



DECISIONS, NOTICES AND ORDERS

Friday, February 25, 2022

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:

St. Paul Fire and Marine Insurance Company v. AmerisourceBergen Drug Corporation, et al.,
No. 21-0036 (Boone CC-03-2017-C-36)
Petition refused (4-0) (J. Moats sitting by temporary assignment, not participating)

State ex rel. Williams WPC-1, LLC and Lee Dawson v. Hon. Jeffrey Cramer and Coty Lantz,
No. 21-0423 (Original Prohibition)
Petition refused (4-0) (J. Moats sitting by temporary assignment, not participating)

Kevin Goodman, Jr. v. Shelby Searls, Superintendent, No. 20-0169 (Fayette 17-C-342)
Petition granted (2-2) (J. Walker and J. Armstead would refuse) (J. Moats sitting by temporary assignment, not participating)

Harry Reynolds v. Donnie Ames, Superintendent, No. 21-0256 (Raleigh 18-C-23)
Petition refused (4-0) (J. Moats sitting by temporary assignment, not participating)

In re B.F., No. 20-0776 (Jackson 19-JA-73)
Petition refused (4-0) (J. Moats sitting by temporary assignment, not participating)

Fairmont Tool, Inc. v. Adam J. Davis, No. 20-0684 (Marion 17-C-163)
Petition refused (3-1) (J. Armstead would grant) (J. Moats sitting by temporary assignment, not participating)

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MEMORANDUM DECISIONS

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

State ex rel. James Harris v. Scott Smith, Ohio County Prosecuting Attorney, No. 21-0213
(Original Prohibition)

AND

James Harris v. Scott Smith, Ohio County Prosecuting Attorney, No. 21-0295 (Ohio 21-P-16)
Petition for writ of prohibition refused and appeal affirmed (5-0)

Odell Morgan v. Scott Smith, Ohio County Prosecuting Attorney, No. 21-0291
(Ohio 19-P-234)
Affirmed (5-0)

Oscar Combs, Sr. v. Donnie Ames, Superintendent, No. 20-0473 (Mercer 19-C-194)
Affirmed (5-0)

Tammy Wilson v. J.D. Sallaz, Superintendent, No. 20-0493 (Mason 15-C-139)
Affirmed (4-0) (J. Wooton disqualified)

Juanita McCormick v. Board of Education of Greenbrier County, No. 20-0890
(Greenbrier 20-P-23)
Affirmed (5-0)

State of West Virginia v. Michael J., No. 21-0112 (Hancock 19-F-11)
Affirmed (5-0)

In re D.R., Z.R., A.S.-B., P.B., and L.T., No. 21-0561 (Wood 19-JA-142, 19-JA-143, 19-JA-144, 19-JA-191, 19-JA-175)
AND

In re A.S.-B., W.J., and P.B., No. 21-0600 (Wood 19-JA-144, 19-JA-176, 19-JA-191)
Sanctions imposed against Matthew DeVore, Esq., guardian ad litem. (5-0)

RULE 20 ARGUMENT GRANTED

The following case will be scheduled for Rule 20 oral argument:

State of West Virginia v. Kelly Marie Tusing, No. 21-0115 (Preston 19-F-49)

ORDERS

Orders of note were entered in the following cases:

Craig Blair, President West Virginia Senate, et al. v. Sam Brunett and Robert McCloud, No. 22-0070 (Kanawha 21-P-340)
Stay of preliminary injunction granted. (5-0)

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State ex rel. RH Logistics, LLC, et al. v. Hon. Thomas A. Bedell, Judge, et al., No. 21-0956
(Original Prohibition)
Petition refused. (3-2) (J. Armstead, J. Wooton)

State ex rel. Alley Cat Allies Incorporated v. Berkeley County Animal Control, No. 21-0962
(Original Mandamus)
Petition refused (5-0)

State ex rel. Mary Wenz v. Hon. Jennifer P. Dent, Judge, et al., No. 21-0907
(Original Prohibition)
Petition refused (5-0)

State ex rel. Vensure HR, Inc. v. Hon. James H. Young, Jr., Judge, et al., No. 21-0994
(Original Prohibition)
Petition refused (4-1) (J. Armstead)

Richard Mount v. Everett Frazier, Commissioner of the WV Division of Motor Vehicles,
No. 21-1022 (Cabell 21-C-331)
Motion for stay refused (5-0)

Lawyer Disciplinary Board v. Kirk H. Bottner, No. 21-0178 (Lawyer Disciplinary)
License to practice law suspended and other sanctions. (4-1) (J. Armstead would set for oral
argument.)

Lawyer Disciplinary Board v. David E. Furrer, No. 20-1026 (Lawyer Disciplinary)
License to practice law annulled. (5-0)

Office of Lawyer Disciplinary Counsel v. Marc E. Moore, No. 22-0138 (Lawyer Disciplinary)
License to practice law annulled by consent. (5-0)