



DECISIONS, NOTICES AND ORDERS

Friday, August 29, 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 petitions for rehearing:

Ruby Jean Rigney v. Milton Housing Authority, No. 12-1514 (Cabell 12-C-0732)
Petition refused (5-0)

Cashcall, Inc. v. Patrick Morrissey, Attorney General, No. 12-1274 (Kanawha 08-C-1964)
Petition refused (5-0)

In Re: C.J., M.M. and M.M., No. 13-1091 (Raleigh 11-JA-202, 11-JA-203, 11-JA-204)
Petition refused (4-1) (Justice Ketchum would grant)

State of West Virginia v. Antonio Prophet, No. 12-1389 (Berkeley 11-F-67)
Petition refused (5-0)

Joseph F. John v. Richard Ringer, No. 13-0676 (Monongalia 11-C-78)
Petition refused (5-0)

Charles L. Anania v. Snowshoe Mountain, Inc., No. 13-0406 (Pocahontas 06-C-53)
Petition refused (3-2) (Justices Benjamin and Ketchum would grant)

State of West Virginia v. Jessica Skupnick, No. 13-0746 (Berkeley 11-F-224)
Petition refused (5-0)

Steven O. Dale, Acting Commissioner of the West Virginia Division of Motor Vehicles v. Donald Oakland, No. 13-0761 (Marshall 13-CAP-3)
Petition refused (5-0) Corrected Opinion will be issued.

State of West Virginia v. Lamar Dorsey, No. 12-1486 (Logan 12-F-32)
Petition refused (3-2) (Chief Justice Davis and Justice Benjamin would grant)

Douglas H. Bernier v. Pocahontas County Solid Waste Authority, No. 13-1161
(Pocahontas 07-C-30)
Petition refused (5-0)

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Dale Edward Guthrie v. Marvin Plumley, Warden, No. 13-1201 (Kanawha 13-P-290)
Petition refused (5-0)

In Re: F.S. and Z.S., No. 13-0918 (Wood 12-JA-68, 12-JA-69)
Petition refused (5-0)

Richard DeBias and Renee DeBias v. Coastal Lumber Company, No. 13-0929
(Randolph 10-C-172)
Petition refused (4-1) (Chief Justice Davis would grant)

Clay R. Hupp v. West Virginia Consolidated Retirement Board, No. 13-0811 (Tyler 11-AA-1)
Petition refused (3-2) (Chief Justice Davis and Justice Benjamin would grant)

MEMORANDUM DECISIONS

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

Shannon B. v. Shawn E., No. 13-0726 (Berkeley 09-D-91)
Affirmed (5-0)

Thomas Talbert v. David Ballard, Warden, No. 13-1191 (Fayette 12-C-285)
Affirmed (5-0)

Max Arbaugh v. David Ballard, Warden, No. 13-0397 (Pendleton 12-C-37)
Affirmed (5-0)

Irvin Cowgill v. Patrick Mirandy, Warden, No. 14-0268 (Hampshire 14-C-16)
Affirmed (5-0)

Michael L. Corriveau v. West Virginia Regional Jail and Correctional Facility Authority,
No. 14-0269 (Kanawha 14-C-270)
Affirmed (5-0)

Michael S. Gorbey v. Monongalia County, et al., No. 13-1131 (Monongalia 09-C-314)
Affirmed (5-0)

Elliot G. v. David Ballard, Warden, No. 13-1298 (Harrison 13-C-363)
Affirmed (5-0)

In Re: A Purported Lien or Claim Against Keith William DeBlasio, No. 13-1306
(Morgan 12-P-1, 12-P-2, 12-P-25, 12-P-26, 13-P-33, and 13-P-34)
Affirmed (4-0) (Justice Loughry did not participate in the consideration or decision of this
matter)

Edra L. Smiley and Brenda J. Watton v. Norma Jean Saunders, Brian Miller, and Dennis
Rhodes, No. 14-0009 (Kanawha 10-C-246)
Affirmed (5-0)

