



DECISIONS, NOTICES AND ORDERS

Thursday, November 10, 2011

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Harvey Patrick Short v. Teresa Waid, Warden, No. 101330
(Kanawha 09-MISC-201, 288 and 10-MISC-430)
Affirmed (5-0)

John W. Ferguson, Sr., et al. v. Doris E. Costello, et al., No. 101472 (Jefferson 10-C-25)
Affirmed (5-0)

James Kallie v. Harold Barlow and Metro Auto Sales, Inc., No. 101284 (Berkeley 10-C-AP-7)
Reversed and Remanded (5-0)

Katherine L. McGlinchey v. Mark E. Frye, No. 11-0591 (Marion 06-C-344)
Affirmed (5-0)

State of West Virginia v. Cherylethia Holmes, No. 11-0436 (Cabell 06-F-129)
Affirmed (5-0)

State of West Virginia v. Thomas Lee Anderson, No. 11-0740 (Raleigh 10-F-128)
Affirmed (5-0)

State of West Virginia v. Rodney Ray Yocum, No. 11-0742 (Marshall 10-F-38)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a date to be determined by the Clerk:

Albert Postlewait, Jr. v. The City of Wheeling, No. 11-0206 (Ohio 07-C-291)

William Watson, Jr. v. WV Department of Health and Human Resources, et al., No. 11-0191
(Kanawha 10-AA-34)

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RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a date to be determined by the Clerk; unless otherwise stated:

SER Thornton Cooper v. Hon. Natalie Tennant, Secretary of State; and Richard Thompson, Speaker of the House of Delegates, No. 11-1405

SER Stephen Andes, et al. v. Hon. Natalie Tennant, Secretary of State; and Richard Thompson, Speaker of the House of Delegates, No. 11-1447

SER County Commission of Monroe County, et al. v. Richard Thompson, Speaker of the House of Delegates; and Natalie Tennant, Secretary of State, No. 11-1516

SER Eldon A. Callen, et al. v. Hon. Natalie Tennant, Secretary of State, No. 11-1517

SER Thornton Cooper v. Hon. Natalie Tennant, Secretary of State, No. 11-1525

Rule to show cause issued returnable on November 17, 2011

State of West Virginia v. Reese T. Riley, No. 11-0457 (Mercer 10-F-307)

and

State of West Virginia v. Paula D. Hoston, No. 11-0120 (Mercer 10-F-302)

Consolidated

Charles Wesley Thompson v. David Ballard, Warden, No. 11-0307 (Mercer 09-C-214)

State of West Virginia v. Karen Tanner, No. 11-0634 (Clay 09-F-04)

State of West Virginia v. Kendra Sulick, No. 11-0043 (Berkeley 10-F-35)

Margaret Zickefoose v. Joseph Zickefoose, No. 11-0073 (Kanawha 09-D-1501)

Dr. Joe J. White, Jr. v. Joe Miller, Commissioner, WV Division of Motor Vehicles, No. 11-0171 (Kanawha 09-AA-59)

Supplemental briefing ordered

ORDERS

Orders of note were entered in the following cases:

Richmond American Homes v. Modern Enterprises, Nos. 11-1246 and 11-1267

(Jefferson 08-C-431, 08C-447)

Motion for stay refused as premature (5-0)

SER Michael J. McGill v. Hon. Mark A. Karl, Judge, No. 11-1351 (Original Prohibition)

Rule to show cause issued returnable to the circuit court (5-0)

SER Green Tree Servicing, LLC v. Hon. Robert A. Burnside, Jr., No. 11-1378

(Original Prohibition)

Petition refused (5-0)

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SER Joe E. Miller, Commissioner, Division of Motor Vehicles v. Hon. Jay M. Hoke, Judge,
No. 11-1448 (Original Mandamus)
Rule to show cause issued (5-0)

Barbara Arnold v. The Estate of B. Robert Blair, et al., No. 11-1444 (Wood 09-C-285)
Motion for stay refused (4-1)(Justice McHugh would grant)
Motion to dismiss granted and Notice of Intent to Dismiss entered. Matter will be dismissed unless bond is posted within fifteen days. (4-1)(Justice McHugh would refuse)

SER Larry V. Faircloth, et al. v. The Public Service Commission of West Virginia, No. 11-1460
(Original Mandamus)
Petition refused (4-1)(Justice Benjamin)

In Re: Petition for Reinstatement of Jennifer D. Hewitt, No. 11-1170 (Lawyer Disciplinary)
Law license reinstated subject to conditions

Richard Gravely v. Macy's, et al., No. 11-0892 (Kanawha 11-CAP-10)
Motion to stay refused (5-0)

State of West Virginia v. Christopher Stinson, No. 11-0978 (Cabell 09-F-175)
Motion granted and remanded for resentencing and appointment of counsel (5-0)