



## DECISIONS, NOTICES AND ORDERS

**Friday, January 28, 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:

In Re: J. J., No. 101495 (Calhoun 09-JA-35)  
Affirmed.

In Re: J. J., No. 101629 (Calhoun 09-JA-35)  
Affirmed.

In Re: F. L., No. 101519 (Calhoun 09-JA-50 and 09-JA-51)  
Affirmed.

In Re: F. L. and J.W., No. 101584 (Calhoun 09-JA-50 and 09-JA-51)  
Affirmed.

In Re: T. W. and K. Y., No. 101531 (Mercer 08-JA-57-DS and 08-JA-58-DS)  
Affirmed.

In Re: A. M., No. 101538 (Mercer 09-JA-80-OA)  
Affirmed.

### REHEARINGS

The Court took the following action on petitions for rehearing:

Betty Jarvis and Wanda Carney v. West Virginia State Police, et al., No. 35444  
(Kanawha 09-C-770 and 09-C-771)  
Refused (5-0)

**RULE 19 ARGUMENT GRANTED**

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

Ralph Taylor v. City of Harpers Ferry, No. 101438 (Jefferson 07-C-398)

SER Ballard, Warden v. James Lee Tooley, No. 101240 (Mercer 07-CV-368-DS)

**RULE 20 ARGUMENT GRANTED**

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

Sheila Haynes, Administratrix v. DaimlerChrysler Corp., et al., No. 101151 (Kanawha 07-C-493)

**ORDERS**

Orders of note were entered in the following cases:

Shirley White, et al. v. Wyeth, et al., No. 35296 (Putnam 04-C-127)  
Motion to Intervene refused (5-0)(C.J. Workman and J. Davis disqualified. Judges Fox and Aboulhosn sitting by temporary assignment.)

Jason Collins, Administrator v. Dutch Miller Chevrolet, Inc., et al., No. 101623 (Cabell 06-C-0561)  
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.

State v. Michael C. DeBarr, No. 101194 (Lewis 09-M-715, 09-M-716 and 09-M-717)  
Petition dismissed as interlocutory

SER Rodney Mullins, James Sigley, Ernest Valentine, James E. Bailey, John A. Keenan and Max Arbaugh v. David Ballard, Warden, No. 101054 (Original Mandamus)  
Consolidated petitions refused (5-0)

SER Freddie Church v. William M. Fox, Warden, No. 101058 (Original Mandamus)  
Petition refused (5-0)

SER Carol L. Pizzuti v. Scott R. Smith, Prosecuting Attorney, No. 101387 (Original Mandamus)  
Petition refused (5-0)

SER Dennis A. Givens v. Marcia L. Ashdown, Prosecuting Attorney and Darrell McGraw, Jr., Attorney General, No. 101388 (Original Mandamus)  
Petition refused (5-0)

In Re: Petition for Reinstatement of Michael P. Markins, 35666 (Disciplinary)  
Petition for Reinstatement granted (5-0)

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David S. Moran v. Thermal View Contracting, No. 35491 ( Harrison 06-C-406)  
Appeal dismissed pursuant to Rule 10(e), Former Rules of Appellate Procedure, and refer to  
Office of Disciplinary Counsel