



DECISIONS, NOTICES AND ORDERS

Friday, April 27, 2012

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:

In Re: Adoption of W.G., No. 11-0443 (Boone 10-A-10)
Refused (5-0)

MEMORANDUM DECISIONS

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

Danny E. Lusk and Gordon M. Lusk, II v. First Century Bank, N.A. and Cooper Industries,
No. 11-0665 (Mercer 08-C-536, 10-C-235)
Affirmed (4-1) (Justice Benjamin dissenting)

Gary J. Miller v. Deepgreen West Virginia, Inc., No. 11-0833 (Kanawha 10-AA-62)
Affirmed (5-0)

Joe E. Miller, Commissioner v. Samuel J. McCoy, No. 11-0427 (Wayne 10-P-043)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

New Hampshire Insurance Company v. RRK, Inc., doing business as Showboat Marina,
No. 11-1099 (Cabell 09-C-301)

State of West Virginia v. Robert Frazier, No. 11-0691 (Cabell 09-F-23)

Mountain America, LLC, et al. v. Donna Huffman, Assessor of Monroe County, et al.,
No. 11-1057 (Monroe 08-C-24)

Mountain America, LLC, et al. v. Donna Huffman, Assessor of Monroe County, et al.,
No. 11-1058 (Monroe 09-C-24)

ORDER LIST

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ORDERS

Orders of note were entered in the following cases:

SER Joe E. Miller, Commissioner v. Hon. Warren R. McGraw, Judge, No. 12-0380
(Original Prohibition)

Rule to show cause issued returnable without argument (5-0)

SER Manor Care, Inc., et al. v. Honorable Paul Zakaib, Jr., Judge, et al., No. 12-0443
(Original Prohibition)

Rule to show cause issued returnable without argument (3-1) (Chief Justice Ketchum disqualified) (Justice Benjamin would refuse)

Jerome V. Poynton and Helen O. Adelson v. The City of Wheeling, No. 12-0327
(Ohio 11-C-199, 11-C-201, 11-C-202)

Motion for stay refused (5-0)

SER William A. Larue v. David Ballard, Warden, No. 12-0335 (Original Habeas)

Motion to dismiss granted (5-0)

Physicians Choice, LLC v. Norma Jo Truluck Thomas, No. 12-0204 (Kanawha 09-C-1149)

Motion to dismiss granted (4-0) (Justice Benjamin not participating)