



## DECISIONS, NOTICES AND ORDERS

**Monday, December 7, 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.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

Terri Ann Wiles and Terri Wiles v. West Virginia University Hospitals, No. 19-0192  
Petition refused (4-1) (Justice Hutchison)

State of West Virginia v. L.M.C., No. 18-0851  
Petition refused (5-0)

Ann Avery v. State Farm Insurance LLC, No. 19-0783  
Petition refused (5-0)

### MEMORANDUM DECISIONS

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

State of West Virginia v. Terry Butcher, No. 19-0756 (Randolph 19-C-30)  
Affirmed (5-0)

Jared M. v. Molly A., No. 19-0764 (Monongalia 19-C-30)  
Reversed and remanded (4-1) (Justice Workman dissenting)

Kelly Richardson v. Timothy Richardson, No. 19-0862 (Braxton FC-04-2017-D-35)  
Affirmed (4-1) (Justice Workman dissenting, would place on Rule 19 argument docket.)

State of West Virginia v. Morgan Vandergrift, No. 19-0999 (Putnam 19-F-40)  
Affirmed (5-0)

Mary Miller v. Marion County Board of Education, No. 19-1109 (Kanawha 19-AA-64)  
Affirmed (5-0)

State of West Virginia v. Brad S., No. 19-0493 (Mercer 18-F-272)  
Affirmed (5-0)

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Stephen Wickline, et al. v. Dutch Run-Mays Draft, LLC, No. 19-0748 (Greenbrier 08-C-116)  
Affirmed (3-0) (Justices Workman and Hutchison disqualified.)

State of West Virginia v. James Wilkerson, No. 19-0471 (Ohio 09-F-10)  
Affirmed (5-0)

State of West Virginia v. Miranda T., No. 19-0963 (Kanawha 18-F-646)  
Affirmed (5-0)

Steven Spiker and Beverly Spiker v. Specialized Loan Servicing, LLC and Deutsche Bank National Trust, No. 19-1021 (Wood 15-C-431)  
Affirmed (4-1) (Justice Workman dissenting.)

State of West Virginia v. Charles W. McClanahan, Jr., No. 19-0944 (Kanawha 19-F-292)  
Affirmed (3-2) (Justices Workman and Jenkins dissenting. Justice Workman would place on Rule 19 argument docket.)

Sgt. Christopher Thompson v. City of Charleston, No. 19-0483 (Kanawha 18-P-279)  
Affirmed (5-0)

Herschel Marshall v. the City of Huntington and Steve Williams, Mayor, No. 19-0973  
(Cabell 17-C-154)  
Affirmed (4-1) (Justice Workman dissenting, would place on Rule 19 argument docket.)

Terri Smith v. Kanawha County Emergency Ambulance Authority, No. 19-0975  
(Kanawha 17-C-1186)  
Affirmed (3-2) (Justices Workman and Hutchison dissenting, would place on Rule 20 argument docket.)

Royce Burdette v. Donnie Ames, Superintendent, No. 19-0526 (Greenbrier 01-C-94)  
Affirmed (3-2) (Justices Workman and Hutchison dissenting, would place on Rule 20 argument docket.)

State of West Virginia v. Lamere S. Troup, No. 19-0957 (Upshur 19-F-34)  
Affirmed (5-0)

State of West Virginia v. Takiese Naceer Berthea, No. 19-1011 (Upshur 19-F-35)  
Affirmed (5-0)

Matthew Hubley v. Karen Pszcolkowski, Superintendent, No. 19-0211 (Wood 14-P-155)  
Affirmed (4-1) (Justice Workman not participating.)

State of West Virginia v. Michael W., No. 19-0631 (Jefferson CC-19-2017-F-153)  
Affirmed (4-1) (Justice Workman not participating.)

State of West Virginia v. Larry Huffman, No. 19-0405 (Mason 17-F-85)  
Affirmed (5-0)

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State of West Virginia v. Thomas G., No. 19-1194 (Kanawha 08-F-4773)  
Affirmed (5-0)

State of West Virginia v. Edward B., No. 19-1026 (Putnam 09-F-3)  
Affirmed (5-0)

Betty Parmer v. United Bank, Inc., No. 20-0013 (Monongalia 17-C-210)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

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

State ex rel. Monongalia County Prosecuting Attorney v. Hon. Phillip D. Gaujot, Judge; and Cesar Felix, No. 20-0601 (Original Prohibition)

State ex rel. Christopher Chafin, MD and Cheat Lake Urgent Care v. Hon. Susan B. Tucker, Judge, et al., No. 20-0685 (Original Prohibition)

**RULE 20 ARGUMENT GRANTED**

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

State ex rel. West Virginia-American Water Company v. Hon. Carrie L. Webster, Judge, et al., No. 20-0676 (Original Prohibition)

State ex rel. AmerisourceBergen Drug Corporation v. Hon. Alan D. Moats, Judge, et al., No. 20-0694 (Original Prohibition)

State ex rel. Johnson & Johnson, et al. v. Hon. Alan D. Moats, Judge, et al., No. 20-0751 (Original Prohibition)

**ORDERS**

Orders of note were entered in the following cases:

State ex rel. United States Conference of Catholic Bishops v. Hon. Jason A. Cuomo, Judge; and V.G.D., No. 20-0637 (Original Prohibition)  
Petition refused (3-2) (Justices Jenkins and Hutchison)

State ex rel. Diocese of Wheeling-Charleston v. Hon. David J. Sims, Judge; and Michael Pirraglia, No. 20-0693 (Original Mandamus)  
Petition refused (3-2) (Justices Jenkins and Hutchison)

State ex rel. Hartford Casualty Insurance Company v. Hon. Larry V. Starcher, Senior Status Judge, et al., No. 20-0633 (Original Prohibition)  
Petition refused (3-2) (Justices Walker and Jenkins)

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Williams WPC-I, LLC v. Ernest Kyle Earley, No. 20-0760 (Marshall 17-C-127)  
Motion to stay circuit court proceedings granted. (4-1) (Justice Workman)