



DECISIONS, NOTICES AND ORDERS

Monday, September 27, 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 actions on petitions for rehearing:

State of West Virginia v. Gerald Jako, No. 19-1102 (Ohio 19-F-8)
Petition refused (5-0)

State of West Virginia v. Keith D., No. 18-0479 (Summers 13-F-4)
Petition refused (4-0) (Justice Wooton not participating.)

Jack W. v. Donnie Ames, Superintendent, No. 20-0540 (Ohio 19-C-176)
Petition refused (5-0)

Roger P. v. Karen Pszczolkowski, Superintendent, No. 20-0468 (Raleigh 14-C-1039)
Petition refused (5-0)

Christina Layman v. Ronald Lane, Inc., No. 19-0987 (Marion 18-C-17)
Petition refused (5-0)

Angela Metcalf v. Romney Healthcare, No. 20-03534 (Hampshire 17-C-101)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

State of West Virginia v. Lateef McGann, No. 20-0323 (Berkeley CC-02-2019-F-144)
Affirmed (5-0)

State of West Virginia v. Lateef McGann, No. 20-0327 (Berkeley CC-02-2019-F-140)
Affirmed (5-0)

State of West Virginia v. Lateef McGann, No. 20-0329 (Berkeley CC-02-2018-F-39)
Affirmed (5-0)

ORDER LIST
September 27, 2021
Page 2

State of West Virginia v. Julie O., No. 20-0547 (Berkeley CC-02-2019-F-50)
Affirmed (5-0)

George Wilson v. Bobby Cogar, No. 20-0484 (Webster CC-51-2018-C-9)
Affirmed (5-0)

Vivian Knotts v. Betty Nelson, No. 20-0749 (Clay CC-08-2018-P-29)
Affirmed (5-0)

State of West Virginia v. James L'Heureux, No. 20-0811 (Barbour 17-F-20)
Affirmed (5-0)

State of West Virginia v. Angel Stump, No. 20-0331 (Hardy 18-F-2)
Affirmed (5-0)

Marc Kilmer v. Shelby Searls, Superintendent, No. 20-0309 (Berkeley 2018-C-161)
Affirmed (5-0)

Everett Frazier, Commissioner, WV Division of Motor Vehicles v. James Windle, No. 20-0363
(Mason 16-AA_109)
Reversed and remanded (5-0)

Elan Bell-Veney v. Shelby Searls, Superintendent, No. 20-0342 (Berkeley 19-C-3)
Affirmed (5-0)

Ronald Blackburn v. Norfolk Railway Company, No. 20-0251 (Mingo 18-C-71)
Affirmed (5-0)

Gary Martin v. Donnie Ames, Superintendent, No. 20-0477 (Fayette 19-C-85)
Affirmed (5-0)

Mason B. v. Donnie Ames, Superintendent, No. 20-0885 (Mercer 20-C-59)
Affirmed (5-0)

Brian W. v. Donnie Ames, Superintendent, No. 20-0895 (Marion 20-C-106)
Affirmed (5-0)

James C. v. Donnie Ames, Superintendent, No. 20-0899 (Jackson 20-C-76)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Antero Resources Corporation v. Directional One Services, Inc. USA, No. 20-0965
(Business Court Division, Tyler 18-C-14)

ORDER LIST
September 27, 2021
Page 3

Everett Frazier, Commissioner, WV Division of Motor Vehicles v. Nicholas Deems, No. 20-0482
(Raleigh 19-AA-11)

Beckley Health Partners, Ltd. v. Cynthia F. Hoover, No. 20-0680 (Raleigh CC-41-2019-C-159)

Harold Weaver v. Barbara Weaver, No. 20-0690 (Barbour 17-D-70)

Diana Judy v. Eastern West Virginia Community and Technical College, No. 21-0004
(Hardy 20-C-28)

State of West Virginia ex rel. Dodrill Heating & Cooling LLC v. Hon. Maryclaire Akers, Judge, et al., No. 21-0561 (Original Prohibition)

RULE 20 ARGUMENT GRANTED

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

Zach Damron v. PrimeCare Medical of West Virginia, et al., No. 20-0862 (Kanawha 18-C-1391)

Leslie Tweedie and Christina Waugh v. US Asset Management, No. 20-0932 (Fayette 18-C-199)

State of West Virginia v. Michael Conn, No. 21-0382 (Certified Question – Cabell 14-F-512)

West Virginia Office of Miners' Health, Safety and Training v. Bobby Beavers, No. 20-0973
(Kanawha 20-AA-62)

Cynthia Pajak v. Under Armour, Inc., et al., No. 21-0484 (Certified Question – United States
District Court for the Northern District of West Virginia 1:19-cv-160)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. Candace P. v. Hon. Paul M. Blake, Jr., Judge, No. 21-0446
(Original Mandamus)
Petition refused (5-0)

State of West Virginia ex rel. Branch & Associates, Inc. v. Hon. Jennifer Dent, Judge, et al.,
No. 21-0428 (Original Prohibition)
Petition refused (4-1) (Justice Armstead)

State of West Virginia ex rel. Rish Equipment Company and Samuel Cokley v. Hon. William S. Thompson, Judge, and Joshua C. Mullins, No. 21-0325 (Original Prohibition)
Petition refused (4-1) (Chief Justice Jenkins would issue a rule to show cause.)

State of West Virginia ex rel. Pipeline Systems, Inc. v. Hon. Jason Cuomo, Judge, et al.,
No. 21-0512 (Original Prohibition)
Petition refused (5-0)

ORDER LIST
September 27, 2021
Page 4

State of West Virginia ex rel. New Life Clinics, Inc., et al. v. Hon. Joanna I. Tabit, Judge, et al.,
No. 21-0560 (Original Prohibition)
Petition refused (5-0)
Motion for sanctions remanded to circuit court. (5-0)

State of West Virginia ex rel. Blackrock Enterprises, LLC v. Hon. Michael D. Lorensen, Judge;
et al., No. 21-0637 (Original Prohibition)
Petition refused (5-0)