



DECISIONS, NOTICES AND ORDERS

Friday, November 8, 2013

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:

The Health Plan of the Upper Ohio Valley, Inc. v. Thomas G. Wack, M.D., No. 12-1338,
(Marshall 11-C-1)
Refused (4-1) (Justice Davis would grant)

Dan Cava, et al. v. National Union Fire Insurance Company of Pittsburgh, PA, No. 12-0203
(Marion 09-C-110)
Refused (5-0)

MEMORANDUM DECISIONS

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

Verizon Services Corp. v. Board of Review of Workforce West Virginia, et al., No. 12-1106
(Kanawha 12-AA-30)
Affirmed (3-2) (Justice Loughry dissenting, joined by Chief Justice Benjamin)

William and Amy McKittrick v. Chrysler Group, LLC, No. 13-0119 (Jefferson 12-C-104)
Affirmed (3-2) (Justices Davis and Workman dissenting)

Richard C. v. Mary Jo P., No. 13-0122 (Summers 02-D-08)
Affirmed (5-0)

Terry and Anna Raab v. David M. Marshall and Paul D. Marshall Architects & Engineers, Inc.,
No. 13-0249 (Kanawha 08-C-187)
Affirmed (4-0) (Chief Justice Benjamin disqualified)

North Central Distributors, Inc. v. Ronald M. Moats, Commissioner of the WV Alcohol Beverage Control; and Labatt USA Operating Company, LLC, No. 12-0844 (Kanawha 12-AA-11)
Affirmed (4-1) (Justice Workman dissenting)

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Edgar W. Friedrichs, Jr. v. David Ballard, Warden, No. 13-0031 (Fayette 10-C-93)
Affirmed (45-0) (Justice Workman disqualified, Senior Status Justice McHugh sitting by temporary assignment)

State of West Virginia v. George J., No. 13-0132 (Marion 11-F-80)
Affirmed (5-0)

State of West Virginia v. Brian L. King, No. 13-0146 (Boone 12-F-139)
Affirmed (5-0)

State of West Virginia v. James Cross Jr., No. 13-0260 (Berkeley 11-F-205)
Affirmed (5-0)

Brass Ring, Inc. and East End Realty Company v. Dennis Ray Johnson, No. 12-1496 AND
Dennis Ray Johnson v. Brass Ring, Inc. and East End Realty Company, No. 12-1532
(Cabell 12-C-273)
Consolidated and Affirmed (5-0)

Angela Bee v. West Virginia Supreme Court of Appeals; Hon. David Hummel, Judge; Hon. David M. Buzzard, Magistrate; and Hon. William D. Anderson, Magistrate, No. 12-1111
(Kanawha 11-C-1878)
Affirmed (5-0)

Barbara M. Duskey v. Central West Virginia Aging Services, Inc.; Ronald E. Ratliff, Commissioner, Workforce West Virginia; and Board of Review, Workforce West Virginia, No. 13-0431 (Kanawha 12-AA-76)
Affirmed (5-0)

State of West Virginia v. Chad Williams, No. 12-1311 (Logan 11-F-154)
Affirmed (5-0)

State of West Virginia v. Jerry Godby, No. 13-0207 (Logan 12-F-95)
Affirmed (4-1) (Justice Davis dissenting)

State of West Virginia v. Corey Christopher Samuel, No. 13-0273 (Mercer 11-F-325)
Affirmed (5-0)

Rodgers W. Harshbarger, Jr. v. Fawney Sue Harshbarger, No. 13-0173 (Kanawha 08-D-729)
Affirmed (3-0) (Chief Justice Benjamin disqualified)(Justice Davis not participating)

Daryl Ballard v. Cabell County Deputy Sheriff's Civil Service Commission, Randy Saunders, Charles McComas, Glen Conway, and Tom McComas, Sheriff, No. 13-0250 (Cabell 11-C-764)
Affirmed (5-0)

Joanna L. Costello v. The Board of Education of the County of Monongalia, No. 13-0039
(Kanawha 12-AA-98)
Affirmed (4-0) (Justice Workman disqualified)

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Barbara Chamberlain v. Wexford Health Sources, Inc. and Tristan Tenney, No. 13-0038
(Randolph 12-C-68)
Affirmed (5-0)

Robert Rufus, Jack Tolliver and Greenbrier Property Group, LLC v. The Greenbrier Sporting Club Development Company, Inc., et al., No. 13-0218 AND
John Smith and Robert Smith v. The Greenbrier Sporting Club Development Company, Inc., et al., No. 13-0219
(Greenbrier 12-C-107)
Consolidated and Affirmed (5-0)

Edward C. Grimes v. Marvin Plumley, Warden, No. 12-1425 (Berkeley 09-C-1023)
Affirmed (5-0)

Gregory Winland and Tri-State Concrete Pumping, Inc. v. West Virginia Regional Jail and Correctional Facility Authority, et al., No. 13-0231 (Kanawha 07-C-1384)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

SER The North River Insurance Company v. Hon. Robert G. Chafin, Special Judge, et al., No. 13-0897 (Original Prohibition)
February 12, 2014

SER Bryan D. Thompson v. Hon. Joseph C. Pomponio, Judge; and Eugene M. Simmons, Prosecuting Attorney, No. 13-1036 (Original Prohibition)
February 12, 2014

Roger W. Hurlbert and Sage Information Services v. Mark W. Matkovich, Acting State Tax Commissioner; and Sallie Robinson, Kanawha County Assessor, No. 13-0217
(Kanawha 11-C-1762)
February 12, 2014

State of West Virginia v. Antonio Prophet, No. 12-1389 (Berkeley 11-F-67)
April 7, 2014 at the Boone County Courthouse in Madison, West Virginia as part of the LAWS Program.

RULE 20 ARGUMENT GRANTED

The following case will be scheduled for Rule 20 oral argument on the date stated:

George Grooms and Annie Grooms v. Mildred Grooms, No. 13-0387 (Kanawha 09-C-AP-132)
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West Virginia Consolidated Public Retirement Board v. Keith A. Wood, William E. Walkup, Ted M. Cheatham, Herbert E. Lattimore, Jr. and Johnny L.R. Fernatt, No. 13-0403
(Kanawha 11-AA-43)
February 12, 2014

ORDERS

Orders of note were entered in the following cases:

State of West Virginia v. Courtney Hamon, No. 13-0894 (Nicholas 13-F-7)
Motion for Bond refused (5-0)

In Re: Harry W. Moore, Jr.'s Petition for Reinstatement of his License to Practice Law,
No. 11-1442 (Lawyer Disciplinary)
Petition for Reinstatement granted with conditions (5-0)

Edwin Funk, Carol Funk, James Durr and Ruth Durr v. Heartwood Forestland Fund, VI, L.P.;
Thomas Ward, Guy Lipscomb, Shirley Lipscomb, Robert Lipscomb, Barbara Lipscomb, Alan Richards, Stephen Evans, and Frank Styer, No. 12-1510 (Preston 10-C-56)
Dismissed (5-0)