



DECISIONS, NOTICES AND ORDERS -

Friday, November 21, 2014 -

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.

REHEARINGS

The Court took the following action on a petition for rehearing:

In Re: D.N., No. 14-0465 (Tyler 13-JA-15) -
Petition refused (4-1) (Justice Ketchum would grant) -

MEMORANDUM DECISIONS

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

Avory Williams, Jr. v. Donald Johnson, Catherine Johnson, and Nolan Johnson, No. 14-0135 -
(Kanawha 13-C-1974) -
Affirmed (5-0) -

Neil Williams v. Bonnie Bonar, Ohio County Sheriff, et al., No. 14-0327 (McDowell 14-C-29)
Affirmed (5-0)

Clarence S. v. David Ballard, Warden, No. 14-0356 (Fayette 13-C-311)
Affirmed (5-0)

Michael Ellis v. Kanawha County Public Library Board, No. 14-0418 (Kanawha 13-C-AP-162)
Affirmed, in part, Reversed, in part, and Remanded with directions (5-0)

David Taylor v. George M. Hill, No. 14-0567 (Kanawha 13-C-1996)
Affirmed (5-0)

Edwin Brownlow Pound v. Donna Marie Tucker, Steven Clyde Tucker, and Daniel C. Tucker, -
No. 13-1277 (Marion 12-C-112) -
Affirmed (5-0) -

State of West Virginia v. N.S., No. 13-0767 (Berkeley 10-F-37)
Affirmed (3-2) (Chief Justice Davis and Justice Ketchum dissent)

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State of West Virginia v. Roy Wisotzkey, No. 13-1240 (Berkeley 11-F-244)
Affirmed (5-0)

State of West Virginia v. Clinton C. Simpson, No. 13-1315 (Kanawha 13-F-643)
Affirmed (5-0)

Steven O. Dale, Acting Commissioner of the West Virginia Department of Motor Vehicles v. -
Teresa E. Haynes, No. 13-1327 (Kanawha 13-AA-79) -
Affirmed (3-2) (Justices Ketchum and Loughry dissent) -

State of West Virginia v. Bruce Harper, No. 14-0220 (Boone 13-F-23)
Affirmed (5-0)

State of West Virginia v. Richard P., No. 14-0080 (Cabell 06-F-265)
Affirmed (4-1) (Chief Justice Davis dissenting)

Steven O. Dale, Acting Commissioner of the West Virginia Department of Motor Vehicles v. -
Jared A. Judy, No. 14-0216 (Kanawha 13-AA-81) -
Affirmed (4-1) (Justice Loughry dissenting) -

State of West Virginia v. Jacob Colby Spradlin, No. 13-0997 (Mason 10-F-36)
Affirmed (5-0)

State of West Virginia v. Bernard Lee Greer, No. 13-1259 (Harrison 12-F-110)
Affirmed (5-0)

State of West Virginia v. Delbert Wileman, No. 14-0264 (Kanawha 13-F-739)
Affirmed (5-0)

John Sayers and Elizabeth Orndoff-Sayers v. Board of Zoning Appeals of the Town of -
Wardensville, No. 14-0087 (Hardy 13-P-45) -
Affirmed (3-2) (Justices Benjamin and Workman dissenting) -

Dale Shoop v. David Ballard, Warden, No. 13-1313 (Morgan 10-P-41)
Affirmed (5-0)

Michael E. Brown v. Michael V. Coleman, Acting Warden, No. 14-0134 (Cabell 02-C-357)
Affirmed (4-0) (Justice Loughry disqualified)

State of West Virginia v. Merle Stanley Johnson, No. 14-0277 (Jefferson 12-F-101)
Affirmed (5-0)

State of West Virginia v. Rodrick Lusk, No. 13-0556 (Webster 12-F-41)
Affirmed, in part, Reversed, in part, and Remanded (5-0)

State of West Virginia v. Bradley Thomas Chucci, No. 13-1209 (Harrison 12-M-10, 11-F-183)
Affirmed (5-0)

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Thomas W. Smith, Elizabeth Anne Smith, Rachel Dickhut, Nancy Smith McGregor, Mary Smith - Nelson, and Elizabeth Smith Arthur v. Chestnut Ridge Storage, Oil & Gas Management, Inc., - Penneco Oil Company, R.E. Fox & Associates, Fox Oil & Gas, Inc., and Samuel E. Shrader, No. - 14-0136 (Monongalia 11-C-457) - Affirmed (4-1) (Chief Justice Davis dissenting) -

