



DECISIONS, NOTICES AND ORDERS

Friday, October 19, 2012

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.

MEMORANDUM DECISIONS

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

Richard Lee Gravely v. Macy's, Scott McNeally and Zenna Kalwar, No. 11-0892 (Kanawha 11-CAP-10)
Affirmed (5-0)

Jack Adam Teel v. David Ballard, Warden, No. 11-0204 (Kanawha 10-MISC-173)
Affirmed (5-0)

Angela L. v. Bruce L., No. 11-1129 (Mercer 08-D-127)
Affirmed (5-0)

Anthony Pfeffer v. Adrian Hoke, Warden, Huttonsville Correctional Center, No. 11-1341 (Jackson 11-C-96)
Affirmed (4-0) (Justice McHugh disqualified)

Richard Allen Smith, Jr. v. Karen Shoemaker, Chief of Police, No. 11-1230 (Marion 10-P-56)
Affirmed (5-0)

Richard Lee Gravely v. City of Charleston, No. 101635 (Kanawha 10-MAP-10)
Affirmed (5-0)

David Eilola v. William Haines, Warden, No. 11-0484 (Kanawha 11-MISC-74)
Affirmed (5-0)

Allen V. Davis v. Eric Harrison, No. 11-0569 (Putnam 10-CAP-03)
Affirmed (5-0)

Craig S. Swick v. Howard Painter, Warden, No. 11-0824 (Mineral 99-C-44)
Affirmed (5-0)

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Allen Longwell v. David Ballard, Warden, No. 11-0912 (Fayette 11-C-109)
Affirmed (5-0)

Leonidas M. Schwartz v. Donald B. Moore, Jr., No. 11-0986 (Pendleton 98-C-2)
Dismissed as Untimely Filed (5-0)

State of West Virginia v. Robert Edward Winters, No. 11-1049 (Hampshire 10-F-32)
Affirmed (5-0)

Craig Erhard and Paula Erhard v. David Helmick and Kevin Helmick, No. 11-1595
Affirmed (4-1) (Justice Benjamin dissenting)

Craig Diggins and Mary Diggins v. The River Ridge Property Owners Association,
Nos. 11-1098 and 12-0385 (Hampshire 08-C-63)
Affirmed in part, and remanded for hearing on sanctions issue only. (5-0)

Saad's Food, Inc. v. Verizon West Virginia, Inc., No. 11-1133 (Cabell 05-C-384)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Thomas McBride, Warden v. Steve Lee Dilworth, No. 11-1456 (Gilmer 10-C-11)

Ohio Power Company and American Electric Power Service Corporation v. Pullman Power LLC, Structural Group, Inc. and Ershigs, Inc., No. 11-1512 (Marshall 06-C-153)

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Michael J. McGill, No. 11-1386 (Marshall 09-F-71)

Pamela Games-Neely, Prosecuting Attorney v. Hon. JoAnn Overington, Magistrate and Christopher Seidell, No. 11-1648 (Berkeley 11-C-403)

Wheeling Hospital, Inc. v. Craig A. Griffith, State Tax Commissioner, No. 11-1299
(Ohio 10-CAP-15)

Verizon Services Corporation v. Loretta K. Epling, No. 11-1425 (Kanawha 10-AA-13)

Brooke B. v. Donald Ray C., II, No. 11-1085 (Kanawha 11-MISC-136)

ORDERS

Orders of note were entered in the following cases:

SER Certain Underwriters at Lloyd's London, et al. v. Hon. Andrew J. Frye, Jr., Judge,
No. 12-0908 (Original Prohibition)
Petition refused (4-1)(Justice Benjamin)

SER Kenneth Eugene Carter v. Hon. James C. Stucky, Judge, No. 12-0963
(Original Mandamus)
Petition refused (4-1)(Chief Justice Ketchum)

SER Lonnie McIntosh, Jr. v. Hon. Alfred E. Ferguson, Judge, No. 12-0942
(Original Prohibition)
Petition refused (5-0)

Angela Y. Smith v. West Virginia Crime Victims Compensation Fund and the West Virginia
Court of Claims, No. 12-0117 (Certiorari)
Rule to show cause issued (5-0)

Office of Disciplinary Counsel v. Charles B. Mullins, II, No. 12-1132 (Disciplinary)
Law License annulled by consent (5-0)

Office of Disciplinary Counsel v. Thomas Jason Drake, No. 12-1160 (Disciplinary)
Law License annulled by consent (5-0)

In Re: Voluntary Resignation of Melissa Morris Picco, No. 12-1022 (Disciplinary)
Petition to voluntary resign from The West Virginia State Bar granted. (5-0)