



DECISIONS, NOTICES, AND ORDERS

Monday, December 5, 2022

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of November 2022. This list contains only the action taken by the Intermediate Court, not the content or actual date of orders or decisions.

SIGNED OPINIONS

In accordance with Rule 22, signed opinions were entered in the following case:

Amanda C. v. Christopher P., 22-ICA-2 (Upshur 21-D-11)
Remanded with Directions (3-0) (Judge Scarr, Concurring)

MEMORANDUM DECISIONS

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

Anthony Cosby v. Capitol Beverage Company, 22-ICA-9, (Workers' Compensation Board of Review)
Affirmed (3-0)

Murray American Energy, Inc. v. Sean Stapel, 22-ICA-11, (Workers' Compensation Office of Judges)
Affirmed (3-0)

Dallas Hankins v. Sprouting Farms Corp., 22-ICA-12, (Workers' Compensation Office of Judges)
Affirmed (3-0)

Kirk Trucking Co, Inc. v. Joseph S. Maynard, 22-ICA-14, (Workers' Compensation Board of Review)
Affirmed and Remanded with Directions (3-0)

Christopher Adams v. United Parcel Service, Inc., 22-ICA-16, (Workers' Compensation Board of Review)
Affirmed (3-0)

Richard Heath v. Alliance Coal LLC, 22-ICA-17, (Workers' Compensation Board of Review)
Affirmed (3-0) (Judge Scarr Voluntarily Recused, Judge Robert A. Irons, sitting by temporary assignment)

Charlene D. Fleshman, aka Charlene D. Christy v. James A. Fleshman, 22-ICA-20, (Greenbrier 22-D-AP-3)
Affirmed (3-0)

Bayer Corporation v. Charles Virden, Decedent, Mary Kay Virden, Dependent, 22-ICA-21, (Workers' Compensation Board of Review)
Affirmed (3-0)

Beckley Appalachian Regional Healthcare v. Barry Levin, 22-ICA-31, (Workers' Compensation Board of Review)
Affirmed (3-0)

Murray American Energy, Inc. v. Sean Stapel, 22-ICA-33, (Workers' Compensation Office of Judges)
Affirmed (3-0)

Breanna Sargent v. On The Rocks, LLC, 22-ICA-35, (Workers' Compensation Board of Reveiw)
Affirmed (3-0) (Judge Scarr Voluntarily Recused, Judge Jason A. Cuomo, sitting by temporary assignment)

John Juszczyak v. Rob Juszczyak Construction, 22-ICA-8, (Workers' Compensation Office of Judges)
Affirmed (3-0)

Rob Juszczyak Construction v. John Juszczyak, 22-ICA-29, (Workers' Compensation Office of Judges)
Affirmed (3-0)

George E. Keaton v. Beckley Garbage Disposal, 22-ICA-32, (Workers' Compensation Office of Judges)
Affirmed (3-0) (Judge Scarr Voluntarily Recused, Judge Mark E. Wills, sitting by temporary assignment)

Linda A. Watson v. Homer Laughlin China Company, 22-ICA-37, (Workers' Compensation Board of Review)
Affirmed (3-0)

Demayne Roberts v. Daniel Watson Masonry, LLC, 22-ICA-51, (Workers' Compensation Board of Review)
Affirmed (3-0)

James E. Stover v. West Virginia Division of Highways, 22-ICA-55, (Workers' Compensation Board of Review)
Affirmed (3-0)

Vinson Clagg v. Service Wire Company, 22-ICA-73, (Workers' Compensation Office of Judges)
Affirmed (3-0)

David E. Honaker v. Justice Family Group, LLC, 22-ICA-84, (Workers' Compensation Board of Review)
Affirmed (3-0)

Michael L. Dean v. Arch Coal, Inc., 22-ICA-86, (Workers' Compensation Board of Review)
Affirmed (2-0) (Judge Scarr, Not Participating)

Randy D. Boball v. Murray American Energy, Inc., 22-ICA-88, (Workers' Compensation Board of Review)
Affirmed (3-0)

Newport Trading Co., Inc. v. Larry R. Hicks, 22-ICA-104, (Workers' Compensation Board of Review)
Affirmed (2-0) (Judge Scarr, Not Participating)

Andrew C. v. Hillary C., 22-ICA-172, (Marion FC-24-2022-D-117)
Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

Lindy & Fred Seco General Revocable Trust v. Ronald Keller, 22-ICA-82 (Workers' Compensation Board of Review) (Judge Scarr, Not Participating)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument:

In re: Stonewall Jackson Memorial Hospital Company, 22-ICA-147 (West Virginia Health Care Authority)

In re: Roane General Hospital, 22-ICA-149 (West Virginia Health Care Authority)

Jonathon F. v. Rebekah L., 22-ICA-45 (Greenbrier 19-D-244)

ORDERS

Orders of note were entered in the following cases:

KGPCO, Inc. v. Michael Eden, 22-ICA-246 (Workers' Compensation Board of Review)
Motion for Stay Refused as Moot (3-0)

Alpha Metallurgical Resources, Inc. v. Harold L. Eplin, 22-ICA-187 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

PrimeCare Medical of WV, Inc. v. Brittany Foster, 22-ICA-138 (Workers' Compensation Board of Review)
Motion for Stay Granted (3-0)

Robert Childress v. Karen Sparkes, 22-ICA-212 (Kanawha 22-C-AP-115)
Motion for Stay Refused (3-0)

In re: Stonewall Jackson Memorial Hospital Company, 22-ICA-147 (West Virginia Health Care Authority)
Motion to Dismiss Refused (3-0)

In re: Roane General Hospital, 22-ICA-149 (West Virginia Health Care Authority)
Motion to Dismiss Refused (3-0)

Katherine A. v. Jerry A., 22-ICA-52 (Ohio FC-35-2022-D-82)
Motion to Dismiss Refused (3-0)