



DECISIONS, NOTICES, AND ORDERS

Monday, September 11, 2023

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

RULE 19 ARGUMENT GRANTED

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

Jeffrey Darago v. Rodney Darago and Cathy Reeser, 22-ICA-269 (Cir. Ct. Monroe Cnty. No. CC-32-2021-AA-1)

Wanda Coles, Dependent of Kermit Coles (Deceased) v. Century Aluminum of West Virginia, Inc., 23-ICA-81 (Workers' Compensation Board of Review)

Ronald Hardy, et al. v. 3M Company, et al., 22-ICA-123 (Cir. Ct. McDowell Cnty. Nos. 21-C-41, 42, 43, 44, 48, 51, and 52)

West Virginia Department of Health and Human Resources, Office of Health Facility Licensure and Certification v. Heart 2 Heart Volunteers, Inc. dba Serenity Hills Life Center, 23-ICA-277 (West Virginia Department of Health and Human Resources Board of Review No. 22-BOR-1437)

Joseph Miker v. Monongalia County Board of Education, 22-ICA-311 (West Virginia Public Employees Grievance Board No. 22-0581-MonED)

RULE 20 ARGUMENT GRANTED

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

Hank Heckman and Loren Garcia, v. Betsy Jividen, Jeff Sandy, and Patrick Morrissey, 22-ICA-163
(Cir. Ct. Kanawha Cnty. Nos. 21-C-903 and 21-C-904)

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

James Atkinson v. NCI Nursing Corps and MedTox Laboratories, Inc., 22-ICA-233 (Cir. Ct. Harrison Cnty. No. 22-C-130-2)

Andrea Dale Dye v. Farmers & Mechanics Mutual Insurance Company of West Virginia, 22- ICA-301
(Cir. Ct. Marion Cnty. No. CC-24-2018-C-110)

ORDERS

Orders of note were entered in the following cases:

Aaron W. v. Evelyn W., 23-ICA-247 (Fam. Ct. Kanawha Cnty. No. 17-D-1552)
Motion to Dismiss Granted (3-0)

In re: M.M., 22-ICA-191 (Cir. Ct. Harrison Cnty. No. 22-AF-1-2)
Motion for Stay Refused (3-0)

Pilgrim's Pride Corp. of West Virginia, Inc. v. James Armel, 23-ICA-223 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

ICG Tygart Valley, LLC v. Edgar R. Greene, 23-ICA-228 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Mon Valley Technologies, LLC v. Joel Huggins, 23-ICA-312 (Workers' Compensation Board of Review)
Motion for Stay Refused (2-0) (Judge Scarr, not participating)

Megan M. v. Robert R., 23-ICA-353 (Fam. Ct. Jefferson Cnty. No. FC-19-2021-D-58)
Motion for Stay Refused (3-0)

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Charleston Area Medical Center, Inc. v. Kathy Bragg, 23-ICA-132 (Workers' Compensation Board of Review)

Petition for Attorney Fees and Costs Granted (3-0)

Beckley Appalachian Regional Healthcare v. Barry A. Levin, 23-ICA-298 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)