



DECISIONS, NOTICES AND ORDERS

Friday, September 19, 2014

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:

David W. v. Jim Rubenstein, Commissioner of the WV Department of Corrections, No. 13-0891
(Raleigh 11-C-210)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

William Mark Johnson v. David Ballard, Warden, No. 13-1006 (Preston 02-C-42)
Affirmed (5-0)

State of West Virginia v. Courtney S. Wallace, No. 14-0325 (Mercer 10-F-120, 10-F-147)
Affirmed (5-0)

Nadereh Tafreshi Darabi v. Jotwyla Moore, No. 13-1246 (Marion 10-C-398)
Affirmed (5-0)

State of West Virginia v. Zachary W., No. 13-1177 (Jackson 13-F-41)
Affirmed (5-0)

Donell D. Lee v. David Ballard, Warden, No. 13-1314 (Marion 11-C-140)
Affirmed (5-0)

Brandon George Sherrod v. David Ballard, Warden, Nos. 13-1141 and 14-0232
(Kanawha 13-P-415, 13-P-678)
Affirmed in part, Reversed and Remanded with directions (5-0)

L.T. and J.T. v. A.S. and P.C., No. 14-0120
(Mercer 13-S-AP-5, 13-S-AP-10, 13-S-AP-11, 13-S-AP-12, 13-S-AP-13)
Affirmed (5-0)

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Roger Lee Smith v. Karen Pszczolkowski, Warden, No. 14-0231 (Barbour 14-C-7)
Affirmed (5-0)

Neil Williams v. Harold McBride, et al., No. 14-0351 (Kanawha 13-C-2225)
Affirmed (5-0)

Michael Davis v. Marvin Plumley, Warden, No. 14-0404 (Mineral 13-C-38)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a later date to be determined:

SER Ford Motor Company, et al. v. Hon. David W. Nibert, Judge, et al., No. 14-0766
(Original Prohibition)

John L. Fuller, Jr. v. Steven O. Dale, Acting Commissioner of the WV Department of Motor Vehicles, No. 14-0043 (Kanawha 12-AA-24)

State of West Virginia v. Michael S. York, No. 13-1265 (Webster 13-F-12)

Lewis County Board of Education v. Michael Holden, No. 14-0045 (Kanawha 13-AA-85)

Kenneth Goldsborough and Mary Goldsborough v. Bucyrus International, Inc., et al.,
No. 13-1323 (Kanawha 10-C-1170)

Steven O. Dale, Acting Commissioner of the WV Division of Motor Vehicles v. Jeffrey Hill,
No. 14-0103
(Kanawha 12-AA-140)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on the date stated or at a later date to be determined:

Nancy Sostaric and Stjepan Sostaric v. Sally Marshall, No. 14-0143 (Morgan 12-C-160)
October 14, 2014

SER U.S. Bank National Association, et al. v. Hon. Warren R. McGraw, Judge, et al.,
No. 14-0776 (Original Prohibition)

State of West Virginia v. Keith D., No. 13-1123 (Summers 13-F-4, 13-F-6)

BPI, Inc. v. Nationwide Mutual Insurance Company, No. 14-0799 (Certified Question)

Tug Valley Pharmacy, LLC v. Plaintiffs Below, No. 14-0144 (Certified Question – Mingo)

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ORDERS

Orders of note were entered in the following cases:

Paul L. Ashbaugh and Ashbaugh Custom Builders, LLC v. Richard G. Gay, No. 14-0585
(Jefferson 13-C-409)
Dismissed (5-0)

Paul L. Ashbaugh and Ashbaugh Custom Builders, LLC v. John M. Cassell, No. 14-0636
(Jefferson 13-C-409)
Dismissed (5-0)

Lawyer Disciplinary Board v. Richard W. Hollandsworth, No. 14-0022 (Lawyer Disciplinary)
License to practice law suspended for 60 days (5-0)

Joseph N. Hunter v. Timothy J. LaFon, No. 14-0542 (Kanawha 14-C-185)
Dismissed (5-0)

State of West Virginia v. Tami Stainfield, Nos. 14-0778 and 14-0903
(Kanawha 14-PCR-157,14-MAP-5)
Summarily Affirmed (5-0)

In Re: J.Y., No. 14-0282 (Ohio 13-CJD-32)
Dismissed without prejudice to enable the petitioner to file a petition for writ of prohibition
(5-0)

SER Jamal A. Azeez v. Hon. John Hutchison, Judge, No. 14-0672 (Original Mandamus)
Petition refused as moot (5-0)

State of West Virginia v. Mitchell Coles, No. 14-0722 (Post-Conviction Bail)
Petition refused (5-0)

State of West Virginia v. Richard Lee Hunt, Jr., No. 14-0751 (Post-Conviction Bail)
Petition refused (5-0)