



## DECISIONS, NOTICES AND ORDERS

**Friday, March 8, 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.

---

### MEMORANDUM DECISIONS

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

John L. v. Catherine L., No. 11-0908 (Mineral 11-DV-29)  
Dismissed as moot (5-0)

Ivan Rockenbaugh v. Dennis Barron, Executor, No. 11-1285 (Jefferson 11-C-144)  
Affirmed (5-0)

Wayne Patterson v. Danaya Steiner, Joe Steiner and Jaime T. Adkins, No. 11-1666 (Kanawha 11-C-1211)  
Affirmed (5-0)

Ingrid Caples v. Locust Hill Unit Owner's Association, Inc., No. 11-1712 (Jefferson 10-C-45)  
Affirmed (5-0)

### RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral:

SER Toby Lynn Small v. Hon. Russell M. Clawges, Jr., Judge; James R. Ramsey, Sr.; Virginia E. Ramsey; William McNeal; Jack B. Kelley, Inc.; and Amerigas Propane, LP, No. 13-0110 (Original Prohibition)

David A. Wallace v. John Pack, et al., No. 12-0227 (Summers 99-C-19)

State of West Virginia v. Bryan Maggard, No. 12-0301 (Cabell 10-F-121)

James Collisi v. Maridale Collisi, No. 12-0367 (Marion 10-D-518)

JWCF, LP v. Steven Farruggia, No. 12-0389 (Kanawha 08-C-720)

ORDER LIST  
March 8, 2013  
Page 2

Joseph E. Jackson and WV Department of Transportation, Division of Highways v. Joseph Wayne Belcher, No. 12-0632 (Mingo 11-C-333)

Andrea H. v. Jason C., No. 12-0435 (Jefferson 10-FS-58)

State of West Virginia v. Christopher Wayne Bowling, No. 11-1674 (Raleigh 10-F-142)

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral:

Walter E. Hersh and Mary L. Hersh v. E-T Enterprises Limited Partnership, Ralph L. Eckenrode, P&H Investments, Inc., and Trolers Associates, LLC, No. 12-0106 (Berkeley 10-C-129)

Multiplex, Inc., Art Poff and Pamela Poff v. Town of Clay, No. 12-0418 (Clay 10-C-62)

Dan Cava, Steven Hall and Dan's Car World, LLC v. National Union Fire Insurance Company of Pittsburgh, PA, No. 12-0203 (Marion 09-C-110)

Wayne A. Lemasters and Mary Joan Lemasters v. Nationwide Mutual Insurance Company, No. 12-0774 (Marshall 06-C-137)

**ORDERS**

Orders of note were entered in the following cases:

SER John J. Wallace, IV, Esq. v. Hon. Jaymie Godwin Wilfong, Judge and the State of West Virginia, No. 13-0057 (Original Mandamus)

SER Joe E. Miller, Commissioner, WV Division of Motor Vehicles v. Hon. Phillip M. Stowers, Judge and Jeffrey T. Vaughan, No. 13-0006 (Original Prohibition)

Office of Disciplinary Counsel v. Derek W. Marsteller, No. 12-1319 (Lawyer Disciplinary)  
Respondent administratively suspended and trustee appointed (4-0) (Justice Ketchum disqualified)

Lawyer Disciplinary Board v. Michael F. Niggeymyer, No. 12-0468 (Lawyer Disciplinary)  
Respondent's license to practice law in the State of West Virginia suspended for 18 months and additional sanctions (5-0)

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