

STATE OF WEST VIRGINIA
IN THE SUPREME COURT OF APPEALS
IN VACATION

Eugene D. Miller, Plaintiff Below, Petitioner

vs.) No. 052992

L & J Developers, LLC, a West Virginia
limited liability company, Don Wilson and
Dana Lafferty, Defendants Below, Respondents

On a former day, to-wit, December 30, 2005, came the petitioner, Eugene D. Miller, pro se , and presented to the Court his petition praying for an appeal from a judgment of the Circuit Court of Harrison County, rendered on the 17th day of October, 2005, with the record accompanying the petition.

Upon consideration whereof, the Court is of opinion to and doth hereby refuse said petition for appeal.

DONE IN VACATION of the Supreme Court of Appeals, this 12th day of July, 2006.

Honorable Robin Jean Davis, Chief Justice

Honorable Larry V. Starcher

Honorable Elliott E. Maynard

Honorable Joseph P. Albright,

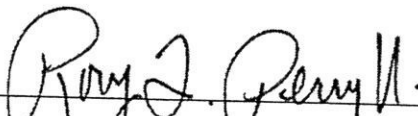
Honorable Brent D. Benjamin

Received the foregoing order this 12th day of July, 2006, and entered the same in

Order Book No. 156.

A True Copy

Attest:



A handwritten signature in cursive script, reading "Roy J. Perry II", is written over a horizontal line.

Clerk, Supreme Court of Appeals