



## DECISIONS, NOTICES AND ORDERS

**Wednesday, January 15, 2014**

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:

Richard Friel v. Kenton Meadows Company, Inc., No. 12-1470 (Randolph 11-C-1999)  
Petition refused (5-0)

State of West Virginia v. James S., No. 13-0301 (Marion 88-F-81)  
Petition refused (5-0)

James Stump and Shirley Stump v. Michael Jarrett and Regina Jarrett, No. 12-1090 (Kanawha 10-C-1226)  
Petition refused (4-1) (Justice Benjamin)

State of West Virginia v. William Johnson, No. 12-0120 (Wood 08-F-24)  
Petition refused (5-0)

Michael Gorbey v. State of West Virginia, et al., No. 13-0400 (Kanawha 12-C-2299)  
Petition refused (5-0)

Michael Murphy, et al. v. Ruth Mitchell, et al., No. 12-1313 (Gilmer 11-C-20)  
Petition refused (5-0)

Edgar Friedrichs, Jr. v. David Ballard, Warden, No. 13-0031 (Fayette 10-C-93)  
Petition refused (4-0) (Justice Workman disqualified)

Greg Winland, et al. v. WV Regional Jail and Correctional Facility Authority, No. 13-0231 (Kanawha 07-C-1384)  
Petition refused (5-0)

Angela Bee v. WV Supreme Court of Appeals, Hon. David Hummel, Judge, Hon. David Buzzard, Magistrate, and Hon. William Anderson, Magistrate, No. 12-1111 (Kanawha 11-C-1878)  
Petition refused (5-0)

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**MEMORANDUM DECISIONS**

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

Harold M. v. David Ballard, Warden, No. 13-1034 (Wood 07-P-141)  
Affirmed (5-0)

State of West Virginia v. Harold M., No. 13-0538 (Wood 92-F-110)  
Affirmed (5-0)

Adam Davisson and Stacey Davisson v. City of Bridgeport, No. 13-0378 (Harrison 12-C-11)  
Affirmed (5-0)

CDS Family Trust, LLC v. ICG, Inc. and Vindex Energy Corporation, No. 13-0375 (Grant 12-C-8)  
Affirmed (5-0)

CDS Family Trust, LLC v. ICG, Inc. and Vindex Energy Corporation, No. 13-0376  
(Grant 11-C-46)  
Affirmed (4-1)(Justice Benjamin dissenting)

**RULE 19 ARGUMENT GRANTED**

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

SER Montpelier US Insurance Company and Charlston Revich & Wollitz LLP v. Hon. Louis H. Bloom, Judge, et al., No. 13-1172 (Original Prohibition)  
March 5, 2014

Michael A. Gray v. Jeffrey C. Boyd and the City of Parkersburg, No. 13-0531 (Wood 12-C-123)  
March 5, 2014

Joe Miller, Commissioner of the WV Division of Motor Vehicles v. Ricky Reynolds,  
No. 13-0266 (Kanawha 12-AA-95)  
March 25, 2014

State of West Virginia v. Clinton Skeens, No. 12-0887 (Wayne 11-F-60)  
March 25, 2014

Mark Owen v. Tina Owen, No. 13-0467 (Harrison 11-D-543-5)  
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**RULE 20 ARGUMENT GRANTED**

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

Ron King, Fire Marshall/Code Official for the City of Nitro; David A. Casebolt, Mayor for the City of Nitro; and the City of Nitro v. Richard Nease and Lorinda Nease, No. 13-0603  
(Kanawha 12-C-1716)  
March 5, 2014

Kimberly Morris v. Douglas Morris, No. 13-0742 (Gilmer 12-D-8)  
March 5, 2014

Manor Care, Inc., et al. v. Tom Douglas, No. 13-0470 (Kanawha 10-C-952)  
March 5, 2014

King Coal Chevrolet Company v. General Motors, LLC, No. 13-0675  
(Certified Question – US District Court for the Southern District of West Virginia)  
March 25, 2014

State of West Virginia v. Beth Bennett, No. 13-0572 (Kanawha 13-M-2476)  
March 25, 2014

**ORDERS**

Orders of note were entered in the following cases:

SER John H. v. Hon. David W. Hummel, Jr., Judge, No. 13-1142 (Original Prohibition)  
Petition refused (5-0)

SER Michael Palmer v. Hon. Michael John Aloï, Judge, No. 13-1175 (Original Prohibition)  
Petition refused (5-0)

State of West Virginia v. Randy Cleveland, Pre-Petition No. 13-063 (Monongalia 13-F-36)  
Motion for stay and post-conviction bond refused (5-0)

Lawyer Disciplinary Board v. Harold S. Albertson, No. 12-1225 (Lawyer Discipline)  
Law license annulled (5-0)