

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

SHERRY DEW and
STEPHEN DEW,

Plaintiffs,

v.

R. DAVID ALLARA, M.D.,

Defendant.

CIVIL ACTION NO. 07-C-240

CATHY S. GATSON
CLERK OF COURT
KANAWHA COUNTY, WEST VIRGINIA

2007 NOV -7 PM 1:30

FILED

ORDER

On October 26, 2007, appeared Plaintiffs, by counsel, Ben Salango, and Defendant, by counsel, Karen Tracy McElhinny, for a hearing on "Plaintiffs' Motion for Leave to File Second Amended Complaint." Upon reviewing the briefs submitted by the parties and the argument of counsel, the Court finds that granting Plaintiffs leave to file a Second Amended Complaint will not delay the trial, will permit the presentation of the merits of the action, will not result in prejudice to the adverse party by the sudden assertion of the subject of the amendment, and the adverse party will have ample opportunity to meet the issues raised in the amendment. *Brooks v. Isinghood*, 584 S.E.2d 531 (W. Va. 2003). Accordingly, the Court hereby **GRANTS** "Plaintiffs' Motion for Leave to File Second Amended Complaint" and **ORDERS** that Plaintiffs be granted leave to file a Second Amended Complaint. Defendant's objection to the Court's ruling is noted and preserved.

The Court further **ORDERS** that since this is a medical professional liability claim, Plaintiffs must have expert testimony to establish the applicable standard of care, deviations from the standard of care, and proximate causation.

11-07-07


James C. Steady
Judge

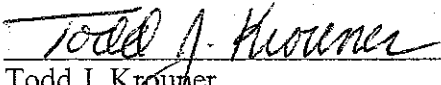
CLERK OF COURT
COUNTY OF KANAWHA, W. VA.
CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
8th day of November 2007
Cathy S. Gatson
CLERK OF COURT
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Entered this _____ day of November, 2007.


~~JAMES C. STUCKY, JUDGE~~

PREPARED BY:


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