



DECISIONS, NOTICES AND ORDERS

Friday, June 12, 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:

State v. Keith D., No. 13-1123 (Summers 13-F-4, 13-F-6)
Petition refused (3-2) (Justices Davis and Ketchum would grant)

Neil Williams v. Dennis Dingus, Warden, No. 14-0835 (Ohio 13-C-232)
Petition refused (5-0)

Malcolm David Setser v. Alaina Harvey, et al., No. 14-0680 (Boone 12-C-174)
Petition refused (4-1) (Justice Davis would grant)

In Re: M.P., E.P., and D.P., No. 14-1046 (Raleigh 13-JA-111 through 13-JA-113)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Daniel L. Frost v. Bluefield State College and the Bluefield State College Board of Governors, No. 14-0841 (Kanawha 14-AA-49)
Affirmed (4-0) (Chief Justice Workman disqualified)

Calvin T. Odom v. Partners for Payment Relief, DE III, LLC, No. 14-0865 (Jefferson 12-C-247)
Affirmed (5-0)

Nicholas County Commission, et al. v. Tim Clifford, No. 14-0218 (Nicholas 13-P-47)
Affirmed (3-2) (Chief Justice Workman and Justice Benjamin dissenting)

McClung, LLC v. Any Unknown Heirs of Frank C. Ringer, et al., No. 14-0842 (Preston 11-C-264)
Affirmed (3-2) (Justices Davis and Benjamin dissenting)

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State of West Virginia v. Michael C., No. 14-0727 (Harrison 12-F-173)
Affirmed (5-0)

Elizabeth Marcella Dillon v. Logan General Hospital, LLC, et al., No. 14-0736 (Logan 12-C-109)
Affirmed (4-1) (Justice Davis dissenting)

Edgar W. Friedrichs, Jr. v. David Ballard, Warden, No. 14-0815 (Fayette 14-C-95)
Affirmed (4-0) (Chief Justice Workman disqualified)

Donald Wilson v. David Ballard, Warden, No. 14-0831 (Wood 08-P-169)
Affirmed (5-0)

Rose Marie Ayers v. Erie Insurance Company, et al., No. 14-0843 (Raleigh 11-C-787)
Affirmed (5-0)

Wanda Spencer v. Benjamin R. Flint, No. 14-0847 (Monongalia 12-C-282)
Affirmed (3-2) (Chief Justice Workman and Justice Davis dissenting)

Michael Slusarek v. John Riley Co., LLC, et al., No. 14-0955 (Brooke 12-C-141)
Affirmed (5-0)

Norma K. Bowyer, et al. v. Beverly Dozier, et al., No. 14-0577 (Kanawha 10-C-743)
Affirmed (5-0)

Mountain State Sales and Electrical Service, Inc. v. Raleigh County Board of Education,
No. 14-0601 (Raleigh 12-C-253)
Affirmed (5-0)

Raymond A. Hinerman, Sr. and Barbara B. Hinerman v. Richard Rodriguez and Rita C. Rodriguez, No. 14-0371 (Monongalia 10-C-896)
Affirmed (5-0)

Nancy S. v. John S., No. 14-0716 (Cabell 09-D-674)
Affirmed (4-1) (Justice Davis dissenting)

Wilma D. Miller, Administratrix v. Elkins-Randolph County Emergency Squad, Inc.,
No. 14-0929 (Randolph 12-C-31)
Affirmed (3-2) (Chief Justice Workman and Justice Davis dissenting)

Barbara Bell v. Judy Gill, Executrix, No. 14-0930 (Putnam 11-C-118)
Affirmed (5-0)

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RULE 19 ARGUMENT GRANTED

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

Eric Foster v. David Ballard, Warden, No. 14-1023 (Nicholas 08-C-139)
September 23, 2015

L. Linda Mays v. The Marshall University Board of Governors, No. 14-0788 (Cabell 13-C-124)
September 22, 2015

RULE 20 ARGUMENT GRANTED

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

Magistrate Ron Baumgardner v. Megan Davis, No. 14-1162 (Cabell 14-C-579)
September 23, 2015

State of West Virginia v. Tyler G., No. 14-0937 (Hancock 13-F-44)
September 23, 2015

Kevin S. Goff v. West Virginia Division of Natural Resources, No. 14-0977
(Workers' Compensation)
September 22, 2015

ORDERS

Orders of note were entered in the following cases:

In Re: Children of Brook L. and John L., No. 14-0599 (Pocahontas 08-D-68)
Motion for Attorney Fees refused (5-0)

SER Jonathan McClanahan v. West Virginia Board of Registered Professional Nurses,
No. 15-0407 (Original Prohibition)
Petition refused (3-2)

SER Benny Ray Roberts v. Hon. William J. Sadler, Judge, No. 15-0264
(Original Mandamus)
Petition refused as moot (5-0)

SER Justin K. Black v. Hon. Alfred E. Ferguson, Judge, No. 15-0077
(Original Mandamus)
Petition refused as moot (5-0)

SER Steven Thomas Headley v. Francine Spencer, Clerk, No. 15-0095
(Original Mandamus)
Petition refused as moot (5-0)

SER Cecil L. Green v. Hon. William S. Thompson, Judge, No. 15-0137

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(Original Mandamus)

Granted, returnable to the circuit court with directions to enter an order ruling on the petitioner's motion for amendment of sentencing order. (5-0)

Wendy N. v. Joseph N., No. 14-0632 (Hancock 12-D-326)

Dismissed (5-0)