

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

SAMANTHA BEANE,

Plaintiff,

v.

Civil Action No. 02-C-3230

Judge Zakaib

BARRY J. DAILEY, II,

Defendant.

FILED  
2008 JAN -9 PM 4:03  
KANAWHA CO. CIRCUIT COURT

ORDER-AWARD OF DAMAGES

Came the 1<sup>st</sup> day of October, 2005, the plaintiff individually and by counsel, Henry E. Wood III, for ruling on the plaintiff's previously file "Submission of Medical Expenses".

The Court after considering all matters of record does hereby AWARD the plaintiff the sum of \$449.86 as reimbursement of medical expenses incurred. Said medical expenses awarded shall accrue pre-judgment interest from August 12, 2005 through the entry of this ORDER and post-judgment interest there after until fully satisfied, all at the legal rate of interest as prescribed by statute.

The Court further AWARDS the plaintiff \$1,600.00 in general compensatory damages, plus post-judgment interest from the date of entry of this judgment until collected or satisfied all at the legal rate as prescribed by statute.

ENTERED THIS 9<sup>th</sup> DAY OF Jan., 2008.

Presented By:

*[Signature]*  
HENRY E. WOOD, III  
WOOD LAW OFFICE, L.C.  
3818 MacCorkle Avenue  
P.O. Box 4448  
Charleston, WV 25364

*[Signature]*  
HONORABLE PAUL BATHY, JR., CLERK  
STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 17<sup>th</sup>  
DAY OF January, 2008.  
*[Signature]*  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA CLERK

RECORDED

Date: 1/11/08 WV State Bar No.: 4117  
Certified copies sent to:  
 counsel of record  
 parties  
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By:  certified/tel class mail  
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Other directives accomplished:  
*[Signature]*  
Deputy Circuit Clerk

*copy 14*

**Citation:** Samantha Beane vs. Barry J Dailey II. No. 02-C-3230, CIRCUIT COURT OF THE KANAWHA COUNTY, WEST VIRGINIA, October 1, 2005, Argued, January 8, 2008, Decided

**Facts:** On the 26<sup>th</sup> day of December I the defendant Barry J Dailey II was fully stopped at the stop sign at the intersection of 7<sup>th</sup> Avenue and Beatrice Street. There were no vehicles in sight so I proceeded across the street. While I was crossing the street I was struck on the passenger side of my Chevrolet Tracker. Thomas Oxley was in operation of the 1988 Chevrolet Monte Carlo at the time of the collision. Also at which time my vehicle was at a total loss. The passenger of Mr. Oxley's vehicle was Samantha Beane.

**Issue:** Whether a plaintiff can be awarded damages if the suit was unbeknownst to the defendant as a result of poor circulation of documentation of Civil Proceedings.

**Previous History:** Civil Suit No. 02-C-3230 On the 8<sup>th</sup> of January 2008 with Honorable Judge Paul Zakaib , Jr. The decision of the court was to award damages to the plaintiff Samantha Beane.

An appeal was issued on the 25<sup>th</sup> day of April 2008 for Barry J Dailey II where Senior Status McHugh presides.

**Holding:** The decision of the court resulted in reimbursement of medical expenses. The appellant did not receive a lawful trial due to his absence and lack of knowledge of suit.

**Reasoning:** The appellant was not able to voice facts and contribute to the rulings of his case. As a result of ill communication of suit the Plaintiff was awarded damages

**Disposition:** The appellate disagrees with the opinion of the lower court from which the suit came and invalidates that opinion