Jennifer Bowyer v. Fayette County Board of Education, No. 14-0261 (Kanawha 13-AA-126) Affirmed (4-0) (Justice Workman disqualified)

Edward M. v. David Ballard, Warden, No. 14-0195 (Berkeley 11-C-373) Affirmed (5-0)

Stephanie Gring v. Harrison County Board of Education, No. 14-0248 (Harrison 12-C-266-3) Affirmed (5-0)

Everett Hannah v. Douglas Tate, et al., No. 13-1328 (Kanawha 12-C-915) Affirmed (5-0)

Erica Louise Barrett, Jerry T. Morgan and Gloria Morgan v. Angela R. Retton and David G. - Retton, et al., No. 14-0047 (Harrison 12-C-336) - Affirmed (3-2) (Justices Benjamin and Loughry dissenting) -

Steven O. Dale, Acting Commissioner, DMV v. Gary A. Barnhouse, Jr., No. 14-0056 (Kanawha County 12-AA-48) Affirmed (3-2) (Justices Workman and Loughry dissenting)

RULE 19 ARGUMENT GRANTED

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

In Re: C.M. and C.M., No. 14-0533 (Raleigh 12-JA-113, 12-JA-114) January 13, 2015

West Virginia Department of Transportation v. Western Pocahontas Properties, L.P., et al., - No. 14-0381 (Tucker 12-C-46) - February 24, 2015 -

Ronnie Meadows v. Steven O. Dale, Acting Commissioner of the West Virginia Division of Motor Vehicles, No. 14-0138 (Kanawha 13-AA-89) February 24, 2015

Delilah Stephens, M.D. v. Charles Rakes, personal representative of the Estate of Gary Rakes, - No. 13-1079 (Mercer 11-C-76) - February 25, 2015 -

Modular Building Consultants of West Virginia, Inc. and Billy Joe McLaughlin v. Poerio, Inc., - No. 14-0158 (Putnam 11-C-277) - February 25, 2015 -

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RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on the dates stated:

State ex rel. Jim Rubenstein, Commissioner of the West Virginia Division of Corrections v. Hon. - Louis H. Bloom, Judge; and Tracie Dennis, No. 14-1043 (Original Prohibition) - February 24, 2015 -

State ex rel. Safe-Guard Products International, LLC v. Hon. Miki Thompson, Judge, and Robin L. Hinkle, No. 14-1134 (Original Prohibition) February 24, 2015

William and Mary Lou Frohnapfel v. ArcelorMittal USA, LLC, No. 14-0671 (Certified Question) February 25, 2015

ORDERS

Orders of note were entered in the following cases:

Mary Clegg v. Marilyn Lydick, Executrix of the Estate of Robert McCombs, No. 14-0677 - (Marshall 13-C-68) - Dismissed (4-1) (Justice Ketchum would refuse the motion to dismiss) -

West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and - Health Facilities v. E.H., et al., No. 14-0965 (Kanawha 81-MISC-585) - Motion to dismiss appeal as interlocutory refused (4-1) (Justice Workman would defer - consideration of the motion) -

State ex rel. Glen Poe v. Hon. David H. Sanders, Judge, No. 14-1031 (Original Mandamus) Rule to show cause returnable on February 25, 2015, unless sooner mooted (5-0)

State ex rel. A.J. v. Honorable John C. Yoder, Judge, No. 14-1078 (Original Prohibition) Petition refused (3-2) (Justice Benjamin and Ketchum would issue a rule to show cause)

State ex rel. Conn-Weld Industries, Inc. v. Hon. Booker T. Stephens, Judge, No. 14-1133 - (Original Mandamus) - Petition refused (4-1) (Justice Ketchum would issue a rule to show cause) -

Carl C. Foster v. Stroebel & Johnson, PLLC, No. 14-0667 (Kanawha 14-C-1324) Summarily Affirmed (5-0)

Carl C. Foster v. Hon. Anne B. Charnock, Judge, No. 14-0901 (Kanawha 14-C-1321) Summarily Affirmed (5-0)

Carl C. Foster v. The Calwell Practice, No. 14-1140 (Kanawha 14-C-1322) Summarily Affirmed (5-0)

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Ahmed Salau v. Krista Thompson, No. 14-1027 (Mercer 14-D-102)
Motion for stay refused (5-0)

SER Ahmed Salau v. Hon. Derek Swope, Judge, No. 14-0987 (Original Prohibition)
Petition refused (5-0)