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Michael D. Hicks v. David Ballard, Warden, No. 14-0113 (Kanawha 12-MISC-576)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Jeannie Brooks, et al. v. City of Huntington, No. 13-1083 (Wayne 11-C-125)
September 30, 2014

Constellium Rolled Products Ravenswood, LLC, et al. v. Sharon Griffith, et al., No. 13-1084
(Jackson 11-C-26)
September 30, 2014

Appalachian Leasing, Inc. v. Mack Trucks, Inc. and Worldwide Equipment, Inc., No. 13-1247
(Mercer 08-C-527)
October 1, 2014

In Re: Name Change of Jenna J., No. 14-0041 (Monongalia 11-P-194)
October 1, 2014

State of West Virginia v. Virgil Eugene Shrader, No. 13-1266 (Mercer 08-F-117)
October 1, 2014

RULE 20 ARGUMENT GRANTED

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

State of West Virginia ex rel. Patrick Morrissey, Attorney General v. West Virginia Office of Disciplinary Counsel and West Virginia Lawyer Disciplinary Board, No. 14-0587
(Original Prohibition)
September 30, 2014

Patrick Graham, Executor of the Estate of Helen Graham, et al. v. Robert Asbury, No. 13-1244
(Raleigh 10-C-879)
September 30, 2014

The West Virginia Investment Management Board and The West Virginia Consolidated Public Retirement Board v. The Variable Annuity Life Insurance Company, No. 13-1193
(Kanawha 09-C-2104)
September 30, 2014

Roger E. Cline v. William Fox, Warden, No. 13-1200 (Greenbrier 06-C-152)
September 30, 2014

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Steven O. Dale, Acting Commissioner of the WV Division of Motor Vehicles v. Christina Painter,
No. 13-1225 (Putnam 12-AA-3)
October 1, 2014

Carol King v. West Virginia's Choice, Inc., No. 13-1255 (Kanawha 12-C-1796)
October 14, 2014

PNGI Charles Town Gaming, LLC v. West Virginia Racing Commission, No. 13-1325
(Kanawha 12-C-753)
October 1, 2014

State of West Virginia v. Daniel L. Herbert, No. 13-1264 (Berkeley 12-F-204)
October 1, 2014

State of West Virginia v. Robert Frazier, No. 13-1122 (Cabell 09-F-23)
October 14, 2014

ORDERS

Orders of note were entered in the following cases:

California State Teachers' Retirement System, et al. v. Don L. Blankenship, et al., No. 14-0057
(Kanawha 10-C-715)
Remanded with directions (4-0) (Justice Benjamin disqualified)

State of West Virginia v. Steven Michael Williams, No. 14-0565 (Post-Conviction Bail)
Petition refused (5-0)

State of West Virginia ex rel. Tiara Carper v. Honorable Christopher Chiles, Judge; and DirecTV,
LLC, No. 14-0566 (Original Prohibition)
Petition refused (4-1) (Chief Justice Davis would grant)

State of West Virginia ex rel. Connie P. v. Hon. Michael D. Lorensen, Judge; and the West
Virginia Department of Health and Human Resources, No. 14-0609 (Original Mandamus)
Petition refused (4-1) (Justice Workman would grant)

State of West Virginia ex rel. West Virginia University Hospitals, Inc. and West Virginia
University Health System, Inc. v. Hon. Phillip D. Gaujot, Judge, et al., No. 14-0611
(Original Prohibition)
Petition refused (3-2) (Justices Ketchum and Loughry would grant)

State of West Virginia ex rel. Bernard L. Greer v. Honorable Thomas A. Bedell, Judge,
No. 14-0652 (Original Mandamus)
Petition refused without prejudice (5-0)

SER Felman Production, LLC v. Hon. David W. Nibert, Judge; and Richard and Malissa
Richmond, No. 14-0753 (Original Prohibition)
Petition refused (4-0) (Justice Ketchum disqualified)