



DECISIONS, NOTICES AND ORDERS -

Friday, June 13, 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 petitions for rehearing:

West Virginia Regional Jail and Correctional Authority v. A.B., No. 13-0037 -
(Kanawha 10-C-2131) -
Petition granted (3-2) (Justices Ketchum and Loughry would refuse) -

In Re: Petition of M.S. for Expungement of Record, No. 13-0858 (Kanawha 13-P-346)
Petition refused (5-0)

Dale Robert Blankenship v. Carol Deneen Blankenship, No. 12-1503 (Greenbrier 10-D-135)
Petition refused (5-0)

In Re: E.P., K.P., L.P. III, and N.P., No. 13-0782 (Ohio 11-CJA-31 through 11-CJA-34)
Petition refused (5-0)

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

MEMORANDUM DECISIONS

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

Donnie L. Burch v. Dennis Dingus, Warden, No. 13-0988 (Preston 12-C-308)
Affirmed (5-0)

State of West Virginia v. James Willard Johnson, No. 13-1051 (Jefferson 13-F-40)
Affirmed (5-0)

State of West Virginia v. Jason Wayne Swiger, No. 13-1074 (Harrison 13-M-13)
Dismissed as moot (5-0)

State of West Virginia v. Michael Sanchez Rogers, No. 13-0496 (Cabell 11-F-114)
Affirmed (5-0)

ORDER LIST
June 13, 2014
Page 2

State of West Virginia v. John S., No. 13-0780 (Fayette 13-F-83)
Affirmed (5-0)

Richard DeBias and Renee DeBias v. Coastal Lumber Company, No. 13-0929 -
(Randolph 10-C-172) -
Affirmed (4-1) (Chief Justice Davis dissenting) -

State of West Virginia v. Brook N. Carmichael, No. 13-1076 (Mason 11-F-26)
Affirmed (5-0)

Robert M. v. Jessica M., No. 13-0879 (Kanawha 08-D-2302)
Affirmed (5-0)

Avon Hill Farms, Inc. and Mervin E. Roderick, II v. Marlyn Keesecker and Lorelei Freshman, -
No. 13-0977 (Jefferson 06-C-368) -
Affirmed (5-0) -

Bobby Beasley v. Mayflower Vehicle Systems, Inc.; Roadlease Vehicle Systems, Inc.; and Jana -
Dawson, No. 13-0978 (Kanawha 07-C-2222) -
Affirmed (4-1) (Chief Justice Davis dissenting) -

John R. Holland, II v. Commissioner of the West Virginia Division of Motor Vehicles, -
No. 13-0924 (Kanawha 10-MISC-508) -
Affirmed (5-0) -

Clay R. Hupp v. West Virginia Consolidated Public Retirement Board, No. 13-0811 -
(Tyler 11-AA-1) -
Affirmed (3-2) (Chief Justice Davis and Justice Benjamin dissenting) -

B.J. Hauling and Excavating Company, Inc. v. Inwood Quarry, Inc., No. 13-0760 -
(Berkeley 12-C-482) -
Affirmed (5-0) -

Carlotta Evans v. One Gateway Associates, No. 13-0871 (Nicholas 10-P-39)
Affirmed (5-0)

State of West Virginia v. Philip Gregory Johnson, No. 13-0996 (Cabell 12-F-468)
Affirmed in part, Reversed and Remanded, in part, with directions (5-0)

State of West Virginia v. Christopher M. Jensen, No. 13-1088 (Berkeley 12-F-280)
Affirmed (5-0)

Gregory Toney v. EQT Corporation and Daniel Crowe, No. 13-1101 (Kanawha 12-C-834)
Affirmed (3-2) (Chief Justice Davis and Justice Benjamin dissenting)

State of West Virginia v. Terry W. Jackson, No. 13-1138 (Jefferson 09-F-14)
Affirmed (5-0)

ORDER LIST
June 13, 2014
Page 3

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on the date stated:

Elizabeth Chichester and Katherine Lambson v. Posey Gene Cook, James D. Cook, Jerry L. Cook, and Toney's Fork Land, LLC, No. 13-0925 (Wyoming 12-C-37) -
September 9, 2014 -

CNX Gas Company, LLC v. Mary Maxine Welch, No. 13-1087 (Ritchie 03-C-65)
September 9, 2014

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on the date stated:

State of West Virginia v. Justin Sean Gum, No. 12-1292 (Lewis 10-F-68)
September 16, 2014 at Marshall University in Huntington, West Virginia

Gregory Grim, Eric Crowder, Jeffery Ratliff, Gary Rhodes, Brian Moore, and Jamie Gray v. Eastern Electric, LLC, No. 13-1133 (Kanawha 13-C-111) -
September 17, 2014 -

ORDERS

Orders of note were entered in the following cases:

SER André Wilson v. Jim Rubenstein, Commissioner of the West Virginia Division of Corrections; and David Ballard, Warden, Mount Olive Correctional Complex, No. 14-0141 -
(Original Habeas/Mandamus) -
Petition refused (5-0) -

SER Bluestone Industries, Inc. v. Honorable Warren R. McGraw, Judge, et al., No. 14-0380 -
(Original Prohibition) -
Petition refused (3-2) (Justices Ketchum and Loughry would grant) -

West Virginia Department of Transportation, Division of Highways v. Margaret Z. Newton, No. -
14-0428 (Hardy 11-C-30) -
Motion for stay granted (5-0) -

Lawyer Disciplinary Board v. David B. Daugherty, No. 14-0329 (Lawyer Disciplinary) -
License to practice law in the State of West Virginia annulled by consent (4-0) (Justice Ketchum -
disqualified) -

Lawyer Disciplinary Board v. Joseph Tauber, No. 13-0481 (Lawyer Disciplinary)
License to practice law in the State of West Virginia suspended for 30 days (5-0)

Christopher J. Loeb sack, Executor v. Susan Harrison, No. 14-0426 (Kanawha 13-C-2299)

ORDER LIST
June 13, 2014
Page 4

Dismissed as premature, without prejudice to file an appeal upon entry of the circuit court's order on the post-trial motion. (5-0)

Joseph Enoch Hunter v. James F. Truman and John Truman, No. 13-1152 (Mineral 04-C-11)
Dismissed (5-0)

SER Tashema Dawn Smith v. Lori Nohe, Warden, No. 14-0449 (Original Habeas)
Dismissed (5-0)

SER S.L. v. Hon. Thomas Evans, III, Judge, Pre-Petition No. 14-024
Motion to docket petition for writ of prohibition refused (5-0)

David Tabb v. Ralph Lorenzetti, No. 13-1192 (Jefferson 13-C-205)
Motion for rehearing/reconsideration refused (5-0)

Thomas Talbert v. David Ballard, Warden, Pre-Petition No. 14-016
Motion to docket appeal refused (5-0)