

Mr. Bennett
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Judge John S. Hrko, SPECIAL JUDGE

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4 BILLY J. WATSON and NOLA WATSON,

5 Plaintiff,

6 vs.

7 SUNSET ADDITION PROPERTY OWNERS

8 ASSOCIATION, INC., a West Virginia

9 Corporation, et als.,

10 Defendant

) Case No.: No. 93-C-73-P

) ORDER DENYING MOTION TO PURGE
) CONTEMPT

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ALVIS PORTER
CIRCUIT CLERK
LOGAN COUNTY

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12 On the 11th day of April, 2006, came the plaintiff, Nola Watson, pro se
13 and came the Sunset Addition Property Owners Association, Inc., a West
14 Virginia Corporation by Counsel, John Bennett and came the following
15 individual property owners, Ezra Adkins, Kay Nisbet, Delma Ellis, Oralee
16 Watson and George Bonnelly. Plaintiff Billy J. Watson is deceased and no
17 other individuals appeared.

18 The Sunset Addition Property Owners Association, Inc. by counsel John
19 Bennett presented evidence by oral argument and testimony in support of his
20 motion to purge the contempt order entered September 29, 2004. In essence,
21 the evidence indicated that the West Virginia Department of Health refused to
22 grant a permit that would have allowed the defendants to purge themselves of
23 contempt.

24 It appears to this Court that this is the first time since this suit
25 was instituted that the defendants have made an effort to resolve this
matter.

1 This Court and the conscience of the public cannot abide by the fact
2 that the property owners wish to continue to discharge their raw household
3 sewage into a public stream near public playgrounds and other public
4 facilities. The defendants have taken this position without genuine concern
5 for their health and the health of others. It is also true that state and
6 local governmental agencies have offered no assistance to the residents of
7 McConnel, Logan County, West Virginia in order to alleviate this situation.

8 ACCORDINGLY, it is hereby ORDERED that defendants MOTION TO PURGE
9 CONTEMPT ORDER, be denied.

10 To all of which defendants object and take exception.

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15 Dated this 7th day of July, 2006

16 By: *John S. Hrko*
17 John S. Hrko, Judge

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