



DECISIONS, NOTICES AND ORDERS

Thursday, November 10, 2016

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:

State of West Virginia v. Brian Anderson Merchant, No. 15-1141 (Marion 12-F-27)
Petition refused (5-0)

Harold B. v. David Ballard, Warden, No. 16-0029 (Harrison 13-C-200-3)
Petition refused (5-0)

State of West Virginia v. Raymond Richardson, No. 14-0382 (Kanawha 13-F-806)
Petition refused (4-0) (Justice Workman disqualified)

MEMORANDUM DECISIONS

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

William Crawford v. Darrell Sigmon, et al., No. 15-0786 (Kanawha 15-C-566)
Affirmed (4-1) (Justice Davis dissenting.)

Joseph Closson and Susan Closson v. Mountaineer Grading Company and Thrasher Engineering, Inc., No. 15-0820 (Marion 07-C-71)
Affirmed (4-1) (Justice Davis dissenting.)

In Re: The Estate of Alex Kovarbasich, No. 15-1032 (Harrison 15-P-46)
Affirmed (4-0) (Justice Davis disqualified.)

State of West Virginia v. Wesley A. McCoy, No. 15-1142 (Morgan 15-F-16)
Affirmed (4-1) (Chief Justice Ketchum dissenting.)

Jobie Howard v. Eaton Corporation, No. 16-0055 (Mingo 12-C-37)
Affirmed (4-1) (Justice Davis dissenting.)

Johnson Family Trust v. Antero Resources Corporation, No. 16-0070 (Harrison 13-C-371)
Affirmed (5-0)

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Roy Higginbotham v. CAMC, No. 15-1211 (Kanawha 14-AA-89)
Affirmed (5-0)

Michael Gilbert v. West Virginia Department of Transportation, Division of Highways, et al.,
No. 15-0994 (Kanawha 13-C-358)
Affirmed (3-2) (Justices Davis and Workman dissenting.)

Joy Clark v. The Board of Education of the County of Fayette, No. 15-1146 (Fayette 14-C-303)
Affirmed (4-0) (Justice Workman disqualified.)

T.G. v. David Ballard, Warden, No. 16-0203 (Fayette 15-C-264)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

West Virginia Division of Motor Vehicles v. West Virginia Human Rights Commission
and Renee L. Richardson-Powers, No. 15-1197 (Human Rights Commission)
January 25, 2017

Cynthia Van Heyde v. Susan Miller, et al., No. 15-1073 (Preston 14-C-87)
February 7, 2017

State of West Virginia v. Johnnie Farley, No. 15-1068 (Mercer 15-F-37)
February 8, 2017

RULE 20 ARGUMENT GRANTED

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

State ex rel. Erie Insurance Property & Casualty Company v. Hon. David W. Nibert,
Judge, and Tamara Hardman, No. 16-0884 (Original Prohibition)
January 25, 2017

State of West Virginia v. Antwyn D. Gibbs, No. 16-0044 (Fayette 15-F-64)
February 7, 2017

ORDERS

Orders of note were entered in the following cases:

State ex rel. Gerald B. Hough, Prosecuting Attorney v. Hon. Jack Alsop, Judge; and Amy
Self, No. 16-0911 (Original Prohibition)
Petition refused (5-0)

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M.M., et al. v. Pfizer, Inc., et al., No. 16-0927 (Kanawha 12-C-149, Mass Litigation Panel)
Motion to stay refused (3-0) (Chief Justice Ketchum and Justice Benjamin disqualified.)

State ex rel. Bailey & Glasser, LLP v. Hon. John L. Cummings, Judge; and Edgar F. Heiskell, III, No. 16-0936 (Original Prohibition)
Motion to Intervene refused (4-1) (Justice Davis)

Petition for Reinstatement of Norman L. Folwell, a suspended member of The West Virginia State Bar, No. 16-0118
Petition denied (3-2) (Chief Justice Ketchum and Justice Davis)

John Casto v. Ryan Lanier and Michelle Lanier, No. 16-0459 (Jackson 14-C-AP-3)
Summarily affirmed (5-0)