



Supreme Court of Appeals State of West Virginia

News

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Supreme Court to hear cases at WVU College of Law

For immediate release

MORGANTOWN, W.Va. – The Supreme Court of Appeals of West Virginia will hear arguments in several cases on Tuesday, March 1, at the West Virginia University College of Law in Morgantown.

The justices will hear arguments beginning at 10 a.m. in the Marlyn E. Lugar Courtroom at the College of Law. The doors will open at 9 a.m. The event is free and open to the public and will be webcast on the West Virginia Judiciary website, www.courtswv.gov.

After breaking for lunch, the Court will reconvene at 1 p.m. to judge the finals of Baker Cup Moot Court appellate advocacy competition for second-year law students.

The Court hears an argument docket at the law school once each spring.

Chief Justice Menis Ketchum, Justice Robin Jean Davis, and Justice Margaret Workman are graduates of the College of Law. Justice Brent D. Benjamin has undergraduate and law degrees from The Ohio State University. Justice Allen H. Loughry II has law degrees from The American University, Washington College of Law (two degrees); the University of London; Capital University School of Law; and studied law at the University of Oxford.

The Court will hear the following cases in Morgantown. Documents in the cases can be accessed through links on the West Virginia Judiciary website at <http://www.courtswv.gov/supreme-court/calendar/2016/dockets/march-1-16ad.html>.

Rule 20 Argument Docket:

Tough Mudder, LLC, et al. v. Mita Sengupta, Personal Representative of the Estate of Avishek Sengupta, No. 15-0114 and Airsquid Ventures, Inc., et al. v. Mita Sengupta, Personal Representative of the Estate of Avishek Sengupta, No. 15-0123

Respondent filed a wrongful death action alleging her son drowned during a “Tough Mudder” competition as a result of petitioners’ negligence. Petitioners appeal the Marshall County Circuit Court’s January 9, 2015, order (1) denying petitioners’ motions to compel arbitration and (2) granting respondent’s motion to hold the arbitration clause unenforceable. On May 1, 2015, the Court granted a motion to consolidate the appeals.

The City of Morgantown v. Nuzum Trucking Company, et al., No. 15-0127

The City of Morgantown appeals a Kanawha County Circuit Court order granting summary judgment in favor of respondent companies in their lawsuit for injunctive relief,

ruling that the City of Morgantown was not authorized to enforce a “heavy truck” ordinance limiting certain truck traffic on state routes that run through specified portions of the city’s downtown area.

Rule 19 Argument Docket:

Estate of Luigi Bossio v. Bernard V. Bossio, No. 14-1328 and Sam Bossio v. Bernard V. Bossio, No. 14-1329

Petitioners appeal the amended orders of the Circuit Court of Monongalia County, entered on December 1, 2014, finding stock purchase agreements binding on all parties.

State of West Virginia v. Nicholas Varlas, No. 15-0037

Petitioner appeals his convictions in Brooke County for the offenses of Second Degree Sexual Assault and Attempt to Commit Sexual Assault. Petitioner argues that text messages from the victim’s boyfriend should have been admitted, and that they were wrongfully excluded under the West Virginia Rape Shield Law. Petitioner further argues that the investigating officer improperly testified regarding the behavior of sexual assault victims.

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