



DECISIONS, NOTICES AND ORDERS

Friday, January 25, 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:

Lawyer Disciplinary Board v. D. Michael Burke, No. 11-0813 (Lawyer Disciplinary)
Refused (4-1) (Justice Ketchum)

SER State Farm Mutual Automobile Insurance Company v. Hon. John Lewis Marks, Jr., Judge,
No. 12-0304 (Original Prohibition)
Nationwide Mutual Insurance Company v. Carmella J. Faris, et al., No. 12-0210
(Harrison 10-C-123)
Refused (4-1) (Justice Ketchum)

Steel of West Virginia, Inc. v. WV Office of Insurance Commissioner, No. 11-1607
(Kanawha 11-C-122)
Refused (5-0)

State of West Virginia v. Jacob Hubbard, No. 11-1415 (Cabell 06-F-290)
Refused (5-0)

State of West Virginia v. Thomas A. Jenkins, No. 11-1141 (Harrison 09-F-173)
Refused (5-0)

MEMORANDUM DECISIONS

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

Jeffrey S. v. Jennifer S., Nos. 11-1453 and 12-0200 (Jefferson 10-D-389)
Affirmed (5-0)

James Cottrill v. Patrick Mirandy, Warden, No. 11-1528 (Ohio 11-C-205)
Affirmed (5-0)

ORDER LIST
January 25, 2013
Page 2

Sanders Brown, Jr. v. Tristan Tenney, Health Services Administrator, et al., No. 11-1578
(Randolph 11-C-24)
Affirmed (5-0)

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

Robert D. Yost v. Marvin Plumley, Warden, No. 12-0030 (Wayne 11-C-190)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

State of West Virginia v. Kathryn Wolverton, No. 11-1642 (Webster 11-F-6)
March 27, 2013 – consolidated with State v. Davis Wolverton, No. 11-1617

Brandy Pingley, Jonathan Pingley, Brittany McGee, Trinity Beane, Michael McGee, Courtney McGee v. Perfection Plus Turbo-Dry, LLC, No. 11-1605 (Randolph 08-C-135)
April 10, 2013

In Re: Grandparent Visitation of A. P., No. 12-0046 (Hancock 10-D-161)
April 10, 2013

Lawyer Disciplinary Board v. Daniel R. Grindo, No. 12-0228 (Lawyer Disciplinary)
May 14, 2013

RULE 20 ARGUMENT GRANTED

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

SER Olen L. York v. Office of Disciplinary Counsel and WV Lawyer Disciplinary Board,
No. 12-1410 (Original Prohibition)
April 24, 2013 at West Virginia State University

Connie Ellis v. Linda Swisher, Administratrix of the Estate of Thomas R. Swisher, No. 12-0090
(Randolph 11-C-94)
March 27, 2013

West Virginia Employers' Mutual Insurance Company doing business as Brickstreet Mutual Insurance Company, and Jane Cline, Insurance Commissioner v. The Bunch Company,
No. 11-1750 (Kanawha 10-AA-113)
April 16, 2013

ORDER LIST
January 25, 2013
Page 3

Tribeca Lending Corporation v. James E. McCormick, No. 12-0150 (Certified Question)
April 16, 2013

Commissioner of the WV Division of Motor Vehicles v. Benjamin M. Knopp, No. 12-0202
(Kanawha 11-MISC-480)
April 16, 2013

Faith United Methodist Church, et al. v. Marvin D. Morgan, No. 12-0080 (Preston 11-C-27)
April 16, 2013

State of West Virginia v. Brandi B., No. 12-0100 (Pocahontas 11-JS-05)
April 9, 2013 in Elkins, West Virginia

ORDERS

Orders of note were entered in the following cases:

State of West Virginia v. Jonathan B., No. 12-1511 (Summary Petition for Bail)
Refused (5-0)

In Re: William M. Watkins, III, No. 12-1008 (Judicial Disciplinary)
Motion to dismiss refused (5-0)

In Re: Petition for Reinstatement of Kenneth E. Chittum, No. 12-1269 (Lawyer Disciplinary)
Petition for reinstatement denied (5-0)