



## DECISIONS, NOTICES AND ORDERS

**Wednesday, January 20, 2021**

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:

Harold B. v. Donnie Ames, Superintendent, No. 19-0524 (Harrison 18-C-146-3)  
Petition refused (4-0) (Justice Wooton not participating.)

Julia Surbaugh v. J.D. Sallaz, Superintendent, No. 19-0739 (Webster 17-P-22)  
Petition refused (4-0) (Justice Wooton not participating.)

Thomas Hammer v. Karen Pszczolkowski, Superintendent, No. 19-1070  
(Wirt 17-P-12)  
Petition refused (4-0) (Justice Wooton not participating.)

State of West Virginia v. Dean Gamble, Sr., No. 18-0654 (Fayette 18-F-19, 20)  
Petition refused (4-0) (Justice Wooton not participating.)

State of West Virginia v. Timothy Lambert, No. 19-0932 (Marion 17-F-73)  
Petition refused (4-0) (Justice Wooton not participating.)

### MEMORANDUM DECISIONS

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

Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Delilah Smith,  
No. 20-0337 (Kanawha 19-AA-149)  
Reversed and remanded (5-0)

Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Garland Harless, No. 20-0127 (Kanawha 19-AA-47)  
Reversed and remanded (5-0)

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Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Justin Levin, No. 20-0091 (Raleigh 19-AA-3)  
Reversed and remanded (3-0) (Justices Hutchison and Wooton disqualified.)

State of West Virginia v. Jerome Aldridge, Jr., No. 19-1012 (Berkeley 18-F-359)  
Affirmed (4-0) (Justice Wooton not participating.)

Kenneth and Sara Esposito v. Amadeo and Stephanie Mastrantoni, No. 19-1023 (Hancock 18-C-89)  
Reversed and remanded (4-0) (Justice Wooton not participating.)

Frederick W. v. Mary F., No. 19-1083 (Taylor 14-D-17)  
Affirmed (4-0) (Justice Wooton not participating.)

State of West Virginia v. Asaveon Coleman, No. 19-1087 (Berkeley 18-F-318)  
Affirmed (3-1) (Justice Hutchison dissenting.) (Justice Wooton not participating.)

State of West Virginia v. Michael Hodge, Jr., No. 19-0316 (Fayette 18-F-169)  
Affirmed (4-0) (Justice Wooton not participating.)

Gary and Lauralee Wiechman v. Marshall County Sewerage District, No. 20-0036 (Marshall 19-C-150)  
Affirmed, in part. Reversed, in part. (4-0) (Justice Wooton not participating.)

State of West Virginia v. William A. Cox, II, No. 20-0227 (Monongalia 19-MAP-18)  
Affirmed (4-0) (Justice Wooton not participating.)

**RULE 19 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 19 oral argument on the dates stated:

Clay Hupp v. Richard Monahan and The Masters Law Firm, No. 20-0532 (Kanawha 18-C-1265)  
March 16, 2021

Ronald Gable v. Deborah Gable, No. 19-1077 (Ohio 19-C-167)  
March 17, 2021

Asad Davari v. West Virginia University Board of Governors, No. 20-0311 (Kanawha 14-C-263)  
March 16, 2021

Triple 7 Commodities, Inc. v. High Country Mining, et al., No. 20-0155 (Mercer 17-C-77)  
March 2, 2021

C.C. and J.C. v. Harrison County Board of Education, No. 20-0171 (Harrison 19-C-236)  
March 3, 2021

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Lisa Wilkinson, et al. v. Governor Jim Justice, et al., No. 20-0295 (Kanawha 18-C-549)  
March 16, 2021

Diana Boone v. Activate Healthcare, LLC, No. 19-1007 (Jackson 18-C-96)  
March 2, 2021

State ex rel. WV Department of Health and Human Resources v. Hon. Tera L. Salango, Judge, et al., No. 20-0784 (Original Prohibition)  
March 3, 2021

State ex rel. Partners Too, Inc., et al. v. Hon. Carrie L. Webster, Judge, et al.,  
No. 20-0893 (Original Prohibition)  
March 16, 2021

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument  
on the dates stated:

Robert Rector v. Hon. Lori B. Jackson, Judge, No. 19-1037 (Harrison 17-C-344-3)  
March 16, 2021

Amanda B. v. Hakeem M., No. 20-0335 (Berkeley 15-D-517)  
March 2, 2021

Sarah Birchfield v. Zen's Development, LLC, et al., No. 20-0075 (Raleigh 15-C-733)  
March 17, 2021

Shale Energy Alliance v. Mac Warner, West Virginia Secretary of State, No. 20-0270  
(Wood 18-C-162)  
March 17, 2021

State ex rel. Radiology, Inc., et al. v. Hon. Phillip M. Stowers, Judge, et al., No. 20-0806  
(Original Prohibition)  
AND

State ex rel. Marshall University John C. Edwards School of Medicine, et al. v. Hon. Phillip M. Stowers, Judge, et al., No. 20-0815 (Original Prohibition)  
AND

State ex rel. Cabell Huntington Hospital v. Hon. Phillip M. Stowers, Judge, et al.,  
No. 20-0818 (Original Prohibition)  
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State ex rel. Joseph Tkach v. Hon. Michael J. Olejasz, et al., No. 20-0839  
(Original Prohibition)  
March 3, 2021

State ex rel. West Virginia University Hospitals, et al. v. Hon. Lynn A. Nelson, Judge, et al., No. 20-0906 (Original Prohibition)  
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**ORDERS**

Orders of note were entered in the following cases:

State of West Virginia v. Joseph Lehosit, No. 20-0708 (Bail)  
Petition refused (5-0)

State ex rel. Prime Processing, Inc., et al. v. Hon. Edward J. Kornish, et al., No. 20-0883  
(Original Prohibition)  
Petition refused (5-0)

State ex rel. Bryan L. Ogle, III v. Hon. Dan O'Hanlon, Senior Status Judge, No. 20-0892  
(Original Prohibition)  
Petition refused (5-0)

State ex rel. A.E.G. v. Hon. Laura Dyer, Judge, et al., No. 20-0907 (Original Prohibition)  
Petition refused (5-0)