



## DECISIONS, NOTICES AND ORDERS

**Wednesday, June 15, 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.

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### MEMORANDUM DECISIONS

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

State of West Virginia v. Thomas L. Brown, No. 101520 (Kanawha 06-F-44)  
Affirmed (Chief Justice Workman did not participate in the consideration or decision of this matter.)(Justice Ketchum dissents)

Irvin V. Cowgill v. Teresa Waid, Warden, No. 1010600 (Hampshire 07-C-17)  
Affirmed

State of West Virginia v. James H. Wilson, Jr., No. 11-0119 (Ohio 10-F-28)  
Affirmed (Justice Ketchum dissents)

West Virginia American Water Company v. James A. Nagy, No. 101229 (Kanawha 08-C-544)  
Affirmed (Chief Justice Workman and Justice Benjamin would set for Rule 20 argument)

State of West Virginia v. Ray William Justice, No. 101539 (Kanawha 07-F-549)  
Affirmed

State of West Virginia v. David Lee Caplinger, No. 101547 (Wood 09-F-234)  
Affirmed

State of West Virginia v. Stacey M. Stanley, No. 101549 (Berkeley 10-F-33)  
Affirmed

### RULE 19 ARGUMENT GRANTED

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

Boards of Education of the Countys of Barbour, et al. v. Public Employees Insurance Agency, et al., No. 11-0243 (Kanawha 10-C-327)

ORDER LIST

June 15, 2011

Page 2

**RULE 20 ARGUMENT GRANTED**

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

Virgil T. Helton, State Tax Commissioner v. Verizon West Virginia, Inc., No. 11-0166 (Berkeley 07-C-524)

Gregory Smith v. Mingo County Commission, et al., No. 100916 (Mingo 08-C-198)

Argument will be restricted to the issue of whether the three-judge panel has authority to award attorney's fees and expenses in a removal action brought under W.Va. Code § 6-6-7 and, if so, whether a party must seek his/her attorney's fees and expenses from the three-judge panel or risk waiving the same.

**ORDERS**

Orders of note were entered in the following cases:

SER L.D. v. Hon. David M. Pancake, Judge, et al., No. 11-0673 (Original Prohibition)  
Petition refused (5-0)

SER Mountain State Parents, Children & Adolescents Network, et al. v. Hon. Mark A. Karl, Judge, et al., No. 11-0767 (Original Prohibition)  
Petition refused (5-0)

In Re: J.S. and A.S., No. 11-0391 (Cabell 10-JA-8, 10-JA-9)  
Dismissed (5-0)