



DECISIONS, NOTICES AND ORDERS

Friday, February 11, 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.

MEMORANDUM DECISIONS

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

In Re: Petition of John R. Zsigray for Expungement, No. 35645 (Gilmer 09-P-37)
Affirmed

James F. Cain v. Joe E. Miller, Commissioner, No. 101166 (Kanawha 09-AA-133)
Affirmed

Eric Plumley v. Joe E. Miller, Commissioner, No. 101186 (Raleigh 09-AA-17)
Affirmed (Justice Ketchum dissenting)

Lexie Redden v. Martin Staunton and West Virginia Media Holdings, LLC, No. 101209 (Greenbrier 09-C-201)
Affirmed

State of West Virginia v. Brandon Larue Cox, No. 100929 (Logan 06-F-111-P)
Affirmed

Nicholas Ault v. Michele Ault Turner, No. 101207 (Grant 09-D-47)
Affirmed

Jason Ashworth v. Laura Southworth, No. 101218 (Kanawha 08-D-1428)
Affirmed

Ricky Dillard v. Board of Education of Raleigh County, No. 101221 (Kanawha 09-AA-21)
Affirmed in part, Reversed in part

State of West Virginia v. Thomas Casablanca, No. 101223 (Harrison 10-M-AP-61)
Affirmed

Nabil Guirguis, M.D. v. United Hospital Center, Inc., et al., No. 101230 (Marion 08-C-371)
Affirmed

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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:

J.A. Street & Associates, Inc. v. Thundering Herd Development, LLC, et al., No. 101379
(Cabell 03-C-490)

State of West Virginia v. Larry Arthur McFarland, No. 101413 (Jefferson 09-F-59, 10-F-40)

RULE 20 ARGUMENT GRANTED

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

SER Monongahela Power Company, et al. v. Honorable Fred L. Fox, Judge, No. 11-0015
(Original Prohibition)

ORDERS

Orders of note were entered in the following cases:

SER One Gateway Associates, LLC v. Honorable Gary L. Johnson, Judge, No. 11-0018
(Original Prohibition)
Petition refused (5-0)

SER Miguel Delgado v. David Ballard, Warden, No. 11-0016 (Original Mandamus)
Petition refused (5-0)

SER Betty Stonebraker, Lena Oldaker and Mildred Sue Schevront v. Michael J. Lewis, Secretary,
WV Dept. of Health and Human Resources, No. 11-0029 (Original Mandamus)
Petition refused (5-0)

Lester Wayne Thompson v. Pheonix Resources, Inc., No. 21238 (Randolph 86-C-172)
Stay lifted and appeal dismissed (5-0)

RULE AMENDMENTS

Amendments to state court rules were adopted in the following matter:

Rule 7(b), Rules of Criminal Procedure for Magistrate Courts
Proposed amendments adopted (5-0)(Effective immediately)