

## IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA

ROBERT A. DOERING, JEWELL DOERING,  
DENNY R. CANTERBURY, SR., BILLY R. FALLS,  
BETSY FALLS, JESSE HYLTON, KATHLEEN  
HYLTON, LAYOLA J. SARVER, WILLIAM R.  
WHITE, LINDA S. WILSON, ROBERT WILSON,  
ROBERTA WILSON, SANDRA WILSON,  
EARNEST WYANT, VICKI WYANT,

Petitioners,

v.

Case No. 09-C-158 (R)

CITY OF RONCEVERTE and COUNTY  
COMMISSION OF GREENBRIER COUNTY,

Respondents.

ORDER

On the 28<sup>th</sup> day of August 2009, came the Petitioners by and through counsel,  
William Turner, the Respondents, City of Ronceverte, by and through counsel, Aaron C.  
Ambler and West Virginia Farm Properties, by and through counsel, Jesse O. Guills, Jr., and  
the County Commission of Greenbrier County, by and through counsel, Patrick I. Via,  
pursuant to the Petitioners' Motion for Leave to Amend to Join Additional Petitioners and  
Assert Additional Legal Claim.

Through their Motion to Amend Pleadings, the Petitioners sought to add the parties  
Marvin L. Morgan and Dorothy J. Morgan, who reside on Hokes Mill Road, in the vicinity  
of Organ Cave, West Virginia, unincorporated, and Paul M. Brunty, and Rita C. Brunty,  
Robert L. Shafer and Susanna M. Shafer, residents of the City of Ronceverte, West Virginia.  
Additionally, the Petitioners sought to add an additional legal claim which arises under  
W. Va. Code § 8-6-4(a)(1) which allows annexation by petition.

Taking into consideration the addition of the parties, Marvin L. Morgan and Dorothy J. Morgan, who reside in the vicinity of Organ Cave, West Virginia, unincorporated, and Paul M. Brunty, Rita C. Brunty, Robert L. Shafer and Susanna M. Shafer, residents of Ronceverte, West Virginia, the Court finds that the Petitioners have failed to demonstrate that they have standing to file suit in this action concerning the annexation of the Stoney Glen Subdivision. Although the court considered petitioners' additional legal claim under West Virginia Code § 8-6-4(a)(1), the Court hereby finds that the argument is moot and that none of the original petitioners nor the additional petitioners sought to be added have standing to challenge the Respondents.

After consideration of the Petitioners' Motion, the arguments of counsel, and a review of West Virginia Code § 8-6-4(a)(1), the Court grants the Motion for Leave to Amend to join additional petitioners and to assert additional legal claim, but for the reasons set forth in this Court's Order entered in this action on August 24, 2009, the Court finds that the Petitioners have failed to demonstrate that they have standing to challenge the Respondents in this action.

The Circuit Clerk is directed to forward certified copies to the parties of record.

ENTERED on this the 15<sup>th</sup> day of October, 2009

*James J. Rowe*

Judge James J. Rowe  
Eleventh Judicial Circuit

PREPARED BY:

*Aaron C. Ambler*

Aaron C. Ambler, WVBN 7594

CIRCUIT COURT GREENBRIER CO., W.VA.

**F** **O** **C** **T**  
OCT 15 2009

LOUVONNE ARBUCKLE, CLERK

REVIEWED BY:

*William D. Turner*

William D. Turner

*Jesse O. Guills, Jr.*

Jesse O. Guills, Jr.

*Patrick I. Via*

Patrick I. Via

A TRUE COPY:  
ATTEST:

*Louonne Arbuckle*

CLERK