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IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

CLIFFORD CRUM,

Plaintiff,

v.

CIVIL ACTION NO. 05-C-296

The Honorable Robert A. Burnside, Jr., Judge

EQUITY INNS, INC., d/b/a THE HAMPTON INN;
VIRGINIA INN MANAGEMENT OF W.VA., INC.
TRAVELERS PROPERTY CASUALTY INSURANCE
COMPANY; and JOHN DOE,

Defendants.

ORDER

This matter came on for hearing before the undersigned pursuant to duly executed Notice on October 31, 2007.

The Court by prior memorandum dated July 27 and 28, 2006 and Orders granted summary judgment to defendant Equity Inns, Inc., and Virginia Inn Management of W.Va., Inc., and refused to allow plaintiff to amend his Complaint.

Plaintiff appealed said rulings to the West Virginia Supreme Court, and then subsequently joined with Virginia Inn Management of W.Va., Inc., in a motion to remand this matter to the Circuit Court. Accordingly, this matter is now before this Court again on Plaintiff's Motion to Amend.

The parties were present by counsel: defendant Virginia Inn Management of W.Va., Inc., by Gary W. Hart and Benjamin White; Equity Inns, Inc., by Mary Beth Chapman; and plaintiff Clifford Crum, by Roger D. Forman. The Court having reviewed the memoranda of the parties and having heard argument, was of the opinion that there was no reason to revisit the summary judgment granted to Equity Inns, Inc., and therefore does not disturb that judgment.

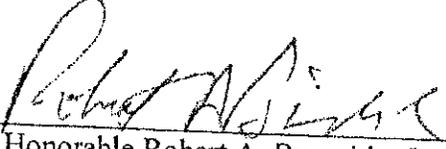
In addition, the Court was subsequently advised by counsel that the name of Virginia Inn Management of W.Va., Inc. has changed to VIM, Inc.

WHEREFORE, the Courts **ORDERS** as follows:

1. The Summary Judgment granted in favor of Equity Inns, Inc., stands and is not disturbed by this Court, and therefore Plaintiff's Motion to Amend as to Equity Inns, Inc. is **DENIED**;
2. Plaintiff's Motion to Amend the Complaint with respect to the other parties is **GRANTED**; the Amended Complaint and the style of this case shall henceforth include the new name of VIM, Inc. in place of its former name;
3. The Amended Complaint shall be filed with the Clerk. Counsel for VIM, Inc. has agreed to accept service of the Amended Complaint, and therefore VIM, Inc. shall file a response to the Amended Complaint on or before January 7, 2008.

The Clerk is **ORDERED** to send certified copies of this Order to all counsel of record.

ENTERED this 10 day of ~~November~~ ^{December}, 2007.

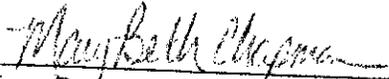

The Honorable Robert A. Burnside, Jr., Judge

Prepared by:


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The foregoing is a true copy of an order entered in this office on the 10 day of December, 2007
of SD
By: JANICE B. DAVIS, Circuit Clerk of Raleigh County, West Virginia

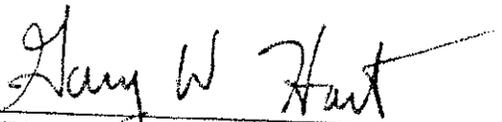
Inspected by:



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