



DECISIONS, NOTICES, AND ORDERS

Monday, February 6, 2023

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of January 2023. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

MEMORANDUM DECISIONS

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

Christopher Barbot v. Claudia Barbot, 22-ICA-13 (Fam. Ct. Jefferson Cnty. No. FC-19-2020-D-357)

Vacated, in Part, and Remanded with Directions (3-0)

Victoria Hecker v. Kathy McIntire, 22-ICA-15 (Fam. Ct. Monongalia Cnty. No. 21-D-365)

Affirmed (3-0)

Kayla H. v. Stephanie B., 22-ICA-18 (Fam. Ct. Berkeley Cnty. No. FC-02-2017-D-9)

Remanded with Directions (3-0; Judge Lorensen Voluntarily Recused, Judge Tera Salango, sitting by temporary assignment)

Chad Michael Gochenour v. Leanne Michele Gochenour, 22-ICA-22 (Fam. Ct. of Berkeley Cnty. No. 21-D-732)

Affirmed (2-1) (Judge Greear, Dissenting)

Kyle Rea v. Tiffany Jones, 22-ICA-23 (Fam. Ct. Mineral Cnty. No. 20-D-15)

Reversed and Remanded with Directions (3-0)

Nichole T. v. Jamie G., 22-ICA-24 (Fam. Ct. Hardy Cnty. No. FC-16-2011-D-73)

Affirmed (3-0)

Deborah Evans v. Wayne County Board of Education, 22-ICA-48 (Workers' Compensation Board of Review)
Affirmed (3-0)

Randy Berry v. Toyota Motor Manufacturing WV, Inc., 22-ICA-53 (Workers' Compensation Board of Review)
Affirmed (3-0)

Andrew J. Malnick v. ACNR Resources, Inc., 22-ICA-59 (Workers' Compensation Board of Review)
Affirmed (3-0)

James Burgoyne v. Harrison County Coal Resources, Inc., 22-ICA-63 (Workers' Compensation Board of Review)
Affirmed (3-0)

Leann H. v. Theophilus C., 22-ICA-65 (Circuit Ct. of Kanawha Cnty. No. 09-D-461)
Affirmed (3-0)

Palmer Hall v. Southeastern Land, LLC, 22-ICA-68 (Workers' Compensation Board of Review)
Affirmed (3-0)

Hobert W. Cook v. Acelormittal, USA, 22-ICA-75 (Workers' Compensation Board of Review)
Affirmed (3-0)

Charles Campbell v. Debrich, LLC/Duster Trucking, 22-ICA-77 (Workers' Compensation Board of Review)
Affirmed (3-0)

Marilyn McKinney v. Little General Store, Inc., 22-ICA-78 (Workers' Compensation Board of Review)
Affirmed (3-0)

Irene Martin v. Wal-Mart Associates, Inc., 22-ICA-80 (Workers' Compensation Board of Review)
Affirmed (3-0)

Stephanie Sprouse v. Dunham's Athleisure Corp., 22-ICA-89 (Workers' Compensation Board of Review)
Affirmed (3-0)

Consol Pennsylvania Coal Company, LLC v. Jason Hewitt, 22-ICA-92 (Workers' Compensation Board of Review)
Vacated and Remanded with Directions (3-0)

Sabaj Morgantown LLC v. Tara Sapp, 22-ICA-93 (Workers' Compensation Board of Review)
Reversed and Remanded with Directions (3-0)

Fayette County Board of Education v. Kelly L. Adkins, 22-ICA-95 (Workers' Compensation Board of Review)
Vacated and Remanded (2-0) (Judge Scarr, not participating)

Maxine Underwood v. West Virginia Department of Health and Human Resources, 22-ICA-98 (Workers' Compensation Board of Review)
Affirmed (2-0) (Judge Scarr, not participating)

Misa Amane v. Pas Parent, Inc., 22-ICA-102 (Workers' Compensation Board of Review)
Affirmed (3-0)

Amy C. Holman v. West Virginia United Health Systems, Inc., 22-ICA-107 (Workers' Compensation Board of Review)
Affirmed (3-0)

