



DECISIONS, NOTICES AND ORDERS

Tuesday, March 23, 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.

REHEARINGS

The Court took the following action on petitions for rehearing:

Angela Rife Wilson v. Richard Kerr, MD, No. 19-0933 (Monongalia 18-C-102)
Petition refused (3-1) (Justice Hutchison would grant.) (Justice Wooton not participating.)

State of West Virginia v. Brenda Cook, No. 19-0635 (Grant 17-F-66)
Petition refused (3-1) (Justice Hutchison would grant.) (Justice Wooton not participating.)

Mountaineer Fire & Rescue Equipment, et al. v. City National Bank of West Virginia,
No. 18-0984 (Kanawha 18-C-17)
Petition refused (4-0) (Justice Wooton not participating.)

S.U. v. C.J., No. 19-1181 (Gilmer 19-P-70)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Everett J. Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Tina Bowman, No. 20-0034 (Kanawha 17-AA-70)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Everett J. Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Deitra Agin,
No. 20-0038 (Kanawha 17-AA-73)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Everett J. Frazier, Commissioner of the West Virginia Division of Motor Vehicles v. Dewayne Fowler, No. 20-0076 (Kanawha 18-AA-213)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

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In re Estate of Anna Louise Herdon, No. 20-0005 (Logan CC-23-2019-AA-1)
Affirmed (5-0)

State of West Virginia v. Marcus Young, No. 20-0050 (Kanawha 18-F-351)
Affirmed (5-0)

State of West Virginia v. Jayrionte Thomas, No. 20-0055 (Kanawha 18-F-352)
Affirmed (5-0)

Perry Palmer v. West Virginia Consolidated Public Retirement Board, No. 20-0345
(Kanawha 20-AA-11)
Affirmed (5-0)

Xenia Hotels and Resorts, Inc. v. Kanawha County Commission, No. 20-0068
(Kanawha 19-AA-153)
Affirmed (5-0)

State of West Virginia v. Roger Lee Lemons Jr., No. 19-1024 (Mercer 18-F-148)
Affirmed (4-0) (Justice Wooton not participating.)

State of West Virginia v. Timothy Rock, No. 20-0056 (Harrison 19-F-71)
Affirmed (4-0) (Justice Armstead not participating.)

State of West Virginia v. Charles Hassel Kennedy, No. 19-1075 (McDowell 18-F-61)
Affirmed (5-0)

Cunningham Energy, LLC v. Board of Education of the County of Kanawha, No. 20-0346
(Kanawha 20-P-20)
Reversed and remanded (4-0) (Justice Armstead not participating.)

Jacklyn Clutter v. Joe Sharp and David Sharp, No. 20-0355 (Greenbrier 18-C-108)
Affirmed (5-0)

Jeffrey Debord v. Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles, No. 19-0351 (Kanawha 16-AA-98)
Affirmed (4-1) (Justice Wooton dissenting.)

State of West Virginia v. Brian Ward, No. 19-0359 (Randolph 10-F-49)
Affirmed (5-0)

In re E.H., No. 20-0646 (Mercer 18-JA-210)
Affirmed (5-0) (Justices Armstead and Hutchison concurring and writing separately.)

RULE 19 ARGUMENT GRANTED

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

West Virginia Department of Health and Human Resources v. Rene G. Denise,
No. 20-0487 (Kanawha 19-C-1045)

SWN Production Company v. William Walden, et al., No. 20-0490 (Brooke 18-C-4)

State ex rel. Heartland of Beckley WV, LLC, et al. v. West Virginia Bureau for Medical
Services, No. 20-0961 (Original Prohibition)

State ex rel. Health Care Alliance, Inc., et al. v. Hon. Eric O'Briant, Judge; and Kelsey
Starr, No. 20-1029 (Original Prohibition)

RULE 20 ARGUMENT GRANTED

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

Frank A. v. Donnie Ames, Superintendent, No. 20-0024 (Harrison 16-C-82-2)

John Keener v. Matthew R. Irby, West Virginia State Tax Commissioner, No. 20-0488
(Taylor 18-P-57)

ORDERS

Orders of note were entered in the following cases:

State ex rel. Timmus, LLC v. Hon. Andrew Dimlich, No. 21-0001 (Original Prohibition)
Petition refused (4-1) (Justice Wooton would issue a rule to show cause.)

State ex rel. Everett J. Frazier, Commissioner v. Hon. Paul T. Farrell, et al., No. 21-0039
Original Prohibition)
Petition refused (3-2) (Justice Armstead and Justice Hutchison would issue a rule to show
cause.)