



DECISIONS, NOTICES AND ORDERS

Friday, April 12, 2013

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 a petition for rehearing:

SER P.T. v. Hon. Ronald E. Wilson, Judge, No. 12-1489 (Original Prohibition)
Petition refused (4-1) (Chief Justice Benjamin would grant)

Daniel Cain v. Catherine a. Kennedy, No. 11-1713 (Kanawha 08-C-1332)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Mallard Trace Condominiums, LLC v. Lisa A. Bryant, No. 12-0041 (Logan 10-C-341)
Affirmed (5-0)

State of West Virginia v. Charles Richard Lamar Jr., No. 11-1416 (Preston 10-F-9)
Affirmed (5-0)

State of West Virginia v. Etta Marie Webster, No. 11-1619 (Nicholas 09-F-83)
Affirmed (5-0)

State of West Virginia v. Terry Watts, Sr., No. 11-1620 (Ohio 08-F-113)
Affirmed (5-0)

State of West Virginia v. Misty Dawn Linger, No. 11-1686 (Upshur 11-F-64)
Affirmed (5-0)

State of West Virginia v. Glenda Roush, No. 11-1691 (Wood 09-F-195)
Affirmed (5-0)

State of West Virginia v. Sean Marenkovic, No. 11-1764 (Ohio 11-F-58)
Affirmed (4-1) (Justice Ketchum dissenting)

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State of West Virginia v. Robert Johnson, No. 11-1765 (McDowell 08-F-118)
Affirmed (5-0)

State of West Virginia v. John Victor Davis, No. 11-1775 (Mercer 11-F-43)
Affirmed (4-1) (Justice Ketchum dissenting)

Kevin C. v. Felicia L., No. 11-1788 (Jefferson 97-D-46)
Affirmed (5-0)

State of West Virginia v. Cletus Stotler, No. 12-0337 (Berkeley 11-F-16, 11-F-25)
Affirmed (5-0)

Charles Lucian Hall, Jr. v. John Doe, Jim Doe and Grafton Truss and Panel Company, Inc.,
No. 081811 (Taylor 07-C-37)
Affirmed (5-0)

Panda Springs, LLC v. Wayside, LLC, No. 11-1786 (Morgan 05-C-26)
Dismissed as moot (5-0)

James T. Samples v. David Ballard, Warden, No. 11-1656 (Kanawha 99-MISC-370)
Affirmed (5-0)

State of West Virginia v. Raul A. Castillo, No. 11-1414 (Monroe 08-F-31)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on
the date stated; or on a date to be determined later:

Office of Disciplinary Counsel v. H. John Rogers, No. 12-0195 (Lawyer Disciplinary)
June 4, 2013

Anthony J. Veltri v. Diane Parker, Chair of the Democratic Executive Committee of Taylor
County, and John Michael Withers, No. 12-0619 (Taylor 11-C-21)

David McComas v. ACF Industries, LLC, No. 12-0548 (Cabell 09-C-534)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument
on the date stated; or on a date to be determined later:

SER Ocwen Loan Servicing, LLC v. Hon. Carrie L. Webster, Judge, No. 13-0151
(Original Prohibition)
September 25, 2013

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SER U-Haul Company of West Virginia v. Hon. Paul Zakaib, Jr., Judge, No. 13-0181
(Original Prohibition)
September 25, 2013

Judith Collett, Assessor of Taylor County and the County Commission of Taylor County v. Eastern Royalty, LLC; Coal Quest Development, LLC; Patriot Mining Company, Inc.; Trio Petroleum Corporation; Waco Oil & Gas, Inc.; Mike Ross; and I.L. Morris & Mike Ross, Inc., Nos. 12-0764, 12-0765, 12-0766, 12-0767 and 12-0768
(Taylor 10-P-11 through 10-P-14, and 11-P-17)

The Charleston Gazette v. Colonel Timothy S. Pack, Superintendent of the West Virginia State Police, No. 12-0811 (Kanawha 10-C-1971)

AIG Domestic Claims, Inc. and Commercial and Industry Insurance Company v. Hess Oil Company, Inc., No. 12-0705 (Harrison 10-C-20)

Hess Oil Company, Inc. v. AIG Domestic Claims, Inc. and Commercial Industry Insurance Company, No. 12-0719 (Harrison 10-C-20)

ORDERS

Orders of note were entered in the following cases:

SER Patrice Diane Lambert v. Thomas W. McComas, Sheriff of Cabell County, et al., No. 13-0179 (Original Mandamus)
Petition refused (5-0)

SER Dean Miner v. Hon. Jennifer Bailey, Judge, No. 13-0246 (Original Prohibition)
Petition refused (5-0)

M. Salim Ratnani, M.D. v. Thoracic and Cardiovascular Associates, Inc., No. 12-1471 (Kanawha 07-C-1258)
Stay of execution of judgment granted (5-0)