



DECISIONS, NOTICES AND ORDERS -

Friday, March 30, 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 petitions for rehearing:

Shenandoah Sales & Service, Inc. v. The Assessor of Jefferson County,
No. 11-0248 (Jefferson 10-AA-1) and No. 11-0701 (Jefferson 11-AA-3)
Refused (5-0)

Katy Addair v. Litwar Processing Company, No. 11-0397 (Wyoming 04-C-252)
Refused (5-0)

William Nesbitt v. Shannon Markle, No. 11-0829 (Gilmer 11-C-5)
Refused (5-0)

MEMORANDUM DECISIONS

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

James E. Collins v. Messenger Limited Partnership, Inc. and Wood Products, Inc., -
Nos. 11-0086 and 11-0901 (Preston 09-C-159) -
Affirmed (5-0) -

State of West Virginia v. John Mack Wright, No. 11-0154 (Mercer 10-M-AP-01)
Affirmed (5-0)

John Howard Williams v. Thomas L. McBride, Warden, No. 11-0429 (Wayne 06-C-310)
Affirmed (5-0)

Dennis A. Givens and Greg Givens v. D. Luke Furbee, Prosecuting Attorney, No. 12-0397 -
(Ohio 12-C-5) -
Affirmed (5-0) -

Michael S. Gorby v. State of West Virginia, et al., No. 12-0398 (Doddridge 11-P-8)
Affirmed (5-0)

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Joe E. Miller, Commissioner v. Randall Eugene Bennett, No. 11-0330 (Wyoming 10-C-149)
Affirmed (3-2)(Justices Davis and Benjamin dissenting)

Harrison County Fraternal and Service Association, Inc. v. Harrison-Clarksburg Board of Health, No. 11-0286 (Harrison 10-C-316-2) -
Affirmed (4-1)(Justice Benjamin dissenting) -

Rosetta McDaniel and Randy McDaniel v. West Virginia Division of Highways, No. 11-0529 -
(Harrison 09-C-498-2) -
Affirmed (4-1)(Justice Benjamin dissenting) -

RULE 19 ARGUMENT GRANTED

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

Rodney Mills v. Dan Ryan Builders, Raymond and Jacquelyn Enright, No. 11-0254
(Berkeley 09-C-982)

RULE 20 ARGUMENT GRANTED

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

Aracoma Coal Company, Inc., Independence Coal Company, Inc. and Spartin Mining Company, Inc. v. Mine Safety Appliance Company, Dustin Dotson and Kimberly Dotson, No. 12-0081
(Certified Questions)(Mingo 11-C-316)

Alicia K. Halcomb v. Christopher G. Smith, No. 11-0386 (Kanawha 08-C-1152)

State of West Virginia v. Jonathan Scott Bourne, No. 11-0282 (Mineral 10-F-150)

Dawn Colette Bland and Autumn Nicole Bland, et al. v. State of West Virginia, et al., -
Nos. 11-0746, 11-0747 and 11-1146 (Kanawha 07-C-02) -
Consolidated for purposes of argument and decision. -

Hominy Creek Perservation Association, Inc. v. WV Department of Environmental Protection,
No. 11-0749 (Kanawha 10-AA-102)

R.K. v. St. Mary's Medical Association, Inc., d/b/a St. Mary's Medical Center, No. 11-0924
(Cabell 10-C-694)

ORDERS

Orders of note were entered in the following cases:

SER Joe E. Miller, Commissioner v. Hon. Warren R. McGraw, Judge, No. 12-0380 -
(Original Prohibition – Wyoming 11-C-58) -
Motion for stay granted (4-0)(Justice Workman not participating) -

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SER Manor Care, Inc., et al. v. Hon. James Stucky, Judge, No. 12-0169 (Original Prohibition)
Petition refused (5-0)

SER Shawn Lester v. Hon. Louis H. Bloom, Judge, No. 12-0302 (Original Prohibition)
Petition refused (5-0)

Charles Elder v. Annabelle Scolapia, No. 11-1156 (Harrison 10-C-103-3)
Motion for expedited consideration granted (5-0)

Lawyer Disciplinary Board v. Kenneth J. Ford, No. 11-0845 (Lawyer Disciplinary)
Law licensed annulled (5-0)

Lawyer Disciplinary Board v. Erika H. Klie Kolenich, No. 11-0091 (Lawyer Disciplinary)
Respondent reprimanded with other sanctions (5-0)

Lawyer Disciplinary Board v. Jennifer M. McGinley, No. 12-0359 (Lawyer Disciplinary)
Law licensed annulled upon consent (5-0)

Melissa K. Ryder v. Helen A. Bentley Revocable Trust (Pocahontas 10-C-68)
Motion for extension of time for filing appeal refused (5-0)

Thomas Firriolo v. Anne P. Chiapella, No. 11-1653 (Morgan 05-C-34) -
Motion for extension of time to perfect appeal refused and appeal dismissed (5-0) -

Thakor V. Patel and Kiran T. Patel v. State of West Virginia, Department of Administration, -
No. 11-1274 (Kanawha 09-MISC-163) -
Motion to dismiss granted (3-0)(Justices Benjamin and Workman disqualified) -