Murray American Enegy, Inc. v. Richard Yost, Jr., 22-ICA-120 (Workers' Compensation Board of Review)
Affirmed (3-0)

Andrew J. Malnick v. ACNR Resources, Inc., 22-ICA-137 (Workers' Compensation Board of Review)
Affirmed (3-0)

Christopher T. Schuda v. Quality Distribution, Inc., 22-ICA-179 (Workers' Compensation Board of Review)
Affirmed (3-0)

Justin Stewart v. Toyota Motor Manufacturing WV, Inc., 22-ICA-181 (Workers' Compensation Board of Review)
Affirmed (3-0)

Sidney R. Burrall, Jr. v. Swisher International Group, Inc., 22-ICA-183 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

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

Debra Kay Zuspan v. Charles Hylton Zuspan, Jr., 22-ICA-155 (Fam Ct. Mason Cnty. No. FC-26-2018-D-13)
Rule 19 Oral Argument Granted (3-0)

Mark White v. Cynthia White, 22-ICA-177 (Fam. Ct. Fayette Cnty. No. FC-10-2013-D-202)
Rule 19 Oral Argument Granted (3-0)

KGPCO, Inc. v. Michael Eden, 22-ICA-246 (Workers' Compensation Board of Review)
Rule 19 Oral Argument Granted (3-0)

Quanta Services, Inc. v. Zachary Bolling, 22-ICA-244 (Workers' Compensation Board of Review)
Rule 19 Oral Argument Granted (3-0)

Rimdaugas K. v. Gerda K., 22-ICA-174 (Fam. Ct. Gilmer Cnty. No. FC-11-2021-D-26)
Rule 19 Oral Argument Granted (3-0)

Anne Y. v. Daniel Y., 22-ICA-229 (Fam. Ct. Cabell Cnty. No. 21-D-493)
Rule 19 Oral Argument Granted (3-0)

RULE 20 ARGUMENT GRANTED

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

West Virginia Heating and Plumbing, Co. v. Tyler J. Carroll, 22-ICA-167 (Workers' Compensation Office of Judges)
Rule 20 Oral Argument Granted (3-0)

ORDERS

Orders of note were entered in the following cases:

Blackhawk Mining, LLC v. Michael Coomes, 22-ICA-264 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Sara Fields v. Charleston America Medical Center and Workforce West Virginia, 22-ICA-266 (Board of Review of Workforce West Virginia)
Motion for Stay Refused (3-0)

Lifepoint Hospitals, Inc. v. Jill Stone, 22-ICA-206 (Workers' Compensation Board of Review)
Motion for Stay Granted (3-0)

MTR Gaming Group, Inc. v. Jill Hoover, 22-ICA-228 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Alpha Metallurgical Resources, Inc. v. Charles E. Nelson, 22-ICA-270 (Workers' Compensation Board of Review)

Motion for Stay Granted (3-0)

Mary C. Sutphin v. A. David Abrams, Jr., 22-ICA-126 (Circuit Ct. of Raleigh Cnty. No. CC-41-2017-C-591)

Motion to Dismiss Refused (3-0)

David G. Maber and Amy C. Maber v. Camp 4 Condominium Association, Inc., 22-ICA-249 (Circuit Ct. of Pocahontas Cnty. No. CC-38-2015-C-55)

Motion for Partial Dismissal Granted (3-0)

Brent Johnson v. Elise Properties, 23-ICA-24 (Circuit Ct. of Kanawha Cnty. No. 2023-C-AP-02)

Motion for Stay Refused (3-0)

Scott S. Segal v. PITA, LLC, and the Milan Puskar Revocable Trust Restated 9/28/11, 22-ICA-46 (Circuit Ct. of Monongalia Cnty. No. 18-C-372)

Joint Motion to Dismiss Respondent, United Bank, Granted (3-0)

Wiseman Construction Company, Inc. v. Kevin C. Hodge, 22-ICA-317 (Workers' Compensation Board of Review)

Motion for Stay Granted (2-0) (Judge Scarr, not participating)

Evans Construction Company v. Anthony Schau, 22-ICA-322 (Workers' Compensation Board of Review)

Motion for Stay Granted (3-0)

City of Beckley v. Philip Law, 22-ICA-329 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)