



DECISIONS, NOTICES AND ORDERS

Friday, February 12, 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.

REHEARINGS

The Court took the following action on a petition for rehearing:

Kayla B. Barb v. The Shepherd University Board of Governors, No. 14-1115 (Jefferson 13-C-382)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

State of West Virginia v. Orlandis Funderburke, Jr., No. 14-1035 (Monongalia 14-F-75)
Affirmed (5-0)

State of West Virginia v. Cornelius B., No. 15-0109 (Jefferson 14-F-20)
Affirmed (5-0)

Gregg D. Smith v. Patrick Mirandy, Warden, No. 14-1282 (Ritchie 11-P-19)
Affirmed (5-0)

David M. Smith and Doris Smith v. The Velotta Company and Safety Caution Equipment Co.,
No. 14-1285 (Kanawha 14-C-981)
Affirmed (4-1) (Justice Davis dissenting)

David M. Smith and Doris Smith v. The Velotta Company and Safety Caution Equipment Co.,
No. 15-0228 (Fayette 14-C-96)
Affirmed (4-1) (Justice Davis dissenting)

Ronnie B. v. David Ballard, Warden, No. 14-0902 (Preston 12-C-331)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

State ex rel. Pamela Jean Games-Neely, Prosecuting Attorney v. Hon. John C. Yoder, Judge; and Dennis E. Streets, No. 15-1198 (Original Prohibition)
April 13, 2016

State of West Virginia v. Jesse Lee Heater, No. 15-0343 (Upshur 13-F-21)
April 13, 2016

Jonathan Richter v. Katie Richter, No. 15-0400 (Monongalia 13-D-98)
April 19, 2016

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Stephanie Elaine Louk, No. 15-0021 (Nicholas 14-F-13)
April 19, 2016

Hardy County Commission v. John A. Elmore, B. Wayne Thompson, Ovid Need, and Bonnie Haggerty, No. 14-1118 (Hardy 14-C-17)
April 19, 2016

State of West Virginia v. Timothy C., No. 15-0211 (Jackson 13-F-84)
April 19, 2016

ORDERS

Orders of note were entered in the following cases:

State ex rel. Howard Clarence Jenner v. Hon. Kurt W. Hall, Judge, et al., No. 15-0927 (Original Prohibition)
Petition refused (5-0)

State of West Virginia v. Steward Butler, No. 15-1228 (Cabell 15-F-242)

QUESTION CERTIFIED BY THE CIRCUIT COURT:

Whether the provisions of West Virginia Code § 61-6-21 embodies a protection of an individual's civil rights if the violative act is based solely upon said individual's sexual orientation.

Court declined to docket the certified question. (3-2) (Justices Davis and Workman would docket.)

ORDER LIST
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Joseph Thornton, Cabinet Secretary for the WV Dept. of Military Affairs and Public Safety, et al. v. Fallon Ryan, Administratrix of the Estate of Rebecca Foster, No. 15-0530
(Kanawha 14-C-908)

QUESTION CERTIFIED BY THE CIRCUIT COURT:

Prior to filing a lawsuit against a government agency of the State of West Virginia for negligence resulting in damages to the claimant and/or the claimant's decedent, do the provisions of West Virginia Code § 55-17-3(a)(a) requiring notice, at least thirty days prior to the institution of an action against a government agency, of the "alleged claim and the relief desired," require pre-suit notice of each cause of action the claimant intends to use against the government agency?

Circuit Court Answer: Yes

Court declined to docket the certified question because consideration of the question is premature in the absence of the full development of a factual record in the lower court.
(5-0)