



## DECISIONS, NOTICES AND ORDERS

**Friday, January 27, 2017**

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:

Patricia S. Reed, Commissioner WV Division of Highways v. Joshua D. Beckett, No. 15-1044 (Monroe 15-C-25)  
Petition refused (4-1) (Justice Davis)

Neil W. v. Patrick Mirandy, Warden, No. 15-1244 (Ohio 15-C-327)  
Petition refused (5-0)

David C. Tabb v. County Commission of Jefferson County, No. 15-1155 (Jefferson 13-C-432)  
Petition refused (5-0)

Cred-X, Inc. v. Cabell Huntington Hospital, Inc., No. 15-1056 (Kanawha 06-C-1209)  
Petition refused (5-0)

Patricia S. Reed, Commissioner WV Division of Highways v. Pamela Haynes, No. 15-0971 (Kanawha 14-AA-96)  
Petition refused (5-0)

WV Department of Transportation, Division of Highways v. David King, Administrator of the Estate of Wilma King, No. 15-0711  
Petition refused (5-0)

Herbert J. Thomas Memorial Hospital Association v. Susan Nutter, No. 15-0695 (Kanawha 11-C-1335)  
Petition refused (3-2) (Justices Davis and Workman)  
(Justice Walker disqualified.)(Judge Hutchison sitting by special assignment.)

Amy R. Rhoe v. Larry Hess, Assessor for Berkeley County, No. 15-1038 (Berkeley 14-AA-9)  
Petition refused (5-0)

Patrick D. Leggett v. EQT Production Company, et al., No. 16-0136 (Certified Question)  
Petition for rehearing granted (3-2) (Justices Davis and Workman)

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David Hill and Suellen Hill v. Lone Pine Operating Company, No. 16-0219  
(Harrison 11-C-94)  
Petition refused (4-1) (Justice Davis)

**MEMORANDUM DECISIONS**

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

E.B. v. WV Regional Jail and Correctional Facility Authority and Joseph DeLong, No. 16-0090  
and E.B. v. St. Mary's Medical Center, Inc., No. 16-0092 (Cabell 14-C-328)  
Affirmed (5-0)

State of West Virginia v. Wayne Dubuque, No. 16-0357 (Jefferson 15-F-11)  
Affirmed (4-1) (Justice Davis dissenting)

State of West Virginia v. Billy W., No. 16-0345 (Mercer 15-F-210)  
Affirmed (5-0)

State of West Virginia v. Mark Alan Moran, No. 16-0071 (Harrison 14-F-215)  
Affirmed (5-0)

State of West Virginia v. Mishell Rose Fidler, No. 15-1196 (Webster 15-F-15)  
Affirmed (4-1) (Justice Davis dissenting)

State of West Virginia v. Henry J., No. 16-0088 (Kanawha 15-F-635, 15-F-119)  
Affirmed (5-0)

George Papatreas, et al. v. William Kawecki, et al., No. 16-0619 (Monongalia 15-C-650)  
Affirmed (5-0)

In Re: R.M., No. 16-0200 (Jefferson 15-G-10)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

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

State ex rel. American Electric Power v. Honorable Derek C. Swope, Judge, et al., No. 16-1148  
(Original Prohibition)  
March 8, 2017

Yeshiareg Mulugeta v. Dimitri Misailidis, No. 16-0494 (Berkeley 14-D-1146)  
April 19, 2017

Drema Bowden, Administratrix v. Monroe County Commission, No. 16-0597  
(Monroe 11-C-18)  
April 19, 2017

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**RULE 20 ARGUMENT GRANTED**

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

Quicken Loans, Inc. v. Marsha Gale Walters, Administratrix of the Estate of Sue Walters,  
No. 16-0298 (Raleigh 11-C-1123)  
April 19, 2017

Patricia S. Reed, Commissioner v. Frederick Staffileno, No. 16-0487 (Brooke 15-AA-7)  
April 25, 2017

Mark W. Matkovich, State Tax Commissioner v. James Dawson and Elaine Dawson,  
No. 16-0441 (Mercer 15-C-326)  
April 25, 2017

Patrick D. Leggett v. EQT Production Company, et al., No. 16-0136 (Certified Question)  
May 2, 2017

Anthony Shook, on behalf of Vickie Shook v. Genesis Healthcare, LLC, et al., No. 16-1134  
(Certified Question)  
May 16, 2017

**ORDERS**

Orders of note were entered in the following cases:

James Wilson Douglas L.C. v. Jennifer Morton, No. 16-1144 (Braxton 15-C-17)  
Motion to stay refused (5-0)

State ex rel. Donald P. Cookman v. Hon. Christopher C. Wilkes, Judge, No. 16-1147  
(Original Prohibition)  
Petition refused (5-0)

State of West Virginia v. Phillip A. Ward, No. 16-1177 (Bail)  
Petition refused (5-0)

State ex rel. Dana December Smith v. David Ballard, Warden, No. 16-1014 (Original Mandamus)  
Petition refused (5-0)

Ralph Terry, Warden v. Bobby Ross, No. 16-1156 (Kanawha 15-P-322)  
Motion to stay granted (4-1) (Justice Ketchum)

State of West Virginia v. James Wilkerson, No. 16-0711 (Ohio 09-F-10)  
Dismissed (5-0)

In Re: A.J. and K.B., No. 16-1120 (Monongalia 15-JA-30, 31)  
Motion for extension refused. Appeal dismissed. (5-0)

In Re: The Children of Ardley S. and Kelly R., No. 16-1136 (Mason 01-D-05)  
Motion to file out of time refused. Appeal dismissed. (5-0)

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Arlene Waldren v. Hon. James Rowe, Judge, No. 16-1164 (Greenbrier 16-C-205)  
Summarily affirmed. (5-0)

Emmanuel Tsitsilianos v. Carl Roncaglione, No. 16-0704 (Kanawha 16-C-716)  
Dismissed (3-2)(Justices Ketchum and Workman)