



ORDER LIST

Friday, January 14, 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.

REHEARINGS

The Court took the following action on petitions for rehearing:

State v. Meredith Lee VanHoose, No. 35483 (Cabell 98-F-240)
Refused (5-0)

State v. Sandy Martin Cook, No. 35465 (Kanawha 08-F-461)
Refused (5-0)

Irma J. Riffle v. C.J. Hughes Construction Co., Inc., No. 35521 (Cabell 05-C-0438)
Refused (5-0)

Lynda Young v. Bellofram Corporation, et al., No 35439 (Hancock 06-C-55R)
Refused (5-0)

Cabot Oil and Gas v. Huffman, et al., Nos. 35508, 35509, 35510 and 35511 (Logan 08-C-14)
Refused (4-0) (Justice Benjamin disqualified)

Frederick Management Co., L.L.C. v. City National Bank of WV, No. 35438 (Cabell 04-C-323)
Refused (5-0)

Lawyer Disciplinary Board v. Douglas A. Smoot, No. 34724 (Disciplinary)
Refused (5-0) (C.J. Workman disqualified. Senior Status Judge Jolliffe sitting by temporary assignment)

Christian and Elizabeth Harper v. Jackson Hewitt, Inc., No. 35295
(Southern District Court, Certified Question 3:06-0919)
Refused (5-0)

Donna F. Wilson v. Leon Hunter Wilson, No. 35475 (Berkeley 05-D-486)
Refused (5-0)

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RULE 19 ARGUMENT GRANTED

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

WV Medical Imaging and Radiation Therapy Tech. Bd. of Examiners v. Kenneth Harrison, No. 101150 (Monongalia 09-CAP-28)

Jonathan Darby v. Bd. of Education of the County of Kanawha, No. 101219 (Kanawha 09-AA-87) (Chief Justice Workman disqualified)

Lawyer Disciplinary Board v. John A. Grafton, No. 35283 (Disciplinary)

ORDERS

Orders of note were entered in the following cases:

Durran M. Goodwin v. The City of Wheeling, No. 101332 (Ohio 09-C-84)
Petition to docket certified question refused (5-0)
Issue is more properly presented on appeal after full development of the record in the lower court

West Virginia Employers' Mutual Ins. Co. v. Summit Point Raceway Associates, No. 101414 (Jefferson 09-C-275)
Stay granted (4-1)(Justice Davis would refuse)
Circuit Court to determine if bond is necessary, and, if so, the amount thereof and any conditions necessary

SER Shane Shelton v. Hon. Arthur M. Recht, Judge, No. 101513 (Original Prohibition)
Petition refused (4-1)(J. Ketchum would grant)

SER Michael and Rebecca Kolek v. Hon. David M. Pancake, Judge, No. 101496 (Original Mandamus)
Rule to show cause issued (5-0)(Returnable January 26, 2011), unless sooner mooted by a hearing in the circuit court on the petition for adoption.

SER Norma Saunders and Brian Miller v. Hon. Carrie Webster, Judge and Hon. Paul Zakaib, Judge, No. 101422 (Original Mandamus)
Petition refused (5-0)

Lawyer Disciplinary Board v. Jessica Sullivan, No. 35765 (Disciplinary)
Respondent's license to practice law annulled by consent (4-0) (Justice McHugh not participating)

Lawyer Disciplinary Board v. Arthur Louis Bloom, No. 35123 (Disciplinary)
Respondent's license to practice law annulled (5-0)

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Office of Disciplinary Counsel v. Richard A. Hayhurst, No. 35547 (Disciplinary)
Respondent's license to practice law annulled (5-0)

Lawyer Disciplinary Board v. Scott Palmer Mason, No. 35132 (Disciplinary)
Respondent's license to practice law annulled and other sanctions (5-0)