



## DECISIONS, NOTICES AND ORDERS

**Friday, June 3, 2016**

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:

Marvin Plumley, Warden v. Shane Dodson, No. 14-1202 (Jefferson 13-C-64)  
Petition refused (4-1) (Chief Justice Ketchum)

In Re: N.H., No. 15-1199 (Greenbrier 11-JA-18)  
Petition refused (5-0)

Morgan Shepherd v. David Ballard, Warden, No. 15-0327 (Logan 02-C-144)  
Petition refused (4-1) (Justice Davis)

The City of Morgantown v. Nuzum Trucking, No. 15-0127 (Kanawha 14-C-1877)  
Petition refused (5-0)

Michael Kandis v. David Ballard, Warden, No. 15-0431 (Ohio 14-C-258)  
Petition refused (5-0)

State of West Virginia v. Julia Surbaugh, No. 14-0890 (Webster 10-F-14)  
Petition refused (5-0)

State of West Virginia v. Martin R., No. 15-0580 (Wood 10-F-58)  
Petition refused (5-0)

R.C. v. Patrick Mirandy, Warden, No. 15-0646 (Kanawha 14-P-594)  
Petition refused (5-0)

### MEMORANDUM DECISIONS

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

John M. v. Stephanie M., No. 15-0656 (Kanawha 00-D-1154)  
Affirmed (3-0) (Justices Davis and Workman disqualified)

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State of West Virginia v. Terry Abbott, No. 15-0235 (Wood 13-F-145)  
Affirmed (5-0)

Elizabeth Chichester and Katherine Lambson v. Posey Gene Cook and Toney's Fork Land, LLC,  
No. 15-0657 (Wyoming 12-C-37)  
Affirmed (4-1) (Justice Workman dissenting)

Philip Fisher, D.O. v. WV Board of Osteopathic Medicine, No. 15-0690 (Kanawha 15-AA-7)  
Affirmed (5-0)

Carl Campion v. WV Department of Education, No. 15-0689 (Kanawha 14-C-1002)  
Affirmed (5-0)

State of West Virginia v. Michael Palmer, No. 14-0862 (Harrison 14-F-87-2, Marion 12-F-143)  
Affirmed (5-0)

State of West Virginia v. Jason L. Johnson, No. 14-1249 (Berkeley 13-F-222)  
Affirmed (5-0)

Patricia H. v. Gregory M., No. 15-0461 (Clay 06-D-168)  
Affirmed (5-0)

State of West Virginia v. Tyler S. Munson, No. 15-0585 (Berkeley 12-F-37)  
Affirmed (4-1) (Chief Justice Ketchum dissenting in writing)

State of West Virginia v. John B. Christian, No. 15-1003 (Wood 03-F-180)  
Affirmed (5-0)

Brannon Ice v. Linda Stevens, No. 15-0565 (Kanawha 15-C-AP-42)  
Affirmed (5-0)

Timothy O'Dell v. Marvin Plumley, Warden, No. 15-0442 (Berkeley 14-C-225)  
Affirmed (5-0)

Carl T., Sr. v. David Ballard, Warden, No. 15-0649 (Mercer 13-C-230)  
Affirmed (5-0)

John Christian v. Patrick Mirandy, Warden, et al., No. 15-0541 (Pleasants 15-P-9)  
Dismissed as moot (5-0)

John Bradley Midkiff, et al. v. Shepherd University, et al., No. 15-0436 (Jefferson 14-C-47)  
Affirmed (3-2) (Justices Workman and Loughry dissenting)

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**RULE 19 ARGUMENT GRANTED**

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

In Re: Tax Assessment of Cabela's Retail, Inc., No. 15-0888 (Ohio 09-CAP-6, 10-CAP-8)  
October 11, 2016

CONSOL Energy, Inc. v. Michael Hummel, et al., No. 15-1040 (Marshall 14-C-57)  
October 11, 2016

**RULE 20 ARGUMENT GRANTED**

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

University Park at Evansdale, LLC v. Mark A. Musick, Assessor for Monongalia County, No. 15-0934 (Monongalia 15-CAP-8)  
October 11, 2016

Salem International University, LLC v. Taylor Bates, et al., No. 15-0948 (Harrison 13-C-348-3)  
October 11, 2016

Mountain Valley Pipeline, LLC v. Brian C. McCurdy and Doris W. McCurdy, No. 15-0919 (Monroe 15-C-19)  
October 11, 2016

**ORDERS**

Orders of note were entered in the following cases:

SER Pamela Jean Games-Neely, Prosecuting Attorney v. Hon. John C. Yoder, Judge; and Charles R. "Manny" Kilmer, No. 16-0370 (Original Prohibition)  
Petition refused (5-0)

SER David H. v. Hon. Robert Waters, Judge; and Jason Wharton, Prosecuting Attorney, No. 16-0436  
Petition refused (4-1) (Justice Davis)

City of Elkins v. Eddie R. Collins, No. 16-0415 (Randolph 15-C-1)  
Dismissed as interlocutory (5-0)