



## DECISIONS, NOTICES AND ORDERS

**Friday, February 6, 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.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

Quicken Loans, Inc. v. Lourie Brown and Monique Brown, No. 13-0764 (Ohio 08-C-36)  
Petition for rehearing refused (3-2) (Justices Benjamin and Loughry)

Lawyer Disciplinary Board v. John C. Scotchel, Jr., No. 11-0728 (Lawyer Disciplinary)  
Petition for rehearing refused (5-0)

Constellium Rolled Products v. Sharon Griffith and Lou Ann Wall, No. 13-1084  
(Jackson 11-C-26)  
Petition for rehearing granted (3-2) (Chief Justice Workman and Justice Davis)  
Set for Rule 19 argument on April 7, 2015.

### MEMORANDUM DECISIONS

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

Robert Prokop v. Michael Francis, Administrator, Southern Regional Jail, No. 13-1203  
(Mercer 13-P-CR-311)  
Affirmed (5-0)

Donte J. Garrett v. Marvin C. Plumley, Warden, No. 14-0551 (Kanawha 14-P-234)  
Affirmed (5-0)

Gary L. Himes v. Evelyn Seifert, Warden, No. 14-0227 (Berkeley 13-C-407)  
Affirmed (5-0)

State of West Virginia v. Rebecca Ferguson, No. 14-0474 (Berkeley 11-F-46)  
Affirmed (5-0)

Robert M. Marks, Jr. v. Woody Forest Products, LLC, No. 14-0569 (Upshur 12-C-62)  
Affirmed (5-0)

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

**RULE 19 ARGUMENT GRANTED**

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

State ex rel. West Virginia Consolidated Public Retirement Board v. Hon. David W. Nibert, Judge; and Michael Whalen, No. 14-1250 (Original Prohibition)  
April 7, 2015

Patricia S. Reed, Commissioner of the West Virginia Division of Motor Vehicles v. James Pettit, No. 14-0372 (Kanawha 12-AA-54)  
April 7, 2015

American Bituminous Power Partners, Pleasant Valley Energy Company, and American Hydro Power Partners v. Horizon Ventures of West Virginia, Inc., No. 14-0446 (Ohio 13-C-196)  
April 7, 2015

Beverly Truman-Gilmore v. Boyd Gilmore, No. 14-0194 (Kanawha 10-D-469)  
April 7, 2015

State of West Virginia v. Carletta Antoinette Watson, No. 14-0400 (Jefferson 13-F-81)  
April 8, 2015

State Auto Property and Casualty Insurance Company v. Al-Ko Kober and Kaufman Trailer, No. 14-0556 (Hampshire 13-C-113)  
April 8, 2015

**RULE 20 ARGUMENT GRANTED**

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

James Fleet, Jamilla Fleet, and James Lampley v. Webber Springs Owners Association, Inc., No. 14-0637 (Berkeley 11-C-1091)  
April 7, 2015

Patricia S. Reed, Commissioner of the West Virginia Division of Motor Vehicles v. Jason L. Thompson, No. 14-0214 (Wayne 13-P-038)  
April 8, 2015

Patricia S. Reed, Commissioner of the West Virginia Division of Motor Vehicles v. Dustin Hall, No. 14-0342 (Kanawha 13-AA-105)  
April 7, 2015

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State of West Virginia v. Robert Lee Lewis, No. 14-0339 (Kanawha 09-F-505)  
April 8, 2015

MTR Gaming Group, Inc. v. Edson R. Arneault, No. 14-0661 (Hancock 09-C-175)  
April 8, 2015

John D. Perdue, Treasurer v. Nationwide Life Insurance Company, et al., No. 14-0100  
(Putnam 12-C-287 to 296, 12-C-322 to 325, 12-C-327 to 329, 12-C-331, 12-C-355 to 364,  
12-C-372 to 374, 12-C-376 to 381, 12-C-419 to 438, and 12-C-440 to 447)  
April 8, 2015

**ORDERS**

Orders of note were entered in the following cases:

State ex rel. Patricia S. Reed, Commissioner v. Hon. Lynn A. Nelson, Judge; and Rebekah Ann Messenger, No. 14-1239 (Original Prohibition)  
Petition refused (4-1) (Justice Loughry)

State ex rel. Patricia S. Reed, Commissioner v. Hon. Lynn A. Nelson, Judge; and Kurtis Braithwaite, No. 14-1322(Original Prohibition)  
Petition refused (4-1) (Justice Loughry)

State ex rel. Candee L. Pensabene v. Hon. Gray Silver III, Judge, No. 14-1317  
(Original Mandamus)  
Petition refused (5-0)

Landsafe Flood Determination, Inc. v. Delores Burnett, Betty Reveal, and Phyllis Heath,  
No. 14-0656 (Certified Question, Kanawha 12-C-56)  
Declined to docket certified question. Consideration of the question is premature in the absence  
of full development of the factual record. (3-2) (Justices Benjamin and Ketchum)

In Re: Petition for Reinstatement of Michael Santa Barbara, No. 13-1303 (Lawyer Disciplinary)  
License to practice law in the State of West Virginia reinstated with condition. (5-0)

Howard J. Blyler v. Craig A. Griffith, Commissioner of the West Virginia State Tax Department,  
No. 14-0760 (Kanawha 13-C-2175)  
Motion for reconsideration granted and appeal reinstated. (3-2) (Justices Davis and Loughry)