



DECISIONS, NOTICES AND ORDERS

Friday, February 10, 2012

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 a petition for rehearing:

Pilgrim's Pride Corporation v. Christopher G. Morris, State Tax Commissioner, No. 101627
(Hardy 09-AA-1)
Refused (4-1)(Justice Benjamin)

MEMORANDUM DECISIONS

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

John S. Shannon, et al. v. City of Hurricane, et al., No. 11-0257 (Putnam 10-C-57)
Affirmed (5-0)

Gregory Allen Zerkel v. Dana C. Leech, formerly Zerkel, No. 11-0277
Affirmed (3-0)(Justices Benjamin and McHugh disqualified)

State of West Virginia v. Freddie Lee Bragg, No. 11-0211
Affirmed (3-2)(Chief Justice Ketchum and Justice Benjamin dissenting)

State of West Virginia v. Kenneth Lenhart, no. 11-0599 (Randolph 98-F-7, 99-F-5)
Remanded with directions (5-0)

SER Baker Installations, Inc. v. Honorable Carrie Webster, Judge, No. 11-1627
(Original Mandamus)
Writ granted (5-0)

RULE 19 ARGUMENT GRANTED

The following case will be scheduled for Rule 19 oral argument:

Office of Disciplinary Counsel v. John W. Alderman, III, No. 35705 (Lawyer Disciplinary)
May 22, 2012

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RULE 20 ARGUMENT GRANTED

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

George A. Grayiel, Jr. v. Appalachian Energy Partners 2001-D, LLP, et al., No. 11-0371
(Putnam 08-C-378)

State of West Virginia v. Michael John McGill, No. 11-0261 (Marshall 10-F-51)

Tricia Dean v. State of West Virginia and Jefferson County Sheriff's Department, No. 11-0283
(Jefferson 10-P-31)

Feroletto Steel Co., Inc. v. Thomas A. Oughton, Assessor of Brooke County, et al., No. 11-0666
(Brooke 10-P-08)

ORDERS

Orders of note were entered in the following cases:

SER Payday Financial, LLC v. Hon. Louise H. Bloom, Judge, et al., No. 11-1582 (Original Prohibition)
Petition refused (5-0)

SER Randy G. Whetstone v. Hon. Lynn A. Nelson, Judge, Nos. 11-1747 and 11-1748
(Original Prohibitions)
Petitions refused (5-0)

SER Nancy Hartley v. Hon. Arthur M. Recht, Judge, No. 11-1673 (Original Prohibition)
Petition refused (5-0)

Essex Insurance Company v. Bradford and Stephanie Haynes, No. 11-1785
(Kanawha 09-C-2374)
Motion for stay refused (5-0)

SER Robert B. Joseph v. Hon. Carrie L. Webster, Judge, No. 12-0006 (Original Mandamus)
Rule to show cause issued unless sooner mooted (5-0)

Lawyer Disciplinary Board v. Donald J. Epperly, No. 12-0128 (Lawyer Disciplinary)
Law license annulled by consent (5-0)

Office of Disciplinary Counsel v. David A. Barnabei, No. 34707 (Lawyer Disciplinary)
Law license reinstated with conditions (5-0)

Office of Disciplinary Counsel v. H. John Rogers, No. 12-0101 (Lawyer Disciplinary)
Petition withdrawn (5-0)