

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

BETTY LOU ZIRKLE CARPENTER,

Plaintiff,

v.

Civil Action No. 06-C-619-2  
Judge Thomas A. Bedell

SHIRLEY LUKE BLANIAR,,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO ALTER OR AMEND JUDGMENT  
AND MOTION FOR NEW TRIAL**

Presently pending before the Court is "Defendant's Motion to Alter or Amend Judgment Pursuant to West Virginia Rule of Civil Procedure Rule 59 and Motion for New Trial Pursuant to West Virginia Rules of Civil Procedure Rule 59." Also before the Court is Plaintiff's Response thereto. After reviewing the motion and the response, and after conducting a thorough examination of the record and pertinent legal authority, the Court finds that Defendant's Motions must be **DENIED**. The Court makes this ruling based upon the arguments set forth in the Plaintiff's Response.

Therefore, the Court **ORDERS** that "Defendant's Motion to Alter or Amend Judgment Pursuant to West Virginia Rule of Civil Procedure Rule 59 and Motion for New Trial Pursuant to West Virginia Rules of Civil Procedure Rule 5" shall be **DENIED**.

It is further **ORDERED** that the Clerk of this Court shall provide certified copies of this Order to the following:

Julie Gower Romain  
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ENTER: December 18, 2007

  
Thomas A. Bedell, Circuit Court Judge

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