



DECISIONS, NOTICES AND ORDERS

Monday, April 20, 2020

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:

Kilton L. Kitchen v. Donnie Ames, Superintendent, No. 18-0554 (Hampshire 17-C-97)
Petition refused (5-0)

State of West Virginia v. Alan L. Hicks, No. 19-0123 (Putnam 86-F-59, 88-F-2)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

State of West Virginia v. James K., No. 18-0990 (Kanawha 17-F-280)
Affirmed (5-0)

Wei-ping Zeng v. Marshall University, No. 18-1035 (Kanawha 17-AA-72)
Affirmed (4-0) (Justice Workman not participating)

State of West Virginia v. Joshua Evans, No. 19-0253 (Grant 18-F-3)
Affirmed (5-0)

State of West Virginia v. James H., No. 19-0299 (Marion CC-24-2018-F-7)
Affirmed (5-0)

Haught Family Trust v. Anna Louise Williams, et al., No. 19-0368 (Ritchie 16-C-20)
Affirmed (5-0)

GMS Mine Repair and Maintenance, Inc. v. Mountaineer Contractors, Inc., No. 19-0309
(Pocahontas 16-C-58)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

State ex rel. Everett Frazier, Commissioner of the WV Division of Motor Vehicles v. Hon. Warren R. McGraw, Judge; and Dalton Watts, No. 20-0142 (Original Prohibition)

Ethan B. v. Tracy W., No. 19-0830 (Lewis 09-D-51)

EQT Production Company v. Antero Resources Corporation, No. 19-0572 (Tyler 17-C-3)

State of West Virginia v. David L. Ingram, No. 19-0016 (Fayette 18-F-28, 163)

Cathy McComas and Debra Lynn Wheeler v. Lincoln County Board of Education, No. 19-0687 (Kanawha 13-AA-63)

Tammy Owens and Susie McCann v. Lincoln County Board of Education, No. 19-0684 (Kanawha 13-AA-63)

RULE 20 ARGUMENT GRANTED

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

Cody Ryan Fields v. Ross H. Mellinger, et al., No. 20-0183
(United States District Court for the Southern District of West Virginia 2:19-cv-00493)

Certified Question:

Does West Virginia recognize a private right of action for monetary damages for violations of Article III, Section 6 of the West Virginia Constitution.

Gulfport Energy Corporation v. Harbert Private Equity Partners, LP, No. 19-0510
(Wood 17-C-65)

Northstar Energy Corporation v. Riley Natural Gas Company, Nos. 19-0535 and 19-0743
(Harrison 15-C-405-3)

Antero Resources – Marcellus, LLC v. Roy D. Haught, et al., No. 19-0347 (Tyler 16-C-25)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. Tod Jeremy Russell v. Hon. J.D. Beane, Judge; and Patrick Lefebure, Prosecuting Attorney, No. 20-0082
(Original Prohibition)
Petition refused (5-0)

ORDER LIST
April 20, 2020
Page 3

Matthew and Rhonda Brogan v. Erie Insurance Property and Casualty Company and Stephen Myers, No. 20-0140 (Kanawha 17-C-1286)

Decline to docket (5-0)

Certified Question:

Even if a favorable jury verdict is obtained, can a policyholder “substantially prevail” in a suit against his or her insurer for a property damage claim when the policyholder has failed to mitigate the property damage.

Circuit Court Answer: No