

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO.,
Plaintiff,
v.
3.04 ACRES IN PATRICK COUNTY, JERRY S. THOMAS, et al.,
Defendants.
Case No. 4:02-CV-00146
ORDER
By: Jackson L. Kiser
Senior United States District Judge

Before me is the Plaintiff's Motion for a New Trial or in the Alternative for Remittitur [104]. For the reasons stated in the accompanying Memorandum Opinion, it is hereby ordered that the Plaintiff's Motion for a New Trial is granted, that the Judgment [100] in this case, dated October 25, 2005, is vacated, and that the Clerk of Court shall schedule this case for a new trial.

The Clerk is also directed to send certified copies of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 24th day of January, 2006.

s/Jackson L. Kiser
Senior United States District Judge