



## DECISIONS, NOTICES AND ORDERS

**Wednesday, October 18, 2023**

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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### MEMORANDUM DECISIONS

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

S.U. v. Central Atlantic Legal Group, PLLC, dba Booth, Strange & Daniel, and J.S. – No. 22-0441 (Harrison 19-C-275)  
Affirmed (5-0)

State of West Virginia v. Danny R. Schoolcraft – No. 22-566 (Kanawha 20-F-134)  
Affirmed (5-0)

State of West Virginia v. Elmer M. Mills – No. 22-0465 (Wayne CC-50-2011-F-128)  
Vacated and remanded (4-1) (Justice Armstead would set for Rule 19 Argument.)

West Virginia Secondary Schools Activities Commission and David Price, Executive Director v. J.G. – No. 21-0836 (Logan 21-C-93)  
Vacated and remanded (4-0) (Justice Wooton disqualified.)

State of West Virginia v. Gino Renaldo Estep – No. 22-0150 (Jefferson CC-19-2020-F-25)  
Affirmed (5-0)

State of West Virginia v. Godfrey Eugene Warren – No. 22-0369 (Jefferson CC-19-2020-F-26)  
Affirmed (5-0)

State of West Virginia v. Joseph Stevens – No. 22-0355 (Berkeley CC-02-2018-F-149)  
Affirmed (5-0)

State of West Virginia v. Darius Jamal Porter – No. 22-0159 (Berkeley CC-02-2020-F-196)  
Affirmed (5-0)

Jerry Lee Key v. William K. Marshall III, Commissioner, West Virginia Division of Corrections and Rehabilitation – No. 22-0496 (Kanawha 21-P-335)  
Affirmed (5-0)

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Herbert J. Thomas Memorial Hospital Association, Inc., dba Thomas Memorial Hospital and THS Physician Partners, Inc. v. West Virginia Health Care Authority and Charleston Area Medical Center, Inc. – No. 22-0473 (Kanawha 21-AA-66)

Affirmed (5-0)

Anthony C. v. Sarah C. – No. 22-637 (Berkeley CC-02-2022-D-AP-3)

Affirmed (5-0)

Michelle L. Markovich v. West Virginia Department of Health and Human Resources and West Virginia Division of Personnel – No. 22-0327 (Lewis 19-C-27)

Affirmed (4-0) (Justice Bunn disqualified.)

Lotta M. Gray v. State of West Virginia, and the Honorable Harry L. Snow, Magistrate of Berkeley County – No. 22-0367 (Berkeley CC-02-2021-P-496)

Affirmed (5-0)

State of West Virginia v. Alexander Thomas Infante – No. 21-1039 (Wayne 21-F-26)

Dismissed (5-0)

State of West Virginia v. Trevor H. – No. 22-608 (Grant 20-F-47)

Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

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

State of West Virginia ex rel. Denita D. Berg v. Honorable Robert E. Ryan, Judge of the Circuit Court of Grant County, Joseph Berg, Jason Berg, and Jennifer Ford – No. 22-853 (Original Prohibition)

James J. v. Sarah C. – No. 22-562 (Kanawha 21-D-915)

Roman Realty, LLC v. City of Morgantown – No. 22-587 (Monongalia 20-C-109)

Lewis Springer v. Big Bend Mountain Retreat et al. – No. 22-586 (Summers CC-45-2021-C-39)

Denise Orso v. City of Logan, West Virginia – No. 22-625 (Logan CC-23-2020-C-22)

Tony Paletta v. Nelson Phillips, III, Nathan Phillips, Robert Nelson Phillips, II, and West Virginia Department of Transportation, Division of Highways – No. 22-0380

(Harrison 19-C-52-1)

West Virginia Secondary School Activities Commission v. David D. and Elizabeth D., parents and legal guardians of M.D. – No. 22-0390 (Ohio 20-C-195)

Polly Faye Griffin v. William E. Toland and Amanda N. White-Toland – No. 22-0459 and  
Charlotte White v. William E. Toland and Amanda N. White-Toland – No. 22-0470

(Marshall 18-C-138)

**RULE 20 ARGUMENT GRANTED**

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

Christopher Haymond, individually and as Trustee of the Testamentary Trust created by the Last Will and Testament of Irene Nutter Haymond v. Stephanie Haymond and David Haymond. - No. 22-621 (Certified Question, Ritchie 20-C-30)

State of West Virginia ex rel. Pachira Energy, LLC v. Scott, Natural Energy LLC – No. 23-142 (Original Prohibition)

Brian Frye v. Erie Insurance Company – No. 22-0378 (Ohio 19-C-52)

Judith A. Shears and Gary F. Shears Jr. v. Ethicon, Inc. and Johnson & Johnson – No. 23-192 (Certified Question) (No. 22-1399 United States Court of Appeals for the Fourth Circuit)

Thomas B., individually and as parent and next friend of A.B., a minor v. U.S. Hotel and Resort Management, Inc., and Regency Hotel Management, LLC – No. 22-0468 (Tucker 21-C-4)

Donald Buracker v. Shepherd University – No. 22-610 and (Jefferson CC-19-2020-C-37)  
Jay Longerbeam v. Shepherd University – No. 22-609 (Jefferson CC-19-2020-C- 52)

**ORDERS**

Orders of note were entered in the following cases:

State of West Virginia ex rel. Arch Resources, Inc. Mingo Logan Coal, LLC. And Harold Napier v. Hon. Joshua D. Butcher, Judge of the Circuit Court of Logan County, and Bradley Baize – No. 23-358 (Original Prohibition)  
Petition Refused (3-2) (Justice Hutchison and Justice Bunn)

NAJ, LLC v. Michael D. Lewis & Regina A. Lewis – No. 22-628 (Putnam CC-40-2021-C-74)  
Dismissed as interlocutory (5-0)