



DECISIONS, NOTICES AND ORDERS

Monday, November 3, 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 petitions for rehearing:

Edra L. Smiley and Brenda J. Watton v. Norma Jean Saunders, Brian Miller, and Dennis Rhodes, No. 14-0009 (Kanawha 10-C-246)
Petition refused (5-0)

Douglas Libert v. Joseph Kuhl, Magistrate, No. 13-1111 (Wood 13-P-46)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Larry A. Clement v. David Ballard, Warden, No. 13-1173 (Fayette 10-C-63)
Affirmed (4-1) (Chief Justice Davis dissenting)

State of West Virginia v. Matthew Monroe Cottingham, No. 13-1211 (Marion 12-F-202, 13-F-41)
Affirmed (5-0)

Thomas Eugene Gardner, Jr. v. David Ballard, Warden, No. 13-1301 (Marion 12-C-449)
Affirmed (4-1) (Chief Justice Davis dissenting)

Richard D. v. Katheryn B., No. 14-0039 (Pleasants 11-D-38)
Affirmed (5-0)

State of West Virginia v. Christopher L., No. 14-0095 (Harrison 13-F-99-03)
Affirmed (5-0)

Bobby Farmer v. Brenda Carol Farmer, No. 14-0105 (Logan 06-D-250)
Affirmed (5-0)

State of West Virginia v. Joshua L. Stitley, No. 14-0265 (Berkeley 11-F-241)
Affirmed (5-0)

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Christopher Scott Wilburn v. Ashley Nicole McCoy, No. 14-0054 (Lincoln 11-C-26)
Affirmed (4-1) (Justice Benjamin dissenting)

Diana L. Overberger v. James K. Overberger, No. 14-0064 (Taylor 11-D-136)
Affirmed (5-0)

State of West Virginia v. Amber Nicole Pickens, No. 13-1213 (Wood 13-F-103)
Affirmed (5-0)

State of West Virginia v. Matthew Depew, No. 13-1214 (Wood 13-F-102)
Affirmed (4-1) (Chief Justice Davis dissenting)

Clarence Glaspell, Mary Glaspell, and Jacob Glaspell v. Taylor County Board of Education,
No. 14-0175 (Taylor 09-C-55)
Affirmed (5-0)

In Re: Tobacco Litigation Ronald Accord, et al. v. Phillip Morris USA, Inc., et al., No. 13-1204
(Kanawha 00-C-5000)
Affirmed (3-2) (Chief Justice Davis and Justice Workman dissenting)

Alfredo Velasquez v. Mohammad Roohollahi, No. 13-1245 (Kanawha 09-C-547)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Steven O. Dale, Acting Commissioner, West Virginia Division of Motor Vehicles v. David S.
Littleton, No. 14-0040 (Kanawha 13-AA-82)

State of West Virginia v. Kenneth Seen, No. 14-0173 (Roane 13-M-02)

State of West Virginia v. Rick Brock, No. 14-0200 (Wood 13-F-144)

State of West Virginia v. James W. Holstein, No. 14-0086 (Kanawha 09-F-389)

Jannell Williams and Cheryl Rutledge v. Werner Enterprises, Inc., No. 14-0212 (Ohio 09-C-419)

Lexon Insurance Company v. County Council of Berkeley County, No. 14-0215
(Berkeley 11-C-973)

SER West Virginia Secondary School Activities Commission, et al. v. Hon. David W. Hummel;
and P.B.F., individually and as parent and legal guardian of D.W., No. 14-1045
(Original Prohibition)

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RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument at a later date to be determined:

SER Scott Smith, Prosecuting Attorney of Ohio County v. Hon. David J. Sims, Judge; and J.Y., No. 14-0981
(Original Prohibition)

SER Todd Tallman, M.D. v. Hon. Susan B. Tucker, Judge; and Patricia M. Powell, No. 14-0948
(Original Prohibition)

Gary W. Rich v. Joseph J. Simoni, No. 14-0998 (Certified Question – Northern District)

In Re: Adoption of Q.J.M., No. 14-0139 (Putnam 13-A-12)

Alex Energy, Inc. and the West Virginia Department of Environmental Protection v. West Virginia Highlands Conservancy and Sierra Club, No. 14-0247 (Kanawha 13-AA-132)

ORDERS

Orders of note were entered in the following cases:

J. Michael Teets, et al. v. Wendy J. Miller, et al., No. 14-1118 (Hardy 14-C-17)
Motion for stay granted (5-0)

SER Marjorie McDavid and Kanawha County Republican Executive Committee v. Natalie E. Tennant, Secretary of State of the WV State Democratic Executive Committee, No. 14-0939
(Original Mandamus)
Motion for clarification refused (5-0)

West Virginia Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities v. E.H., et al., No. 14-0867 (Kanawha 81-MISC-585)
Motion to expedite refused (5-0)