



DECISIONS, NOTICES AND ORDERS

Friday, April 10, 2015

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:

Danny S. v. David Ballard, Warden, No. 13-0946 (Nicholas 02-C-13)
Petition refused (5-0)

James W. v. David Ballard, Warden, No. 14-0340 (Fayette 13-C-331)
Petition refused (5-0)

State of West Virginia v. William S., No. 13-1283 (McDowell 13-F-62)
Petition refused (5-0)

Citynet, LLC v. Ray Toney, No. 14-0058 (Kanawha 12-C-527)
Petition refused (4-1) (Justice Ketchum)

MEMORANDUM DECISIONS

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

Connie Tuttle v. State Farm Mutual Automobile Insurance Company, et al., No. 14-0427
(Kanawha 14-C-184)
Affirmed (5-0)

State of West Virginia v. Earl J. Click, No. 14-0472 (McDowell 13-F-23)
Affirmed (5-0)

State of West Virginia v. Robert J. Alexander, No. 14-0717 (Fayette 14-F-4)
Affirmed (5-0)

State of West Virginia v. Thomas King, No. 14-0545 (Kanawha 13-M-AP-5)
Affirmed (5-0)

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Malcom David Setser v. Alaina Harvey, John Workman, Boone County Sheriff's Department, and the Boone County Commission, No. 14-0680 (Boone 12-C-174)
Affirmed (4-1) (Justice Davis dissenting)

R.Q. v. West Virginia Division of Corrections, No. 13-1223 (Kanawha 09-C-823)
Affirmed (4-1) (Justice Davis dissenting)

Thomas Christopher Welker v. David Ballard, Warden, No. 14-0159 (Kanawha 06-MISC-306)
Affirmed (5-0)

State of West Virginia v. Joseph Loudin, No. 14-0605 (Upshur 13-F-52)
Affirmed (4-1) (Justice Ketchum dissenting and writing separately)

Gary Stanley v. Mark Williamson, Warden, No. 13-1095 (Kanawha 06-MISC-311)
Affirmed (5-0)

Lisa Clark v. St. Mary's Medical Center, Inc., No. 14-0431 (Cabell 12-C-785)
Affirmed (4-0) (Justice Ketchum disqualified)

David Edward Ball, II v. A.L.L. Construction, Inc., et al., Nos. 14-0582 and 14-0853
(Grant 10-C-46)
Affirmed (5-0)

State of West Virginia v. Paul E. Horne, No. 14-0658 (Fayette 14-F-68)
Affirmed (5-0)

West Virginia Division of Corrections v. Tracy Jividen, No. 14-0368 (Kanawha 10-C-830)
Reversed, in part, and Remanded (5-0)

RULE 19 ARGUMENT GRANTED

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

State ex rel. Airsquid Ventures, Inc. and Travis Pittman v. Hon. David W. Hummel, Jr., Judge, et al., No. 15-0098 (Original Prohibition)

AND

State ex rel. Tough Mudder, LLC, et al. v. Hon. David W. Hummel, Jr., Judge, et al., No. 15-0102
(Original Prohibition)
Consolidated – September 2, 2015

State ex rel. Lisa Miles v. West Virginia Board of Registered Professional Nurses, No. 15-0131
(Original Prohibition)
September 2, 2015

Hubert and Sharon Messer v. Jackson County Sheriff's Department, No. 14-0926
(Jackson 13-P-16)
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State of West Virginia v. Jeremy Lambert, No. 14-0438 (Raleigh 12-F-53)
September 2, 2015

State ex rel. The First State Bank v. Hon. F. Jane Hustead, Judge, et al., No. 15-0151
(Original Prohibition)
September 15, 2015

State ex rel. Pamela Jean Games-Neely, Prosecuting Attorney v. Hon. Gray Silver III, Judge,
And Donald Bowers, No. 15-0205 (Original Prohibition)
September 15, 2015

State of West Virginia v. Lillie Mae Trail, No. 14-0887 (Lincoln 97-F-28)
September 15, 2015

RULE 20 ARGUMENT GRANTED

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

West Virginia Department of Health and Human Resources v. E.H., et al.,
Nos. 14-0664 and 14-0845 (Kanawha 81-MISC-585)
Consolidated – September 2, 2015

Arden J. Curry, II v. West Virginia Consolidated Public Retirement Board, No. 14-0846
(Kanawha 14-AA-28)
September 2, 2015

Travelers Indemnity Company v. U.S. Silica Company, No. 14-0343 (Morgan 06-C-2)
September 15, 2015

Chesapeake Appalachia, LLC, et al. v. Cecil L. Hickman, No. 14-0921
Geological Assessment & Leasing, et al. v. Cecil L. Hickman, No. 14-0922
Great Lakes Energy Partners, LLC v. Cecil L. Hickman, No. 14-0923
(Ohio 12-C-11)
Consolidated – September 15, 2015

ORDERS

Orders of note were entered in the following cases:

State ex rel. Stephen Black v. Hon. Carrie L. Webster, Judge, and David Blackwell, No. 15-0132
(Original Prohibition)
Petition refused (5-0)

State ex rel. Billy A. Moore v. Hon. Mark A. Karl, Judge, and United Hospital Center,
No. 15-0150 (Original Prohibition)
Petition refused (4-1) (Justice Davis)

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State ex rel. Christopher Palmer v. Hon. Paul M. Blake, Judge, et al., No. 15-0172
(Original Prohibition)
Petition refused (4-1) (Justice Davis)

Lawyer Disciplinary Board v. Alison R. Gerlach, No. 14-0725 (Lawyer Disciplinary)
Respondent reprimanded (5-0)

Andrew C. Smith v. Building Code Enforcement Official for The Town of Star City, No. 14-1024
(Mercer 13-C-7000)
Dismissed (5-0)

Michael Ellis v. West Virginia Human Rights Commission and Kanawha County Library,
No. 15-0068 (Human Rights Commission)
Dismissed (5-0)

State ex rel. Randy S. Cooper v. Jim Rubenstein, Commissioner of the WV Division of
Corrections, No. 15-0192 (Original Mandamus)
Petition refused (5-0)