



## DECISIONS, NOTICES AND ORDERS -

**Monday, June 24, 2013 -**

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:

Donna J. White v. National Church Residence and National Church Residences Elderly of - Montgomery, WV, Inc., doing business as Rivermont Presbyterian Homes, No. 12-1427 - (Kanawha 11-C-982) -  
Affirmed (5-0) -

JPMorgan Chase Bank v. ByPass Plaza 1989, No. 11-1530 (Raleigh 10-C-139)  
Affirmed (5-0)

Scott B. v. Mary B., No. 12-0289 (Monongalia 06-D-320)  
Affirmed (4-1) (Justice Davis dissenting)

Joseph Zickefoose v. Margaret Zickefoose, now Waldron, No. 12-0845 (Kanawha 09-D-1501)  
Affirmed (3-2) (Chief Justice Benjamin and Justice Davis dissenting)

State of West Virginia v. Ronald D. Smith, No. 12-0955 (Berkeley 11-F-136)  
Affirmed (5-0)

Roger Riggelman v. Pilgrim's Pride Corporation of WV, Inc., No. 12-1025 (Hardy 11-C-21)  
Affirmed (5-0)

Debra Stuter v. Teresa Fortin, Executrix, No. 12-1185 (Kanawha 12-C-754)  
Affirmed (5-0)

Thomas D. Chenault v. Sharon K. Chenault, No. 11-1532 (Cabell 94-D-863)  
Affirmed (4-1) (Justice Ketchum dissenting and writing separately)

State of West Virginia v. Henry S., No. 12-0796 (Clay 10-F-27)  
Affirmed (5-0)

State of West Virginia v. John Paul Cottrill, No. 12-0817 (Upshur 11-F-82)  
Affirmed (5-0)

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Thomas D. Chenault v. Sharon K. Chenault, No. 12-1061 (Cabell 94-D-863)  
Affirmed (4-1) (Justice Ketchum dissenting and writing separately)

Andrew O. v. Racing Corporation of West Virginia, No. 12-1255 (Kanawha 11-C-907)  
Affirmed (5-0)

State of West Virginia v. Brian Joseph Ward, No. 12-0300 (Randolph 10-F-49)  
Affirmed (5-0)

State of West Virginia v. Jaymason Robinson, No. 12-0368 (Wood 10-F-56)  
Affirmed (5-0)

State of West Virginia v. Jesse Aaron Blevins, No. 12-0438 (Cabell 10-F-253)  
Affirmed (5-0)

Theresa Coleman, Administratrix v. Patricia Hackney, CNM, RN and Mitchell Nutt, MD, -  
No. 12-0665 (Cabell 06-C-589) -  
Affirmed (5-0) -

John Myers IV v. John Lawrence Pauley III, No. 12-0718 (Kanawha 09-C-1913)  
Affirmed (5-0)

Jannell Williams and Cheryl Rutledge v. Werner Enterprises, Inc. and Drivers Management, -  
LLC, No. 12-0847 (Ohio 09-C-419) -  
Affirmed (3-2) (Chief Justice Benjamin and Justice Davis dissenting) -

State of West Virginia v. Jason A. Ray, No. 12-0878 (Jackson 11-F-103, 11-F-122)  
Affirmed (5-0)

State of West Virginia v. Allen W. Baker, No. 12-0886 (Marshall 11-F-63)  
Affirmed (5-0)

Bobby G. Daniel v. Brian Stump, Humane Officer, No. 12-0890 (Raleigh 11-C-663)  
Affirmed (5-0)

State of West Virginia v. Glenn Tanner, No. 12-1077 (Clay 04-F-1)  
Affirmed (5-0)

Robert McFarland v. David Ballard, Warden, No. 12-1105 (Ohio 10-C-241)  
Affirmed (5-0)

Leeta Beachum, Administratrix v. Timothy Joseph White, No. 11-1469 (Kanawha 09-C-1703)  
Affirmed (4-1) (Justice Ketchum dissenting)

Samantha Jones, Administratrix v. Underwriters at Lloyd's London and Commercial Insurance -  
Services, Inc., No. 12-0293 (Kanawha 10-C-512) -  
Affirmed (4-1) (Justice Davis dissenting) -

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Brady A. Weikle and Roberta L. Weikle v. Michael D. Bolling and Sandra D. Bolling, -  
No. 12-0549 (Summers 10-C-51) -  
Affirmed (5-0) -

Dan Salamie v. TD Ameritrade, Inc., No. 12-0634 (Kanawha 11-C-2095)  
Affirmed (5-0)

Sherry Frame v. JPMorgan Chase, Cathy Martindill and Donna Willis, No. 12-0967 -  
(Brooke 09-C-184) -  
Affirmed (5-0) -

Dan Salamie v. Bruce P. Conrad, No. 12-0969 (Kanawha 11-C-587)  
Affirmed (5-0)

Eva Price v. Morgan Financial Group and Founders Financial Securities, LLC, No. 12-1026 -  
(Berkeley 11-C-505) -  
Affirmed (4-1) (Justice Davis dissenting) -

Danielle T. Hilling v. Lori Nohe, Warden, No. 12-0131 (Monongalia 09-C-390)  
Affirmed (4-1) (Justice Davis dissenting)

State of West Virginia v. John William Glaspell, No. 12-0685 (Kanawha 05-F-241)  
Affirmed (5-0)

Barry W. v. David Ballard, Warden, No. 12-0795 (Mercer 10-C-294)  
Affirmed (5-0)

State of West Virginia v. Clayton Owen Peyatt, No. 12-0867 (Summers 11-F-14)  
Affirmed (5-0)

Paul Davis and Laura Davis v. State Farm Fire and Casualty Company, No. 12-0985 -  
(Jefferson 10-C-19) -  
Affirmed (4-1) (Justice Davis dissenting) -

State of West Virginia v. William Ray Hall, No. 12-1082 (Mineral 12-MAP-10)  
Affirmed (5-0)

James and Katheryn Broderick v. Big Bear Lake Property Owners Association, No. 12-1087 -  
(Preston 11-C-142) -  
Affirmed (5-0) -

Kevin H. v. Amy H., No. 12-1114 (Hardy 11-D-29)  
Affirmed (5-0)

Richard C. Moore, Executor v. Allstate Insurance Company, No. 12-0288 (Harrison 09-C-236)  
Affirmed (5-0)

State of West Virginia v. Mark J., No. 12-0272 (Mercer 10-F-91)  
Affirmed (5-0)

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National Union Fire Insurance Company of Pittsburgh PA v. Timothy Tyree, No. 12-0455 -  
(Wyoming 10-C-221) -  
Affirmed (4-0) (Chief Justice Benjamin not participating) -

Angela Bailey v. Wexford Health Sources, No. 12-1017 (Randolph 11-C-158)  
Affirmed (4-1) (Chief Justice Benjamin dissenting)

Triad Insulation, Inc. v. Nationwide Mutual Fire Insurance Company, et al., No. 12-1110 -  
(Kanawha 11-C-20) -  
Affirmed (4-1) (Justice Davis dissenting) -

Crown Enterprises, Inc. v. E.L.C.M., LLC, No. 12-1113 (Raleigh 03-C-999)  
Affirmed (5-0)

Brent O. Sparks and Sylvia Sparks v. Jayson Groves, No. 12-0667 (Nicholas 10-C-141)  
Affirmed (5-0)

In Re: M. J., No. 13-0104 (Kanawha 12-JD-216)  
Affirmed (5-0)