



DECISIONS, NOTICES AND ORDERS

Friday, October 18, 2013

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:

State of West Virginia v. Matthew Scott Cook, No. 12-1271 (Boone 11-F-83)
Affirmed (5-0)

Verda and Charles E. Wiseman v. Randolph County Commission, et al., No. 12-1312 (Randolph 12-C-61)
Affirmed (5-0)

State of West Virginia v. Daniel C. Chapman, No. 13-0111 (Cabell 12-F-18)
Affirmed (4-1) (Chief Justice Benjamin dissenting)

R.A. v. T.A., No. 12-1251 (Braxton 12-DV-33 and 12-DV-36)
Affirmed (5-0)

Richard Friel v. Kenton Meadows Company, Inc., No. 12-1470 (Randolph 11-C-199)
Affirmed (5-0)

State of West Virginia v. Cordell W. Parrack, No. 13-0052 (Randolph 96-F-17)
Affirmed (5-0)

Michael W. Murphy, Executor v. Ruth Mitchell and Marlea Cottrill, No. 12-1313 (Gilmer 11-C-20)
Affirmed (4-1) (Chief Justice Benjamin dissenting)

State of West Virginia v. Ronald Shamburg, No. 12-0712 (Berkeley 11-F-248)
Affirmed (5-0)

State of West Virginia v. Justin Estep, No. 12-1048 (Roane 11-F-39)
Affirmed (5-0)

ORDER LIST
October 18, 2013
Page 2

Stantec Consulting Services, Inc. v. Thrasher Environmental, Inc., No. 12-1400
(Kanawha 09-C-2192)
Affirmed (3-2) (Chief Justice Benjamin and Justice Workman dissenting)

Ernest F. Jack v. The City of Wellsburg, No. 12-1420 (Brooke 11-C-76)
Affirmed (5-0)

State of West Virginia v. Duane Hammock, No. 12-1122 (Raleigh 10-F-30)
Affirmed (5-0)

Hawkins and Nesbitt Contracting, Inc. v. Keith and Heather Queen, No. 12-1256
(Upshur 11-C-14)
Affirmed (5-0)

State of West Virginia v. Ricky D. Webster, No. 12-1436 (Berkeley 11-F-199)
Affirmed (5-0)

State of West Virginia v. Gary W. Mullins, No. 12-1460 (Kanawha 11-F-755)
Affirmed (5-0)

Richard Farmer v. Margaret Farmer, No. 12-1501 (Putnam 10-D-234)
Affirmed (4-0) (Chief Justice Benjamin disqualified)

Garnet Lockard, et al. v. Liberty Mutual Insurance Company, No. 12-1507
(Mingo 09-C-211)
Affirmed (5-0)

Mark Ash v. Allstate Insurance Company, et al., No. 12-1533 (Marshall 09-C-249)
Affirmed (4-1) (Justice Davis dissenting)

Thomas E. Samples, Executor v. Cecil T. Holbert, M.D. and the West Virginia University Board of Governors, No. 12-1538 (Harrison 10-C-191)
Affirmed (5-0)

K.C. v. M.C., No. 12-1542 (Kanawha 07-D-10)
Affirmed (5-0)

P.M. v. B.M., No. 13-0068 (Cabell 03-D-628)
Affirmed (5-0)

State of West Virginia v. Robert Dewayne Martin, No. 13-0112 (Mason 11-F-79)
Affirmed (5-0)

ORDER LIST
October 18, 2013
Page 3

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on the date stated:

Wayne Kirby and Joyce Kirby v. Lion Enterprises, Inc., t/a Bastian Homes, No. 13-0379 (Marion 12-C-47)
January 28, 2014

I.C. System, Inc. v. Valena Kidd, No. 13-0216 (Raleigh 10-C-541)
January 28, 2014

State of West Virginia v. Lamar Dorsey, No. 12-1486 (Logan 12-F-32)
January 28, 2014

Zachary N. v. Tonya L. and Brian L., No. 13-0259 (Raleigh 12-C-201)
February 4, 2014

David Ballard, Warden v. Phillip Reese Bush, No. 13-0240 (Ohio 06-C-342, 05-C-442)
February 4, 2014

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a later date:

John D. Flowers and David Flowers, Inc. v. Max Specialty Insurance Company, No. 13-0262 and Darin I. Drane v. Max Specialty Insurance Company, No. 13-0317 (Cabell 11-C-216)
Consolidated – February 4, 2014

Dean Lowe and Martha Lowe, individually and as Trustees of the Demar Revocable Trust v. Joseph C. Richards and Joyce A. Richards and Hugh E. Hegyi, Trustee of the Herman Hegyi Trust, No. 13-0234 (Berkeley 11-C-979)
March 4, 2014 at West Virginia University College of Law in Morgantown, WV

Domenick Marrara, Jr. v. Ripley Associates, LLC, No. 13-0290 (Preston 12-C-59)
February 4, 2014

Keyser House Bonds, LLC v. Keyserhouse Associates, Ltd Partnership and the City of Keyser, No. 12-1505 (Mineral 12-C-62)
February 4, 2014

ORDER LIST
October 18, 2013
Page 4

ORDERS

Orders of note were entered in the following cases:

Diana Slicer and Randy Slider v. State Farm Mutual Automobile Insurance Company and Charles Noffsinger, No. 13-0364 (Ohio 98-C-310)
Dismissed as Interlocutory

State of West Virginia v. Autumn Blaine, No. 13-0873 (Pre-Trial Bail)
Petition for Bail refused (5-0)

SER Jonathan Lind v. Hon. Carrie L. Webster, Judge, No. 13-0862 (Original Mandamus)
Rule to show cause issued returnable January 14, 2014 unless sooner mooted by entry of a final order on petitioner's petition for writ of habeas corpus. (5-0)

SER Atlantic States Insurance Company and Donegal Mutual Insurance Company v. Hon. Phillip D. Gaujot, Judge, et al., No. 13-0922 (Original Prohibition)
Petition refused (5-0)

State of West Virginia v. Jason Holbert, Pre-Petition No. 13-050
Motion for stay refused (5-0)

Office of Disciplinary Counsel v. James Casimiro, III, No. 13-0995 (Lawyer Disciplinary)
Law license annulled by consent (5-0)

Lawyer Disciplinary Board v. Charles L. Phalen, Jr., No. 12-1265 (Lawyer Disciplinary)
Law license suspended for an additional six months with other sanctions (5-0)