



## DECISIONS, NOTICES AND ORDERS

**Friday, February 22, 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.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

Sharon Mueller v. K. Alan Perdue, No. 11-1711 (Jefferson 11-C-152)  
Refused (5-0)

Gerald M. v. David Ballard, No. 12-0021 (Kanawha 11-MISC-321)  
Refused (5-0)

### MEMORANDUM DECISIONS

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

Keith Wesley Johnson v. Karen Townsend, Linda Perkins, Shawn Straughn, Wexford Health Sources, St. Mary's Correctional Center, Melinda Sigler, Jack Stollings, and William Fox, No. 11-1395 (Kanawha 11-C-1340)  
Affirmed (5-0)

Harry Edgar Farmer v. Evelyn Seifert, Warden, No. 11-1440 (Kanawha 11-MISC-146)  
Affirmed (5-0)

Thomas B. v. Bureau for Child Support Enforcement Division and Kiyomi J., No. 11-1454 (Kanawha 99-D-2310)  
Affirmed (5-0)

Daniel Cain v. Catherine A. Kennedy, No. 11-1713 (Kanawha 08-C-1332)  
Affirmed (5-0)

William M. Moats v. Marvin Plumley, Warden, No. 12-0022 (Taylor 11-C-92)  
Reversed and Remanded (5-0)

Julia M. v. Noah M., No. 11-1244 (Putnam 11-DV-9)  
Affirmed (5-0)

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Frank Gallo v. William L. Thompson, II, et al., No. 11-1482 (Harrison 10-C-391)  
Affirmed (5-0)

Joseph Komorowski v. Marshall County Board of Education, Nos. 11-1659 and 11-1767  
(Kanawha 11-AA-52, 09-AA-67)  
Affirmed (4-0) (Justice Workman disqualified)

James H. Smailes v. Peggy Morris Smailes, No. 12-0155 (Kanawha 09-D-920)  
Affirmed (5-0)

Beckley Automotive, Inc. v. RJL, Inc., No. 12-0163 (Raleigh 10-C-699)  
Dismissed as Moot (5-0)

**RULE 19 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 19 oral argument on the date stated:

Alcan Rolled Products-Ravenswood, LLC v. Craig A. Griffith, State Tax Commissioner,  
No. 11-1752 (Jackson 10-AA-3)  
May 14, 2013

WV Department of Transportation, Division of Highways v. Kenneth R. Litten, No. 12-0287  
(Kanawha 11-AA-132)  
May 14, 2013

State of West Virginia v. Ronald D. Whetzel, No. 12-0254 (Berkeley 11-F-96)  
April 24, 2013 at West Virginia State University

James P. Campbell v. Glen Poe, No. 12-0130 (Jefferson 08-C-223)  
Steven D. Foster v. Glen Poe, No. 12-0165 (Jefferson 08-C-223)  
May 14, 2013 - Consolidated

The City of Fairmont v. Fairmont General Hospital, No. 12-0205 (Marion 11-P-13)  
May 14, 2013

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument on the date stated:

Manville Personal Injury Settlement Trust, et al. v. Don L. Blankenship, et al., No. 11-1488  
(Kanawha 07-C-1333)  
September 4, 2013

Arthur and Virginia Thornsby v. Cabot Oil and Gas Corp., No. 12-0152 (McDowell 08-C-255)  
September 4, 2013

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Douglas Brown, et al. v. Robert D. Fluharty, in his fiduciary capacity as Executor, No. 12-0365  
(Mason 11-C-74)  
September 4, 2013

Appalachian Regional Health Care, Inc. v. WV Department of Health and Human Resources, et al., No. 11-1187 (Kanawha 10-C-2311)  
September 4, 2013

**ORDERS**

Orders of note were entered in the following cases:

SER Stephen Westley Hatfield v. Hon. James O. Holliday, Senior Status Judge, No. 13-0035  
(Original Prohibition)  
Petition refused (3-2) (Justices Workman and Ketchum)