



DECISIONS, NOTICES AND ORDERS

Friday, April 29, 2016

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:

In Re: D.C., S.C., K.M., and D.M., No. 15-0908 (Mineral 15-JA-11, 12, 13, 14)
Petition refused (5-0)

Andra F. v. Anthony H., No. 15-0445 (Upshur 11-D-164)
Petition refused (5-0)

Robin W. Hammer v. Robert B. Hammer, et al., No. 14-0995 (Randolph 12-C-169, 13-C-18)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Jerry Steen Sapp Jr. v. David Ballard, Warden, No. 15-0258 (Preston 01-C-06)
Affirmed (5-0)

James M. Porter v. Logan County Fire Department Station 2, Inc., No. 15-0520
(Logan 12-C-63)
Affirmed (4-1) (Justice Davis dissenting)

Cleve H. Messer v. David Ballard, Warden, No. 15-0423 (Logan 03-C-378)
Affirmed (5-0)

Lawrence E. Haynes, Jr. v. Joyce M. Lester and T. Carroll Boggess, No. 15-0507
(Putnam 12-C-408)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

West Virginia Department of Transportation, Division of Motor Vehicles v. David King, No. 15-0711 (Cabell 13-C-199)
September 20, 2016, at Marshall University

State of West Virginia v. Alvaro A. Vilela, No. 15-0581 (Berkeley 14-F-123)
September 20, 2016, at Marshall University

Russell W. Mason, Executor v. Christine Torrellas, Ancillary Administratrix, No. 15-0726 (Mineral 15-C-9)
September 21, 2016

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Chip Melton Davidow, No. 15-0876 (Raleigh 94-F-330)
September 21, 2016

American National Property and Casualty Company v. Tara Clendenen, et al., No. 16-0290 (Certified Question)
September 21, 2016

Heartland of Beckley, WV, LLC, et al. v. Bureau for Medical Services, No. 15-0595 (Kanawha 14-AA-100)
September 21, 2016

Monongalia County Board of Education v. American Federation of Teachers, No. 15-0662 (Monongalia 11-C-759)
September 21, 2016

ORDERS

Orders of note were entered in the following cases:

Margot Beth Crowder and David Wentz v. EQT Production Company, No. 16-0246 (Certified Question)

QUESTION CERTIFIED BY THE CIRCUIT COURT:

Where neither the mineral owner nor the mineral owner's lessees or agents have an express agreement from the surface owners (or their predecessors) by deed, lease, or other document to explore for and produce oil or gas from neighboring mineral tracts, is there any implied or other right to use a tract of surface land in order to explore for and produce minerals from neighboring mineral tracts that do not underlie the surface tract (other than by the natural migration of oil or gas to well bores drilled from the surface tract into its underlying mineral tract pursuant to the rule of capture)?

Court declined to docket the certified question. (5-0)

ORDER LIST

April 29, 2016

Page 3

State ex rel. Atkins & Ogle Law Offices, LC v. Hon. David W. Nibert, Judge, and Misty Starcher, No. 16-0248 (Original Prohibition)

Petition refused (4-1) (Justice Davis)

State ex rel. State Fire Commission v. Hon. Jennifer F. Bailey, Judge, No. 16-0208 (Original Mandamus)

Petition refused as moot (5-0)

State ex rel. Gregory Smith v. Hon. Jay M. Hoke, Judge, No. 16-0224 (Original Mandamus)

Petition refused as moot (4-0) (Justice Davis did not participate in the consideration or decision of this matter.)