50 judgment as a matter of law. Defendant's motion was denied with Defendant's objection saved. Plaintiff then moved the Court for judgment as a matter of law. Plaintiff's motion was denied, and Plaintiff's objection saved. Defendant then rested. After Defendant rested, Defendant renewed the Rule 50 motion. The

Court again denied the motion, with Defendant's objection saved. The Court then instructed the jury as to the law on Plaintiff's claims for fraud and intentional infliction of emotional distress. Both parties, through counsel, presented closing arguments.

The said action having been duly tried, the jurors, having heard the evidence presented by the parties hereto, retired for deliberations. Thereafter, the jury returned a verdict as follows:

VERDICT FORM

COUNT ONE—Intentional Misrepresentation/Fraudulent Concealment

A. Interrogatories

1. Did the Defendant, Karen Coffield, represent to the Plaintiff, Ronald Neil Robinson, as true that she became pregnant by artificial insemination?

YES X or NO __?

2. Was the Defendant's representation that she had become pregnant by artificial insemination false?

YES X or NO __?

3. Did the Defendant, Karen Coffield, know that the representation as to pregnancy by artificial insemination was false when she made it?

YES X or NO __?

4. Did the Defendant, Karen Coffield, intend that the Plaintiff, Ronald Neil Robinson, rely on that representation?

YES X or NO __?

5. Was the Plaintiff, Ronald Neil Robinson, justified under the circumstances in relying on the representations of the Defendant, Karen Coffield?

YES X or NO __?

6. Was the Plaintiff, Ronald Neil Robinson, harmed by the representations of the plaintiff defendant, Karen Coffield?

YES X or NO __?

If your answer to all of the above questions is "YES," proceed to the DAMAGES Section below and then to Count II. If you answered "NO," to any of the above questions, you must proceed to consider Count II found on page 3.

**DAMAGES FOR INTENTIONAL MISREPRESENTATION/FRAUDULENT
CONCEALMENT**

Having answered "Yes," to all of the proceeding interrogatories under Count I, what amount would fully compensate Plaintiff, Ronald Neil Robinson, II, for the intentional misrepresentations and fraudulent concealment of facts by the Defendant, Karen Coffield?

A. Compensatory Damages

1. The reasonable costs and expenses of Ronald Neil Robinson, II expended in legal fees, in his attempt to establish paternity to his daughter and gain custody of her.
AMOUNT \$2747.50

2. Any mental pain and suffering, anguish and anxiety that Ronald Neil Robinson, II has undergone to date as a proximate result of the defendant's conduct:
AMOUNT \$0

3. Ronald Neil Robinson, II's loss of solace, society, companionship and services of the child that were proximately caused by the conduct of the defendant, Karen Coffield:
AMOUNT \$0

4. If you believe with reasonable certainty that Ronald Neil Robinson, II will suffer mental pain and suffering, anguish or anxiety in the future, then future mental pain and suffering, anguish or anxiety may be taken into consideration and you may award an amount to compensate plaintiff for said elements:
AMOUNT \$0

Proceed to Subsection B below.

B. Punitive Damages

Answer the following question "yes" or "no."

1. Shall punitive damages be assessed against defendant Karen Coffield in favor of plaintiff Ronald Neil Robinson, II?

YES X or NO ?

If your answer is "yes," answer the next question. If your answer is "no," proceed to

Count II below.

2. We assess punitive damages against defendant Karen Coffield in favor of Plaintiff Ronald Neil Robinson, II as follows:

AMOUNT \$12252.50

Now proceed to Count II.

If you found in favor of plaintiff and awarded monetary damages to him in Count I above, you cannot award monetary damages in Count II below.

COUNT II – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

We answer the questions submitted to us as follows:

- 1) Was Karen Coffield's conduct atrocious, intolerable, and so extreme and outrageous as to exceed the bounds of decency?

YES ___ or NO X?

If your answer to question 1 is "yes," then answer question 2. If you answered "no" stop here, answer no further questions, and have the foreperson sign and date this form.

- 2) Did Karen Coffield act with intent to inflict emotional distress or did she act so recklessly when it was certain or substantially certain emotional distress would result from her conduct?

YES ___ or NO X?

If your answer to question 2 is "yes," then answer question 3. If you answered "no" stop here, answer no further questions, and have the foreperson sign and date this form.

- 3) Did the action of Karen Coffield cause Ronald Neil Robinson to suffer emotional distress?

YES ___ or NO ___?

If your answer to question 3 is "yes," then answer question 4. If you answered "no" stop here, answer no further questions, and have the foreperson sign and date this form.

- 4) Was the emotional distress suffered by the plaintiff so severe that no reasonable person could be expected to endure it?

YES ___ or NO ___?

If your answer to question 4 is "yes," then answer question 5. If you answered "no" stop here, answer no further questions, and have the foreperson sign and date this form.

5) What are Ronald Neil Robinson's past damages for his emotional injuries caused by the plaintiff's outrageous conduct?

AMOUNT \$ _____

6) What are Ronald Neil Robinson's future damages for his emotional injuries caused by the plaintiff's outrageous conduct?

AMOUNT \$ _____

/s/ Donald W. Cox
Foreperson

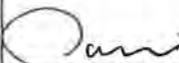
12-10-19
Date

Accordingly, the parties shall file their post-trial motions, and any other motions, within 10 days.

ENTER this 12th day of December, 2019.


HONORABLE JEFFREY D. CRAMER

Prepared by:


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