

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

LAWSON HEIRS INCORPORATED,
a Virginia corporation

Plaintiff,

v.

Civil Action No. 2:17-cv-2198

SKYWAY TOWERS, LLC, a
Delaware limited liability
Company, and DELORSE FRY FARLEY,
and HOWARD LEE FARLEY JR.,
husband and wife,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the defendant's Motion in Limine to Limit Testimony of Plaintiff's Expert Witness, Roger Griffith, filed June 28, 2018.

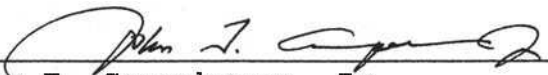
The defendants anticipate that plaintiff's expert witness, Roger Griffith, will testify as to the future rent, reduced to present value, that should be paid by one or more defendants for use by Skyway of any real property found to be owned by plaintiff and trespassed upon by one or more defendants. This testimony is likely admissible for purposes of damages, but if the court should instead order ejectment, the

defendants correctly point out that future damages would necessarily be limited to the time of occupancy.

It is ORDERED that the motion be, and hereby is, denied, but with the understanding that damages will be limited to the time of occupancy if ejection is ordered.

The Clerk is requested to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: March 22, 2019



John T. Copenhaver, Jr.
Senior United States District Judge