



DECISIONS, NOTICES AND ORDERS

Friday, September 9, 2011

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:

Judith L. King v. Charles E. King, Jr., No. 35696 (Kanawha 01-D-1553)
Refused (5-0)

State of West Virginia v. Ricky Lee Wright, No. 101365 (Gilmer 09-F-7)
Refused (5-0)

In Re: D.C., C.M. and A.M. III, No. 11-0080 (Mingo 10-JA-6, 10-JA-7, 10-JA-8)
Refused (5-0)

In Re: Hunter H., Nos. 35750 and 35751 (Ohio 07-JA-50)
Refused (5-0)

State of West Virginia v. Steven M. Askin, No. 11-0084 (Berkeley 09-M-3)
Refused (5-0)

James and Debbie McDonald v. City Hospital, Inc., et al., No. 35543 (Berkeley 07-C-150)
Refused (4-1)(Justices Ketchum and McHugh disqualified. Judges Evans and Wilson sitting by temporary assignment)(Judge Wilson would grant)

State of West Virginia v. Daniel Lee Jordan, No. 101633 (Kanawha 10-F-519)
Refused (5-0)

MEMORANDUM DECISIONS

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

Karen A. Hill v. Kimberly L. Taylor, No. 35695 (Kanawha 09-C-1687)
Reversed and remanded with directions (5-0)

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RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a date to be determined by the Clerk; unless stated otherwise:

State of West Virginia v. Donald Surber, Jr., No. 11-0361 (Berkeley 09-F-155)

In Re: Adoption of B.E.L.S., No. 11-0389 (Kanawha 10-A-39)
October 19, 2011

National Union Fire Insurance Company of Pittsburgh v. Jennifer Miller, et al., No. 11-0315
(Kanawha 09-C-1140)

Make Harper v. Marquis Development, et al., No. 11-0490 (Mingo 08-C-239)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a date to be determined by the Clerk; unless stated otherwise:

SER County Commission of Greenbrier County v. Hon. John L. Cummings, Judge, No. 11-1035
(Original Prohibition)
October 18, 2011

Katy Addair, Administratrix, et al. v. Litwar Processing Company, et al., No. 11-0397
(Wyoming 04-C-252)(Justice Benjamin disqualified)

Bobby and Amanda Messer v. Hampden Coal Co., LLC, No. 11-0469 (Wyoming 06-C-182)

State of West Virginia v. Franklin Junior Kennedy, No. 11-0223 (McDowell 94-F-169)

Rashiad Robinson v. Pamela Jean Games-Neely, Prosecuting Attorney, No. 11-0415
(Berkeley 09-P-171)

ORDERS

Orders of note were entered in the following cases:

SER Stanley S. Adkins v. Hon. Gary L. Johnson, Judge, No. 11-0950 (Original Prohibition)
Petition refused (5-0)

SER David A. O'Brien v. Charles R. Dye, Director WV Division of Forestry, et al., No. 11-0993
(Original Mandamus)
Petition refused (4-1)(Justice Benjamin would grant)

SER Amanda U., individually and as next friend of C.H. and C.H. v. WV Department of Health and Human Resources, No. 11-0989 (Original Habeas)
Petition refused (5-0)

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SER Janet L. Thompson v. City Council of Charleston, West Virginia, No. 11-1070
(Original Prohibition)
Petition refused (5-0)

Lonnie Hannah, Sheriff v. Max Jeremy Mounts and Mingo County Civil Service Commission,
Pre-Petition No. 11-062
Motion for stay refused (3-2)(Chief Justice Workman and Justice Benjamin would grant)

SER Wyoming County Board of Education v. Hon. Warren R. McGraw, Judge, No. 11-1112
(Original Prohibition)
Petition refused (5-0)

David A. Mullins, M.D. v. Princeton Community Hospital Association, Inc., No. 11-0374
(Mercer 07-C-803)
Dismissed as interlocutory (4-0)(Justice Ketchum disqualified)

SER Sean Matthew Capehart v. Mike Clark, Administrator, No. 11-0717 (Original Habeas)
Rule to show cause issued returnable to the circuit court

SER Leo Johnson v. William Fox, Warden, No. 11-0721 (Original Habeas)
Petition refused (5-0)

SER Darrell Eugene Smith v. Stephen C. Tucker, Administrator, No. 11-0723 (Original Habeas)
Petition refused (5-0)

SER Steven Loren Mandrell v. Hon. J.D. Beane, Judge, No. 11-0445 (Original Mandamus)
Dismissed without prejudice (5-0)

SER Kevin Sexton v. Circuit Court of Pleasants County, No. 11-0520 (Original Mandamus)
Petition refused (5-0)

SER Charles Flint v. Daniel Wright, Clerk, No. 11-0723 (Original Mandamus)
Petition refused with directions (5-0)

SER Dwight W. Keefer v. Hon. David W. Nibert, Judge, No. 10-4013 (Original Mandamus)
Petition refused without prejudice (4-0)(Justice McHugh disqualified)

SER Lawrence E. Scible v. James Rubenstein, Commissioner, No. 10-4016 (Original Mandamus)
Petition refused (5-0)

SER John E. Simpson v. Hon. Alan D. Moats, Judge, No. 11-0444
(Original Mandamus/Prohibition)
Petition refused (5-0)

SER Calvin G. Gray v. Hon. Paul Zakaib, Jr., Judge, No. 10-4003 (Original Prohibition)
Petition refused (5-0)

Office of Disciplinary Counsel v. Thomas A. Zamow, No. 11-0954 (Lawyer Disciplinary)
Law license annulled by consent

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Lawyer Disciplinary Board v. Perry R. Silverman, No. 11-0509 (Lawyer Disciplinary)
Law license annulled

Office of Disciplinary Counsel v. Sharon Eathom Rowsey, No. 11-0623
Law license suspended for 181 days with 61 days to serve suspension and the balance being on probation; provided she is reinstated in good standing in Kentucky.

In Re: Petition for Reinstatement of Steven M. Askin, No. 33305
Stay lifted and petition for reinstatement dismissed (5-0)

State of West Virginia v. Earl Grant Edmundson, No. 11-0279 (Ohio 10-F-73)
Dismissed (5-0)

State of West Virginia v. Denise Zawinski, Pre-Petition No. 10-036 (Monongalia 08-M-1298)
Dismissed as interlocutory (5-0)

Michael Gorby v. State of West Virginia, et al., Pre-Petition No. 11-064 (Doddridge 11-P-8)
Dismissed (5-0)