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IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

FILED

KENNETH DALE NEWMAN and
MARTY NEWMAN,

2007 NOV 29 P 2:38

Plaintiffs,

ADELL CHANDLER
CIRCUIT CLERK
CABELL WV

v.

Civil Action No. 05-C-0316
Honorable John L. Cummings

JAMES E. MICHEL, JR., and
TOMASINA MICHEL, his wife,

Defendants.

ORDER

Came this 6th day of November, 2007, the parties in person and by their respective counsel, pursuant to Plaintiffs' Rule 59 motion for a new trial or alternative relief.

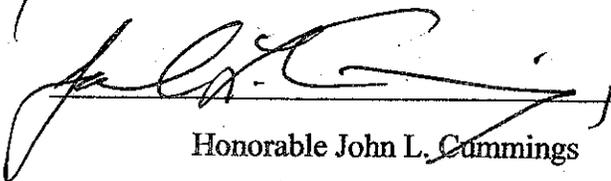
The Court, having reviewed Plaintiffs' motion, the Defendants' written response and having heard oral arguments of the parties, is of the opinion to DENY the same. Plaintiffs have failed to raise any new issues that have not been previously addressed by this Court, either in pre-trial motions or during the bench trial in this matter.

WHEREFORE, the Plaintiffs' Rule 59 motion is DENIED and the previous rulings of this Court in its September 13, 2007 Order are AFFIRMED.

The Court notes the objection to its finding by the Plaintiffs.

It is ORDERED that the Clerk send a certified copy of this order to counsel of record as listed below, and further ORDERED that this matter be dismissed from the docket of the Court.

Entered this 29th day of Nov, 2007.



Honorable John L. Cummings

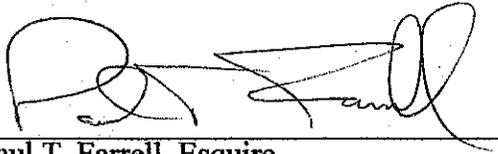
STATE OF WEST VIRGINIA
COUNTY OF CABELL
ADELL CHANDLER, CLERK OF THE CIRCUIT
COURT FOR THE COUNTY AND STATE AFORESAID
DO HEREBY CERTIFY THAT THE FOREGOING IS
A TRUE COPY FROM THE RECORDS OF SAID COURT
ENTERED ON 11-29-07
GIVEN UNDER MY HAND AND SEAL OF SAID COURT
THIS APR 17 2008
Adell Chandler CLERK
CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

ENTERED Circuit Court Civil Order Book
No. 209 Page 250 this
NOV 29 2007

FARRELL, FARRELL
&
FARRELL, PLLC
Huntington, WV

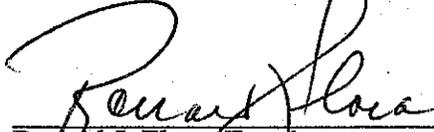
05-C-316

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