



DECISIONS, NOTICES AND ORDERS

Friday, January 11, 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 petitions for rehearing:

SER Public Service Commission of WV and Wetzel County Solid Waste Authority v. Lackawanna Transport Company and Solid Waste Services, Incorporated, No. 12-0527
(Public Service Commission No. 08-2129-SWF-GI)
Refused (4-1)(Chief Justice Benjamin would grant)

SER Robert Shirley, Sheriff of Jefferson County v. Hon. David Sanders, Judge; and Michael T. Dodson, No. 12-0586 (Jefferson 09-AA-7)
Refused (5-0)

Thomas McBride, Warden v. Joseph H. Lavigne, Jr., No. 11-0853 (Putnam 99-C-223)
Refused (5-0)

Sharon Mueller v. Shepherd University Board of Governors, No. 11-0567 (Jefferson 10-C-200)
Refused (5-0)

Thomas A. Shoemaker, Jr. v. Matthew Collin Everett, No. 11-1652 (Mineral 09-C-114)
Refused (5-0)

RULE 19 ARGUMENT GRANTED

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

State of West Virginia v. Richard A. White, No. 11-1336 (Nicholas 10-F-79)
March 26, 2013

WV Department of Health and Human Resources, WV Office of Behavioral Health Services, WV Bureau for Medical Services, and WV Office of Health Facility Licensure and Certification v. Gregory Payne and Betty Jo Payne, No. 11-1701 (Kanawha 07-C-1407)
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Joe E. Miller, Commissioner of the WV Division of Motor Vehicles v. Elizabeth A. Divita,
No. 11-1726 (Monongalia 11-CAP-22)
March 26, 2013

State of West Virginia v. Jack Jones, No. 11-1504 (Ohio 08-F-13)
March 26, 2013

SER P.T. v. Hon. Ronald E. Wilson, Judge, No. 12-1489 (Original Prohibition)
February 6, 2013

RULE 20 ARGUMENT GRANTED

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

Charlene A. Shorts v. AT&T Mobility, LLC, AT&T Mobility Corporation and Palisades Collection, LLC, No. 11-1649 (Brooke 06-C-127)
March 27, 2013

Lisbeth L. Cherrington, The Pinnacle Group, Inc. and Anthony Mamone Jr. v. Erie Insurance Property and Casualty Company, No. 12-0036 (Greenbrier 06-C-27)
March 27, 2013

ORDERS

Orders of note were entered in the following cases:

SER Northwood Health Systems, Inc. v. Hon. David W. Hummel, Jr., Judge, No. 12-1323
(Original Prohibition)
Petition refused (4-1)(Chief Justice Benjamin would grant)

SER EQT Corporation and Daniel Ryan Crowe v. Honorable Louis H. Bloom, Judge; and Gregory Toney, No. 12-1328 (Original Prohibition)
Petition refused (5-0)

SER Pfizer, Inc. and Greenstone, LLC v. Hon. James H. Young, Jr., Judge, No. 12-1370
(Original Prohibition)
Petition refused (3-1)(Chief Justice Benjamin would grant)(Justice Ketchum disqualified)

SER James and Michelle Hicks v. West Virginia Board of Education, No. 12-1369
(Original Mandamus)
Petition refused without prejudice (5-0)

In the Matter of Carol Fouty, Magistrate, No. 12-0446 (Judicial Disciplinary)
Court Concurs with recommendation of Judicial Hearing Board (5-0)

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B.R. and J.P. v. T.W., No. 11-1753 (Wood 11-D-611)

West Virginia Psychological Association, American Civil Liberties Union of West Virginia and Fairness West Virginia granted leave to file *amici curiae* brief. Counsel for the petitioners and counsel for the respondent may file a response on or before January 25, 2013.
(4-1)(Chief Justice Benjamin would refuse)

Tele-Response Center, Inc. v. Kace Douglas and Randi Dampha, No. 11-1396 (Brooke 10-C-33)

Rule to show cause issued January 9, 2013, directing counsel for the petitioner to show good cause as to why Tele-Response Center, Inc. has not complied with the circuit court order by posting an appeal bond. (4-1)(Justice Davis would dismiss appeal)
After review of the response to rule to show cause, filed on January 10, 2013, the appeal is dismissed (5-0).

Rachel Farley v. C.O. Sams, C.O. Fredericks, The West Virginia Regional Jail and Correctional Facility Authority, and John Doe, No. 12-1336 (Kanawha 10-C-2317)

Dismissed (5-0)

State of West Virginia v. Charles K. Stone, No. 11-1120 (Fayette 11-F-48)

Motion for leave to file petition for rehearing, out-of-time, refused. (5-0)

John Myers, IV v. John L. Pauley, III, No. 12-0718 (Kanawha 09-C-1913)

Stay of execution of judgment extended until resolution of appeal. (5-0)