



DECISIONS, NOTICES AND ORDERS

Friday, April 25, 2014

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:

Lawyer Disciplinary Board v. Ira M. Haught, No. 12-0528 (Lawyer Disciplinary)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

State of West Virginia v. Roger Wayne Garman, No. 13-0433 (Mercer 13-PCR-14)
Affirmed (5-0)

George A. Slonaker II v. Debra Minnix, Warden, No. 13-0474 (Hampshire 11-C-05)
Affirmed (5-0)

MaryBeth Printz v. Charles F. Printz, Jr., No. 13-0495 (Jefferson 12-C-204)
Affirmed (5-0)

Carl N. II v. David Ballard, Warden, No. 13-0569 (Berkeley 10-C-252)
Affirmed (5-0)

State of West Virginia v. Charles Dale Emerson, No. 13-0571 (Gilmer 12-F-14)
Affirmed (5-0)

In Re: The Petition of Stephen Shawn Krein for Expungement of Records, No. 13-0694
(Kanawha 13-P-230)
Affirmed (5-0)

Alton Myers and Roger Bolyard v. James Root Sr. and Agnes Root, No. 13-0757
(Tucker 10-C-27)
Affirmed (5-0)

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Robert C. v. Kimberly C., No. 13-0534 (Jefferson 07-D-3)
Affirmed (4-1) (Justice Benjamin dissenting)

Rhonda Eddy v. Inggenesis, Inc., No. 13-0888 (Jefferson 13-C-142)
Affirmed (5-0)

Robert W. Johnson, Jr. v. David Ballard, Warden, No. 13-0894 (McDowell 11-C-35)
Affirmed (5-0)

Larry B. v. Cynthia B., No. 13-0471 (Kanawha 01-D-511)
Affirmed (4-1) (Justice Ketchum dissenting)

C.B. v. Marvin Plumley, Warden, No. 13-0498 (Cabell 99-C-320)
Affirmed (5-0)

Lissa L. v. Robert L., No. 13-0537 (Wood 98-D-708)
Affirmed (5-0)

State of West Virginia v. Steven Jacob Dukes, also known as, Steven Young, No. 13-0649
(Marion 12-F-90)
Affirmed (5-0)

Joshua Stevens v. Evelyn Seifert, Warden, No. 13-0691 (Berkeley 12-C-807)
Affirmed (5-0)

Billie Jo Crigler v. Darrell R. Bailey and South Fork Volunteer Fire Department, No. 13-0604
(Pendleton 11-C-26)
Affirmed (4-1) (Chief Justice Davis dissenting)

State of West Virginia v. Stewart Jordan III, No. 13-0616 (Cabell 11-F-33)
Affirmed (5-0)

State of West Virginia v. Edward Utter, No. 13-0479 (Marion 10-F-169)
Affirmed (5-0)

Chris Minor v. City of Stonewood and John M. Hines, Sr., No. 13-0758 (Harrison 11-C-279)
Affirmed (3-2) (Chief Justice Davis and Justice Benjamin dissenting)

Michael Todd Cox v. David Ballard, Warden, No. 13-0770 (Jefferson 12-C-313)
Affirmed (4-1) (Justice Ketchum dissenting)

Brandi Meade v. West Virginia Division of Corrections and C.O. Rees, No. 13-0983 (Kanawha
10-C-1942)
Affirmed (4-1) (Chief Justice Davis dissenting)

Gary Paul Amos v. Leonard Van Courtney, No. 13-1064 (Harrison 12-C-320)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on the date stated or at a later date to be determined:

Office of Disciplinary Council v. Mark S. Plants, No. 14-0348 (Lawyer Disciplinary)
Monday, May 5, 2014 at 1:00 p.m.

SER City of Weirton v. Honorable David J. Sims, Judge; Terry DiBacco, and the Board of Trustees of the Policemen's Pension or Relief Fund of the City of Weirton, Inc., No. 14-0279 (Original Prohibition)

Jerry N. Black, M.D. v. St. Joseph's Hospital of Buckhannon, Inc., No. 13-0926 (Upshur 12-C-52)

State Auto Property & Casualty Insurance Company v. Barry and Ann Evans, No. 13-0931 (Kanawha 11-C-606)

West Virginia Mutual Insurance Company, Inc. v. Betty J. Adkins, et al., No. 13-0692 (Kanawha 10-C-2282)

State of West Virginia v. Christopher D. Cox, No. 13-0778 (Fayette 12-F-77)

Alcan Rolled Products of Ravenswood, LLC v. Terry W. McCarthy, No. 13-1080 (Kanawha 13-AA-73)

Tonya Sloan v. The West Virginia Division of Corrections, No. 13-0973 (Kanawha 11-C-534)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument at a later date to be determined:

Clifton G. Valentine v. Sugar Rock, Inc., Gerald D. Hall, and Teresa D. Hall, No. 14-0246 (Certified Question)

Christopher Adkins v. American Mine Research, Inc., No. 13-0932 (Kanawha 11-C-307)

Board of Zoning Appeals of the Town of Shepherdstown v. Borys Tkacz, No. 13-0688 (Jefferson 12-C-434)

ORDERS

Orders of note were entered in the following cases:

SER Jane Halterman and Jo Ellen Halterman v. Honorable H. Charles Carl, III, Judge; and Lawrence S. Dolecki, No. 14-0160 (Original Prohibition)
Petition refused (4-1) (Justice Benjamin)

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Ronnie Meadows v. Steven O. Dale, Acting Commissioner of The West Virginia Division of Motor Vehicles, No. 14-0138 (Kanawha 13-AA-89)
Motion to stay refused (4-1) (Justice Ketchum)

Lexon Insurance Company v. County Council of Berkeley County, Berkeley County Planning Commission, and NLP Finance, LLC, No. 14-0215 (Berkeley 11-C-973)
Motion to stay granted conditional upon the filing of a supersedeas bond in lieu of the deposit of cash ordered by the circuit court. (5-0)

In the Matter of: Kathleen H. v. Ernie B., No. 13-1038 (McDowell 05-D-129)
Motion to dismiss granted. (5-0)

In Re: A.S., E.S. and A.S., No. 13-1330 (Brooke 13-JA-4 through 13-JA-7)
Dismissed (5-0)

Jeff Crawford, Administrator and Stephanie Call v. Dr. Anita Dawson, D.O., et al., No. 13-1042
(Certified Question – Kanawha County)

Does a pharmacy owe a duty of care to a third party who is injured by a pharmacy customer who drives while under the influence of controlled prescription drugs dispensed by such pharmacy upon a valid prescription?
The circuit court answered “No.”

The Court declines to docket the certified question because consideration of the question by this Court is premature in the absence of the full development of a factual record in the lower court. (5-0)

Bobby D. Stephens, Administrator v. Actavis, Inc., et al., Pre-Petition No. 14-012
(Kanawha 13-C-131)
Dismissed (5-0)