



DECISIONS, NOTICES, AND ORDERS

Monday, February 5, 2024

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of January 2024. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

SIGNED OPINION

In accordance with Rule 22, a signed opinion was entered in the following case:

IPI, Inc. and Matthew Joseph Taylor v. Axiall Corporation and Eagle Natrium, LLC, 22-ICA-164
(Cir. Ct. Marshall Cnty. No. 18-C-14)

Affirmed in part, Vacated in part, and Remanded (3-0)

MEMORANDUM DECISIONS

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

Richard Kevin Jackson v. Janet Lee Jackson, 23-ICA-162 (Fam. Ct. Taylor Cnty. No. 12-D-128)
Remanded with Directions (3-0)

Ashley M. v. Edward Z., 23-ICA-123 (Fam. Ct. Hancock Cnty. No. FC-15-2019-D-85)
Vacated and Remanded with Directions (3-0)

RULE 20 ARGUMENT GRANTED

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

West Virginia Division of Corrections and Rehabilitation v. Francis Iacovone, individually and as Administrator of the Estate of Rocco Iacovone, No. 23-ICA-148 (Cir. Ct. Kanawha Cnty. No. 20-C-602) (3-0)

Northeast Natural Energy LLC, NNE Properties LLC, Pachira Energy, LLC, and Pachira Energy Holdings, LLC v. LT Realty Unlimited, LLC, 23-ICA-154 (Cir. Ct. Monongalia Cnty. No. 18-C-494) (3-0)

David Tennant, by and through Deborah Tennant, his guardian and conservator, and Yuri Dmitri Popov v. LT Realty Unlimited, LLC, 23-ICA-155 (Cir. Ct. Monongalia Cnty. No. 18-C-494) (3-0)

Alexander Fleming, Carole Carter, Carol Gallant, Barbara Humes, and Benjamin Buckley v. Mitch Carmichael, in His Official Capacity as Secretary of the West Virginia Department of Economic Development, and Mike Graney, in His Official Capacity as Executive Director of the West Virginia Department of Economic Development, 23-ICA-174 (Cir. Ct. Kanawha Cnty. Nos. 22-C-20, 22-C-21, 22-C-22, 22-C23, 22-C-24) (3-0)

RULE 19 ARGUMENT GRANTED

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

Jared M. v. Molly A., 23-ICA-271 (Fam. Ct. Monongalia Cnty. No. 13-D-528) (3-0)

ORDERS

Orders of note were entered in the following cases:

Blackhawk Mining, Inc. v. Eddie Norman, No. 24-ICA-7 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Nitro Construction Services v. Brian R. Martin, No. 23-ICA-558 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

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Mark Samaan, MD v. Brenda Moran, No. 23-ICA-563 (Cir. Ct. Marion Cnty. No. CC-24-2020-C-102)

Motion for Stay Refused (3-0)

Motion to Dismiss Granted (3-0)

Tractor Supply Company v. Michelle Harper 23-ICA-211 (Workers' Compensation Board of Review)

Petition for Rehearing Refused (3-0)

Kizzie Marcum v. Joey Steele and Arbie Thompson, 23-ICA-463 (Cir. Ct. Wayne Cnty. No. CC-50-2023-C-33)

Motion to Dismiss Refused (2-0) (Chief Judge Scarr, not participating)

Caitlyn H. v. Christopher H. et al., 23-ICA-399 (Fam. Ct. McDowell Cnty. No. FC-27-2019-D-183)

Motion to Dismiss Refused (3-0)

Robert F. v. Korrie H., 23-ICA-278 (Fam. Ct. Mason Cnty. No. FC-26-22-D-110)

Motion to Dismiss Refused (3-0)

Siraj M. v. Stephanie M., 23-ICA-511 (Fam. Ct. Jefferson Cnty. FC-19-2011-D-509)

Motion to Dismiss Refused (3-0)

Regina C. v. Joseph C., 23-ICA-224 (Fam. Ct. Marion Cnty. No. FC-24-2012-D-79)

Motion to Dismiss Granted (3-0)