



DECISIONS, NOTICES AND ORDERS

Wednesday, April 5, 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.

MEMORANDUM DECISIONS

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

Gregory S. Moore, O.D. v. Lawrence Minardi, M.D. and Minardi Eye Center, Inc., No. 22-0187 (Kanawha 16-C-1817)
Affirmed (5-0)

C.L. v. Upshur County Board of Education, No. 22-0285 (Upshur 20-C-23)
Affirmed (4-0) (Justice Bunn disqualified)

State v. Heather Musick, No. 21-0669 (Mingo A20-F72)
Affirmed (5-0)

Tri-County Towing, LLC v. City of Lewisburg, No. 21-0920 (Greenbrier 21-C-62)
Affirmed (5-0)

Harvey Smith v. Beckley Water Company, Inc., No. 22-0044 (Raleigh CC-41-21-C-54)
Affirmed (3-0) (Justice Wooton and Justice Bunn disqualified)

State v. Kenneth Nelson, No. 21-0797 (Cabell 18-F-293)
Affirmed (5-0)

Juan M. v. Donnie Ames, Superintendent, No. 22-0011 (Kanawha 18-P-197)
Affirmed (5-0)

Donald W. and Rachel W. v. Monroe County Board of Education, No. 22-0086 (Monroe 18-C-14)
Affirmed (5-0)

Daniel Bailes and Elizabeth Bailes v. F. Bruce Tallamy and Cynthia Tallamy, No. 21-1008 (Nicholas 21-P-51)
Affirmed (5-0)

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Glade Springs Village Property Owners Association, Inc. v. Justice Holdings, LLC, No. 22-0003
(Raleigh 19-C-481)

Affirmed (3-0) (Justice Hutchison and Justice Wooton disqualified)

In re M.Y. and C.M., No. 22-0493 (Barbour 16-JA-53, 16-JA-57)

Affirmed (4-1)(Justice Hutchison dissenting.)

RULE 19 ARGUMENT GRANTED

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

Kanawha County Board of Education v. Brenda Hall and Antonia Vaughan, No. 21-0831
(Kanawha 21-AA-3, 21-AA-4)

Board of Education of Wyoming County v. Mary Dawson, No. 22-0234 (Kanawha 18-AA-246)

Kanawha County Board of Education, George Aulenbacher, Principal, and Brad Marano, Assistant Principal v. S.D., No. 22-0028 (Kanawha 19-C-173)

Everett J. Frazier, Commissioner of the WV Division of Motor Vehicles v. Jad Ramadan, No. 22-0223 (Monongalia 19-AA-3)

Stephen Hood v. Jeffrey Hood, et al., No. 22-0214 (Cabell 15-C-546)

Christopher Chafin and Cheat Lake Urgent Care, PLLC v. Brian Boal and Boal & Associates, PC, No. 22-0010 (Monongalia 16-C-547)

William Sager v. Dr. Joseph Duvert, Tygart Valley Total Care Clinic, and Grafton City Hospital, Inc., No. 22-0158 (Taylor 20-C-35)

Eugene Boyce and Kimberly Boyce v. Monongahela Power Company, et al., No. 22-0292 (Monongalia 16-C-219)

Elliott Grisell and Lorri Grisell v. Shelly & Sands, Inc., No. 22-0341 (Marshall 19-C-187)

Edward Gad and Kristen Gad v. Walbridge Equipment Installation, LLC, et al., No. 22-0163 (Brooke 19-C-23)

Sandy M. and Santana M. v. Donald M., No. 22-0036 (Wayne 19-C-66)

State ex rel. Catie Wilkes Delligatti, Prosecuting Attorney v. Hon. Bridge Cohee, Judge, and Lateef McGann, No. 22-021 (Original Prohibition)

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RULE 20 ARGUMENT GRANTED

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

Barbara Stine Trivett, Administrator of the Estate of Jasper Trivet v. Summers County Commission, No. 22-0202 (Summers 21-C-27)

Loyd Ransom, Jr. v. Guardian Rehabilitation Services, Inc. and Guardian Elder Care at Fairmont, No. 22-0094 (Marion 19-C-93)

State v. David Thomas, No. 22-0239 (Ohio CC-35-2018-F-15)

Jayson Nicewarner, et al. v. City of Morgantown, No. 22-0185 (Monongalia 19-C-167)

Westfield Insurance Group v. Sistersville Tank Works, Inc., et al., No. 22-848
(Certified Question — US Court of Appeals for the Fourth Circuit 20-2052)

ORDERS

Orders of note were entered in the following cases:

Mark Harris v. Rob Cornelius, No. 22-0194 (Kanawha 19-P-332)
Dismissed as moot (5-0)

State ex rel. WV Department of Health and Human Resources, et al. v. Hon. Tera Salango, Judge, and Elizabeth Crawford, No. 22-830 (Original Prohibition)
Petition refused (3-1)(Justice Wooton would issue a rule to show cause.)(Justice Armstead not participating.)

State ex rel. Equitrans, LP, et al. v. Public Service Commission of West Virginia, No. 22-0229
(Original Prohibition)
Petition refused (5-0)

State ex rel. Virginia Grottendieck v. WV Judicial Investigation Commission, No. 22-861
(Original Mandamus)
Petition refused (4-1)(Justice Hutchison would issue a rule to show cause.)

Council for Education Travel United States of America v. M.S., No. 22-928 (Cabell 22-C-71)
Motion for stay refused (2-2)(Justice Armstead and Justice Wooton would grant the stay.)

In re Petition for Reinstatement of Kirk H. Bottner, No. 22-656 (Lawyer Disciplinary)
Law license reinstated (5-0)

Robert Hacker v. Russell Maston, Superintendent, No. 22-568 (Gilmer 18-C-12)
State v. Michael Faulkner, No. 22-577 (Webster CC-51-2018-F-3)
Contempt orders issued against counsel for the petitioners, Phillip R. Amick (5-0)

Office of Lawyer Disciplinary Counsel v. Phillip R. Amick, No. 23-50 (Lawyer Disciplinary)
Law license annulled by consent (5-0)