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IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

ROBIN L. CROFT,

Plaintiff,

v.

Civil Action No. 03-C-472 JPM

TBR, INC., *et al.*,

Defendants.

CONSOLIDATED WITH:

JILL A. ARMITAGE,

Plaintiff,

v.

Civil Action No. 04-C-49 JPM

TBR, INC., *et al.*,

Defendants.

AND:

BRANDY G. MCCOY,

Plaintiff,

v.

Civil Action No. 04-C-281 JPM

TBR, INC., *et al.*,

Defendants.

JUDGMENT ORDER

It having been made known to the Court that each of the Plaintiffs in this consolidated civil action have filed Notices of Acceptance of individual Offers of Judgment duly served upon each of them by the respective Defendants in the individual actions, the Court hereby

CIRCUIT COURT
OF OHIO COUNTY
06 DEC 15 PM 10 47
BRENDA L. MILLER

ORDERS, ADJUDGES, and DECREES that Robin L. Croft, Plaintiff, recover against TBR, Inc., 808 National Road, Wheeling, WV 26003, and Tashe Jovanni Radevski, 220 Carmel Road, Wheeling, WV 26003, Defendants, the amount of Thirteen Thousand Dollars (\$13,000.00), to be paid specifically by Erie Insurance Property and Casualty Company, 100 Erie Insurance Place, Erie, PA 16530, on the Defendants' behalf in accordance with the terms of the Offer of Judgment dated August 28, 2006, along with post-judgment interest thereon at the rate of Ten Percent (10%) per annum. And further

ORDERS, ADJUDGES, and DECREES that Jill A. Armitage, Plaintiff, recover against TBR, Inc., 808 National Road, Wheeling, WV 26003, and Tashe Jovanni Radevski, 220 Carmel Road, Wheeling, WV 26003, Defendants, the amount of Thirteen Thousand Dollars (\$13,000.00), to be paid specifically by Erie Insurance Property and Casualty Company, 100 Erie Insurance Place, Erie, PA 16530, on the Defendants' behalf in accordance with the terms of the Offer of Judgment dated August 28, 2006, along with post-judgment interest thereon at the rate of Ten Percent (10%) per annum. And further

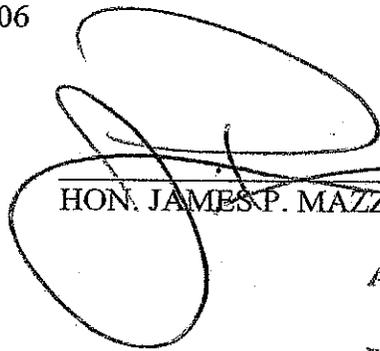
ORDERS, ADJUDGES, and DECREES that Brandy G. Jennings, formerly known as Brandy G. McCoy, recover against TBR, Inc., 808 National Road, Wheeling, WV 26003, and Tashe Jovanni Radevski, 220 Carmel Road, Wheeling, WV 26003, and Shane Kulpa, 2223 East Paxton Avenue, Wheeling, WV 26003, Defendants, the amount of Thirteen Thousand Dollars (\$13,000.00), to be paid specifically by Erie Insurance Property and Casualty Company, 100 Erie Insurance Place, Erie, PA 16530, on the Defendants' behalf in accordance with the terms of the Offer of Judgment dated August 28, 2006, along with post-judgment interest thereon at the rate of Ten Percent (10%) per annum. And further

The Court conducted a Hearing on the Plaintiffs' Motion for Attorney's Fees and Costs on October 26, 2006. The Plaintiffs moved for attorney's fees and costs in addition to the amounts stated in their respective Offers of Judgment, pursuant to Shafer v. Kings Tire Service, Inc., 215 W.Va. 169, 597 S.E.2d 302 (2004). After reviewing the Motion, the Responses of Erie Insurance Property and Casualty Company and the Defendants, and the Plaintiffs' Replies to said Responses, the Court heard the oral argument of counsel for the Plaintiffs, the Defendants and for Erie Insurance Property and Casualty Company. And upon due consideration, for the reasons announced by the Court on the record, which reasons are hereby incorporated herein, the Court DENIED the Plaintiffs' Motion. The Court noted that the Plaintiffs' objections and exceptions to the ruling would be preserved for the record in the event of an appeal.

Because of the duly accepted Offers of Judgment in each of these consolidated civil actions, the Court hereby DENIES as MOOT any and all other pending Motions, and hereby directs the Circuit Clerk to ENTER Judgment for the Plaintiffs and against the Defendants as herein stated in this Order, and to strike this consolidated civil action from the active Docket of this Court. All claims which were and/or could have been asserted by the Plaintiffs in this matter are dismissed, with prejudice, as to all Defendants.

The Circuit Clerk is further directed to send attested copies of this Order to all counsel of record.

ENTER: December 12/1st, 2006

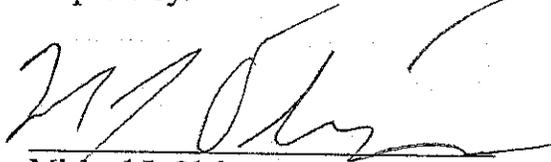


HON. JAMES P. MAZZONE, CHIEF JUDGE

A copy, Teste:

Brenda X. Miller
Circuit Clerk

Prepared by:



Michael J. Olejasz, Esquire

WV ID #9273

FERRO & OLEJASZ

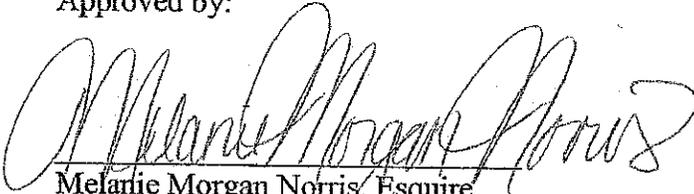
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Approved by:



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