



DECISIONS, NOTICES AND ORDERS

Wednesday, March 23, 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 a petition for rehearing:

Thomas Leftwich v. Donnie Ames, Superintendent, No. 20-0143 (Raleigh 10-C-22)
Petition refused (4-0) (Chief Justice Hutchison disqualified).

MEMORANDUM DECISIONS

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

State of West Virginia v. Darcy Fisher, No. 20-1005 (Roane 19-F-92)
Affirmed (5-0)

Donald Medley v. Donnie Ames, Superintendent, No. 21-0113 (Mingo 17-C-35)
Affirmed (5-0)

Julie Hamstead v. Matthew Harvey, Prosecuting Attorney, et al., No. 21-0410
(Jefferson 19-C-186)
Affirmed (5-0)

State of West Virginia v. David Uphold, No. 20-0983 (Marion CC-24-2019-F-44)
Affirmed (5-0)

State of West Virginia v. Raymond Miller, No. 21-0378 (Morgan CC-33-2020-F-24)
Affirmed (5-0)

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RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

Berkeley County Council v. Government Properties Income Trust, No. 20-1019
(Berkeley 19-AA-7)

AND

Berkeley County Council v. Martinsburg IRS OC, No. 20-1022 (Berkeley 19-AA-8)
Consolidated

State of West Virginia v. Tracy Pennington, No. 21-0396 (Jackson CC-18-2019-F-124)

Dakota Jones and Matilda Workman v. Logan County Board of Education, No. 21-0217
(Logan 2019-C-145)

Joey Butner v. High Lawn Memorial Park Company, et al., No. 21-0387 (Fayette 19-C-48)

State of West Virginia v. Alexander Delorenzo, No. 21-0456 (Marshall 21-F-4)

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Izzac Weister, No. 21-0263 (Jefferson CC-19-2020-F-9)

Wanda Keener and Katherine Asbury v. Clay County Development Corporation, No. 21-0267
(Clay CC-08-2018-C-6)

State of West Virginia v. Micah McClain, No. 21-0873
(Certified Questions — Monongalia 21-F-76)

SER TH Exploration II, et al. v. Hon. Jeffrey Kramer, Judge, et al., No. 21-1004 (Original
Prohibition)

SER WV Department of Health and Human Resources, et al. v. Hon. Louis H. Bloom, Judge, et
al., No. 22-0027 (Original Prohibition)

ORDERS

Orders of note were entered in the following cases:

SER AmerisourceBergen Drug Corporation, et al. v. Hon. Alan D. Moats, Lead Presiding Judge,
Opioid Litigation – Mass Litigation Panel, et al., No. 21-0986 (Original Prohibition)
Petition refused (3-1) (Justice Armstead) (Justice Moats disqualified.)

SER Johnson & Johnson, et al. v. Hon. Alan D. Moats, Lead Presiding Judge, Opioid Litigation
– Mass Litigation Panel, et al., No. 22-0062 (Original Prohibition)
Petition refused (3-1) (Justice Armstead) (Justice Moats disqualified.)

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SER Walmart, Inc., et al. v. Hon. Alan D. Moats, Lead Presiding Judge, Opioid Litigation – Mass Litigation Panel, et al., No. 22-0080 (Original Prohibition)

Petition refused (3-1) (Justice Armstead) (Justice Moats disqualified.)

SER Justice Holdings, LLC v. Hon. Robert A. Burnside, Jr., Judge and Glade Springs Village Property Owners Association, Inc., No. 22-0009 (Original Prohibition)

Petition refused (4-0) (Chief Justice Hutchison disqualified.)

SER Bali Surgical Practice and Ahmad Bali, MD v. Hon. Joanna I. Tabit, Judge; and Melissa Moreland, No. 22-0129 (Original Prohibition)

Petition refused (5-0)