



## DECISIONS, NOTICES AND ORDERS

**Friday, February 25, 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.

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### MEMORANDUM DECISIONS

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

Keith and Susan West v. WV Dept. of Transportation, No. 101145 (Brooke 06-C-61)  
Affirmed

State of West Virginia v. Tanya Harden, No. 101239 (Cabell 05-F-44)  
Affirmed

Sandra and Herbert Blosser v. Sentry Select Insurance, No. 101295 (Monongalia 99-C-225)  
Affirmed

State of West Virginia v. Hollie Morning McGraw, No. 101183 (Gilmer 09-F-25)  
Affirmed

Dana Leech, formerly Zerkel v. Gregory Zerkel, No. 101192 (Monongalia 04-D-28)  
Affirmed (Justices Benjamin and McHugh did not participate in the consideration or decision of this matter)

SER Raymond Whitley v. Jim Rubenstein, Commissioner, No. 101215 (Fayette 05-C-11)  
Affirmed

State v. John Nicholson, No. 101234 (Berkeley 09-F-92)  
Affirmed (Justices Benjamin and Ketchum dissent)

Irene Elena D'Amico, et al. v. Robert Short, et al., No. 101298 (Kanawha 09-C-1919)  
Affirmed

State of West Virginia v. Roberto Caceda, No. 101455 (Berkeley 09-M-AP-6)  
Affirmed

SER Roger Bowers, Jr. v. Thomas L. McBride, Warden, No. 101458 (Berkeley 03-C-10)  
Affirmed

ORDER LIST  
January 28, 2011  
Page 2

**RULE 19 ARGUMENT GRANTED**

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

Patricia Jones v. WV Public Employees Retirement System, et al., No. 101327  
(Kanawha 10-C-746)

Norma Acord v. Colane Company, et al., No. 101366 (Logan 04-C-151)

Michael and Ellen Bills v. Patsy A. Hardy, Secretary, WV Dept. of Health and Human Resources,  
No. 101420 (Kanawha 09-AA-182)

**RULE 20 ARGUMENT GRANTED**

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

Diana Mey v. The Pep Boys, et al., No. 101406 (Ohio 09-C-238)

Summit Raceway Associates v. WV Employers Mutual Co., No. 101414 (Jefferson 09-C-275)

**ORDERS**

Orders of note were entered in the following cases:

Roger W. Goff v. Penn Mutual Life Insurance, et al., No. 101324 (Harrison 09-C-345)  
Petition dismissed as interlocutory (4-1)(J. Davis would set for Rule 20 argument)

SER Mary Bowles v. Hon. Williams S. Thompson and Massey Energy Company, et al.,  
No. 11-0078 (Original Prohibition)  
Petition refused (4-0)(J. Benjamin disqualified)

Lawyer Disciplinary Board v. Rodney S. Justice, No. 35502 (Reciprocal Disciplinary Proceeding)  
Respondent's license to practice law suspended for thirty days; however thereafter subject to his reinstatement in Kentucky.

State of WV v. Rhonda K. Stewart, No. 101179 (Kanawha 09-F-393)  
The West Virginia Coalition Against Domestic Violence and the National Clearinghouse for the Defense of Battered Women were granted leave to file a brief as amici curiae.