

No. 19-0171 – *Horizon Ventures of West Virginia, Inc., a West Virginia corporation, v. American Bituminous Power Partners, L.P.*

FILED
April 1, 2021

released at 3:00 p.m.
EDYTHE NASH GAISER, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Wooton, Justice, concurring:

Persuaded by the unassailable logic of Justice Hutchison’s concurring opinion, I too would overrule Syllabus Point 20 of *Brown v. Genesis Healthcare Corp.*, 228 W. Va. 646, 724 S.E.2d 250 (2011), *judgment vacated on other grounds sub nom. Marmet Health Care Ctr., Inc. v. Brown*, 565 U.S. 530 (2012). Therefore, I concur in the result reached by the majority, and join in the concurring opinion of Justice Hutchison.