



DECISIONS, NOTICES AND ORDERS

Friday, May 27, 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:

SER State Farm Mutual Automobile Insurance Company v. Hon. Thomas A. Bedell, Judge, No. 35738 (Prohibition)
Refused (3-2) (Justices Benjamin and Ketchum would grant)

State of West Virginia v. Christopher Proctor, No. 35647 (Kanawha 08-F-520)
Refused (5-0)

MEMORANDUM DECISIONS

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

Peterson Eldercare at Wheeling, LLC, et al. v. WV Dept. of Health and Human Resources, et al., No. 101408 (Kanawha 10-AA-18, 10-AA-19)
Affirmed (Justice Benjamin dissents)

Brian Bond v. Workforce West Virginia and Ronald E. Radcliff, No. 101450 (Kanawha 09-AA-56)
Affirmed (Chief Justice Workman dissents)

State of West Virginia v. William Ivan Murphy, No. 101493 (Kanawha 08-F-395, 08-F-439(I))
Affirmed

Martina Taylor v. Harrison and Alicia Elkins, No. 101628 (Kanawha 08-C-1820)
Affirmed

State of West Virginia v. Michael A. Chipley, No. 101630 (Berkeley 09-F-175)
Affirmed

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State of West Virginia v. Monica Boggs, No. 11-0001 (Berkeley 09-F-6)
Affirmed (Justice Ketchum dissents)

Stephanie R. Ferrell v. Lowell C. Rose and Greenbrier County Commission, No. 101557
(Greenbrier 09-C-15)
Affirmed

Charles and Constance King v. Fred and Martha Smith, No. 101568 (Monongalia 08-C-701)
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:

Norfolk Southern Railway Company, et al. v. James W. Higginbotham, No. 101499
(Mason 05-C-12)

State of West Virginia v. Ben Chase Skidmore, No. 101581 (Monongalia 09-F-125)

RULE 20 ARGUMENT GRANTED

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

In Re: Antonio R.A., No. 101559 (Harrison 09-FIG-1)

City of St. Albans, B.L. Tagayun and A.C. Truitt v. David A. Botkins, No. 101596
(Kanawha 09-C-1432)

Valerie P.H., a disabled adult, by Phyllis D., her mother/guardian/conservator v. WV Department of Health and Human Resources, Bureau for Medical Services, No. 11-0168
(Monroe 09-C-89)

Barbie Dawn Paugh, formerly Linger v. Edward Lee Linger, No. 101410 (Lewis 08-D-60)

Municipal Mutual Insurance Company of West Virginia v. Terry Hundley, individually and as Administrator, No. 11-0107 (Wayne 09-C-158)

Grant Thonton, LLP v. Kutak Rock, LLP, No. 11-0079 (McDowell 04-C-33-M)
(Justice Benjamin did not participate in the consideration of this matter)(Justice McHugh disqualified.)

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ORDERS

Orders of note were entered in the following cases:

SER Rite Aid of West Virginia, Inc. v. Hon. William S. Thompson, Judge, No. 11-0648
(Prohibition)

Petition refused (5-0)

SER Heather A., v. Hon. Jay Hoke, Judge, No. 11-0801 (Mandamus)

Petition granted and remanded. (5-0)

SER Miguel Delgado v. Hon. Christopher C. Wilkes, Judge, No. 11-0704 (Mandamus)

Petition refused (5-0)

James Maynard, et al. v. The Aro Corporation, et al., No. 31348 (Cabell 97-C-1)

Notice of Intent to Dismiss approved (5-0)