

IN THE UNITED STATES DISTRICT COURT OF WEST VIRGINIA
SOUTHERN DISTRICT AT HUNTINGTON

Dr. B. David Ridpath,

Plaintiff,

v.

Case

No.: 3:03-02037

Hon. Judge

Chambers

Board of Governors
Marshall University,
Dan Angel, Bob Pruett,
F. Layton Cottrill, Esq.,
and K. Edward Grose,

Defendants.

DEFENDANT BOB PRUETT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, defendant Bob Pruett, by counsel, moves this Court to enter summary judgment in his favor against the plaintiff. As grounds for this motion, defendant Bob Pruett asserts that there is no genuine issue as to any material fact and that he is entitled to judgment against the plaintiff as a matter of law on the basis that the plaintiff cannot establish a *prima facie* case against defendant Bob Pruett for tortious interference with a contract or the tort of outrage.

WHEREFORE, for the foregoing reasons, the defendant, Bob Pruett, respectfully requests that this Court grant his motion for summary judgment as to plaintiff's claims of the tort of outrage and tortious interference with a contract as alleged in plaintiff's Amended Complaint, Count VI and VII. Inasmuch as there would be no remaining claims against this defendant, the amended complaint should be dismissed in its entirety against him.

s/Edward M. Kowal, Jr.

Of Counsel for Defendant
Bob Pruett

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Rebecca L. Goudy (WV State Bar # 10553)

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SOUTHERN DISTRICT AT HUNTINGTON**

Dr. B. DAVID RIDPATH

Plaintiff,

v.

CASE

NO. 3:03-cv-2037
HON. ROBERT C. CHAMBERS,
JUDGE

BOARD OF GOVERNORS
MARSHALL UNIVERSITY,
DAN ANGEL, BOB PRUETT,
F. LAYTON COTTRILL, ESQ.,
and K. EDWARD GROSE,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on **July 18, 2008**, I electronically filed the foregoing

MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Charles R. Bailey, Esq., Jason E. Huber, Esq., and Vaughn T. Sizemore, Esq., and I hereby certify that I have mailed by United States Postal Service the **Motion for Continuance of Trial** to:

J. D. Hartung, Esq.
HARTUNG & SCHROEDER
Equitable Building, Suite 100
608 Locust Street
Des Moines, IA 50309

s/Edward M. Kowal, Jr.

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