



DECISIONS, NOTICES AND ORDERS

Friday, April 8, 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:

Frank Larson v. Jeff Butler, No. 15-0256 (Wirt 13-C-AP-1)
Petition refused (5-0)

State of West Virginia v. Rebecca Lou Blankenship, No. 14-1014 (Randolph 13-F-26)
Petition refused (5-0)

SER American Electric Power, et al. v. Hon. David W. Nibert, Judge, et al., No. 15-0819
(Original Prohibition)
Petition refused (3-2) (Justices Benjamin and Loughry)

MEMORANDUM DECISIONS

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

Dutch Run-Mays Draft, LLC v. Betty Woomer, et al., No. 15-0317 (Greenbrier 06-C-275)
Affirmed (5-0)

Clarice Bailey v. Bluefield Hospital, LLC, No. 15-0517 (Mercer 14-C-360)
Affirmed (5-0)

Monongalia General Hospital v. William Straight, et al., No. 15-0633 (Marion 14-C-256)
Affirmed (5-0)

Leonard Braynen, Jr. v. Marvin Plumley, Warden, No. 15-0334 (Ohio 10-C-138)
Affirmed (5-0)

State of West Virginia v. Clarke Patterson, No. 15-0110 (Clay 14-F-12)
Affirmed (5-0)

Kevin Ford v. GMS Mine Repair and Maintenance, Inc., No. 15-0225 (Taylor 13-C-60)
Affirmed (3-2) (Justices Davis and Workman dissenting in writing.)

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Nicholas Husson v. Teays Valley Industrial Park Owners, No. 15-0088 (Putnam 02-C-222)
Affirmed (4-1) (Justice Davis dissenting.)

Mark R. Puzkarczuk, et al. v. 340 Defense Range & Training Center, LLC, No. 15-0130
(Jefferson 13-C-364)
Affirmed (5-0)

Morgan Shepherd v. David Ballard, Warden, No. 15-0327 (Logan 02-C-144)
Affirmed (4-1) (Justice Davis dissenting.)

Home Solution Pros, LLC v. Russell Fry, Acting Executive Director WorkForce West Virginia,
No. 15-0391 (Kanawha 14-AA-2)
Affirmed (5-0)

State of West Virginia v. Howard S., No. 15-0428 (Tyler 13-F-9)
Affirmed (5-0)

Panhandle Used Equipment, LLC v. Mark Matkovitch, State Tax Commissioner, No. 15-0230
(Berkeley 14-AA-5)
Affirmed (3-2)(Chief Justice Ketchum dissenting in writing.)(Justice Workman dissenting.)

Jennifer Berkey, et al. v. Weirton Medical Center, No. 15-0090 (Brooke 11-C-33)
Affirmed (5-0)

Christine Stenger v. Carelink Health Plans, Inc. and Patrick Dowd, No. 15-0439
(Ohio 07-C-466)
Affirmed (5-0)

Charles K. v. Sigal K., No. 15-0462 (Kanawha 07-D-1933)
Affirmed (4-1) (Justice Loughry dissenting.)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on
a later date:

State ex rel. Gabrielle Jo M. v. Hon. David R. Janes, Judge, et al., No. 16-0167
(Original Prohibition)

State ex rel. Potomac Trucking and Excavating, Inc. v. Hon. James W. Courier, Jr., Judge, et al.,
No. 16-0183 (Original Prohibition)

Philip Asseff v. Terry Lynn Asseff, No. 15-0506 (Kanawha 11-D-1029)

State of West Virginia v. Ricky Greenfield, Jr., No. 15-0535 (Berkeley 13-F-233)

State of West Virginia v. Gary Adkins, No. 15-0537 (Mingo 14-F-74)

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RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a later date:

State ex rel. Edlon, Inc. v. Hon. Ronald E. Wilson, Judge, et al., No. 16-0166
(Original Prohibition)

Julie Conrad v. The Council of Senior Citizens of Gilmer County, No. 14-1262
(Gilmer 14-C-2)

Harold Rex Anderson, Jr. and Harold Rex Anderson III v. Cordelia A. Jones Heirs, et al.,
No. 15-0460 (Pleasants 11-C-39)

Mark W. Matkovich, State Tax Commissioner and Larry Hess, Assessor v. University Healthcare Foundation, Inc., Nos. 15-0597 and 15-0599 (Berkeley 14-AA-4)

Patrick D. Leggett, et al. v. EQT Production Company, et al., No. 16-0136 (Certified Question)

State of West Virginia v. Ennis C. Payne, II, No. 15-0289 (Harrison 13-F-112)

ORDERS

Orders of note were entered in the following cases:

Office of Disciplinary Counsel v. Jason R. Grubb, No. 16-0107 (Lawyer Disciplinary)
Law license suspended (5-0)

Office of Disciplinary Counsel v. Angela M. Blythe, No. 16-0002 (Lawyer Disciplinary)
Law license annulled (5-0)

State ex rel. Leesa Jo Bradley v. Hon. David R. Janes, Judge; and Stonemor Partners, L.P., et al., No. 16-0102 (Original Prohibition)
Petition refused (5-0)

R.A. v. C.R., No. 15-0928 (Berkeley 15-C-447, 453)
Motion to dismiss granted (5-0)

R.A. v. Hon. Sally Jackson, Family Court Judge, et al., No. 15-1087 (Berkeley 15-C-537)
Motion to dismiss granted (5-0)

In Re: C.J., G.J., and M.M., No. 15-0990 (Putnam 06-FIG-4)
Motion to dismiss granted (4-1) (Justice Ketchum)

State ex rel. Santiago A. Peña v. Mark Williamson, Warden, No. 15-0733
(Original Habeas)
Motion to dismiss granted (4-1) (Justice Ketchum)