



DECISIONS, NOTICES AND ORDERS

Tuesday, August 30, 2022

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.

MEMORANDUM DECISIONS

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

Brandon S. v. Ames, Superintendent, No. 21-0395 (Hardy 19-C-30)
Affirmed (5-0)

Marcus P. v. Matthew M., No. 21-0691 (Jackson 19-P-48)
Affirmed (5-0)

State v. Jackson, No. 21-0875 (Berkeley CC-02-2020-F-69)
Affirmed (5-0)

Boothe v. Searls, Superintendent, No. 21-0648 (Fayette 20-C-78)
Affirmed (5-0)

John M. v. Sharon M., No. 21-0377 (Marion CC-24-2020-D-AP-2)
Affirmed (5-0)

In re A.W., No. 21-0352 (Greenbrier CC-13-2020-JD-7)
Affirmed (5-0)

Woodyard v. Woodyard, et al., No. 21-0628 (Cabell 19-C-519)
Affirmed (4-1) (Justice Armstead dissenting.)

State v. Funt, No. 21-0676 (Morgan CC-33-2016-F-6)
Affirmed (5-0)

Lovelace v. Martin, No. 21-0658 (Pocahontas 18-C-9)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Coffield v. McArdle, No. 21-0569 (Marshall 19-C-128)
Affirmed (5-0)

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FMS Enterprises v. Rose Senior Care, No. 21-0645 (Randolph 18-C-36, 18-C-45)
Affirmed (5-0)

State v. Holcomb, No. 21-0651 (Clay CC-08-2018-F-33)
Affirmed (5-0)

City of Winfield v. Putnam County Commission, No. 21-0086 (Putnam 15-P-77)
Affirmed (5-0)

Scotchel v. Fluharty, No. 20-0635
Fluharty v. Scotchel, No. 21-0572
(Harrison 17-C-395-3)
Affirmed (5-0)

Rice v. Ames, Superintendent, No. 21-0212 (Ohio 18-C-135)
Affirmed (5-0)

White v. Ames, Superintendent, No. 21-0403 (Cabell 19-C-410)
Affirmed (5-0)

Clark v. Ames, Superintendent, No. 21-0465 (Kanawha 21-P-74)
Affirmed (5-0)

Brian L. v. Heather E., No. 21-0468 (Cabell 13-D-886)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

State ex rel. 21st Mortgage v. Hon. Stowers, Judge, et al., No. 22-0334 (Original Prohibition)

State ex rel. Antero Resources v. Hon. McCarthy, et al., No. 22-0400 (Original Prohibition)

State ex rel. CAMC, Inc., et al. v. Hon. Thompson, et al., No. 22-0439 (Original Prohibition)

Frazier, Commissioner v. Burcker, No. 21-0438 (Kanawha 19-AA-75)
Frazier, Commissioner v. Powers, No. 21-0686 (Kanawha 19-AA-122)
Consolidated

Frazier, Commissioner v. Gaither, No. 21-0726 (Kanawha 19-AA-176)

State v. Jackson, No. 21-0738 (Raleigh CC-41-2020-F-430)

Precision Pipeline v. Weese, No. 21-0841 (Marshall 21-C-9)

L&D Investments v. Antero Resources Corporation, et al., No. 21-0613

State v. McDonald, No. 21-0796 (Nicholas CC-34-2020-F-56)

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Oelschlanger v. Francis, et al., No. 21-0784 (Marshall 20-C-64)

Warrior Oil and Gas v. Blue Land Services, No. 21-0506 (Monongalia 19-C-159)

RULE 20 ARGUMENT GRANTED

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

Charleston v. Romaine, No. 21-0776 (Kanawha 18-C-1495)

WVU Hospitals, Inc. v. Morris, No. 21-0458 (Monongalia 20-C-311)

Musick, Assessor v. Beta Theta Pi Fraternity of WVU, et al., Nos. 21-0517 and 21-0521
(Monongalia 20-AA-3)

State v. Reeder, No. 21-0554 (Certified Question – Monongalia 20-F-122)

State v. Wilfong, No. 21-0696 (Randolph 20-M-2)

Toler v. Cornerstone Hospital of Huntington, No. 21-0830 (Cabell 19-C-196)

WV Land Resources, et al. v. WV Environmental Quality Board, et al., No. 21-0845
American Bituminous Power Partners v. WV Environmental Quality Board, et al., Nos. 21-0885
and 21-0893
(WV Environmental Quality Board 20-07-EQB)

ORDERS

Orders of note were entered in the following cases:

State ex rel. East Coast Metal Systems v. Hon. Olejasz, et al., No. 22-0311 (Original Prohibition)
Petition refused. (4-1) (Justice Armstead)

State ex rel. Eisenberg v. WV Office of Lawyer Disciplinary Counsel, et al., No. 22-0338
(Original Mandamus)
Petition refused (4-1) (Justice Wooton)

Gray v. State of West Virginia, No. 22-0367 (Berkeley 21-P-496)
Motion for Stay refused (5-0)