



## DECISIONS, NOTICES, AND ORDERS

Monday, March 4, 2024

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of February 2024. This list contains only the actions of note taken by the Intermediate 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:

Emmanuel R. v. Danielle R., No. 23-ICA-335 (Fam. Ct. Cabell Cnty. No. 08-D-790)  
Remanded (3-0)

Charles Steven Freeman v. DiPiero Simmons McGinley & Bastress, PLLC, No. 23-ICA-91 (Cir. Ct. Kanawha Cnty. No. 22-C-41) Affirmed (3-0)

James W. v. Ciara R., No. 23-ICA-331 (Fam. Ct. Mason Cnty. No. 15-D-171) Affirmed (3-0)

Robert D. and Shelby D. v. Brian M. and Ashley M., No. 23-ICA-316 (Fam. Ct. Monroe Cnty. No. FC-32-2022-D-51) Affirmed (3-0)

Christopher R. Stiles v. Estate of Stanley E. Stiles, John Steven Stiles, Joyce L. Rawn, Mary Katherine Iager, Amy Iager, E. William Iager, Nathan Iager, Rachel B. Adams, Mary K. Rawn, Anne L. Rawn, John Steven Stiles, Jr., Adam Stiles, and Michael Stiles, No. 23-ICA-82 (Cir. Ct. Jefferson Cnty. No. CC-19-2021-C-177) Affirmed (3-0)

Kristy B. v. Daniel V., No. 23-ICA-226 (Fam. Ct. Wayne Cnty. No. FC-50-2022-D-168)  
Reversed and Remanded (3-0)

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WorkForce West Virginia v. William E. Burns, No. 23-ICA-66 (WorkForce Board of Review Case No. X-2022-0207) Affirmed (3-0)

Jesse C. v. Veronica C., No. 23-ICA-169 (Fam. Ct. Harrison Cnty. No. FC-17-2019-D-35) Affirmed, in part, Reversed, in part, and Remanded (3-0)

Harley J. LeMasters v. Rebecca K. LeMasters, No. 23-ICA-142 (Fam. Ct. Brooke Cnty. No. FC-05-2021-D-18) Affirmed, in part, and Remanded (3-0)

Alpha Metallurgical Resources, Inc. v. Jeffrey Stewart, No. 23-ICA-537 (Workers' Compensation Board of Review) Affirmed (3-0)

Raleigh General Hospital, LLC, v. Appalachian Regional Healthcare, Inc. d/b/a Beckley ARH Hospital, and West Virginia Health Care Authority, No. 23-ICA-138 (West Virginia Health Care Authority No. 22-1-12444-H) Remanded with Directions (3-0)

Macy's Retail Holdings, Inc. v. Charles Reed, No. 23-ICA-482 (Workers' Compensation Board of Review) Affirmed (3-0)

Julian Lee Green v. Corporal Eric McFarland, No. 23-ICA-121 (Cir. Ct. Ohio Cnty. No. 35-2022-C-194) Affirmed (3-0)

Centre Foundry & Machine Company v. Neal Bledsoe, No. 23-ICA-481 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Inca Miller v. Shrikant Vaidya, M.D., No. 23-ICA-105 (Cir. Ct. Putnam Cnty. No. CC-40-2022-C-131) Affirmed (3-0)

Arch Coal, Inc. v. David Woolum, No. 23-ICA-458 (Workers' Compensation Board of Review) Affirmed (3-0)

Richard Norman Swaney, Jr. v. Lisa M. Bucklew, No. 23-ICA-10 (Cir. Ct. Mercer Cnty. No. 22-C-144) Affirmed (3-0)

Hometown Transportation, LLC v. Chad A. Lancaster, No. 23-ICA-424 (Workers' Compensation Board of Review) Remanded (2-0) (Chief Judge Scarr, not participating)

The Mountain Lodge Association v. Snowshoe Mountain, Inc., No. 23-ICA-1 (Cir. Ct. Pocahontas Cnty. No. 38-2020-C-24) Affirmed (3-0)

Renee Wheeler v. Cardinal Health 110, LLC, No. 23-ICA-417 (Workers' Compensation Board of Review) Affirmed (3-0)

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Jerry Boyers v. WorkForce West Virginia, No. 22-ICA-284 (WorkForce Board of Review No. R-2022-1749) Vacated and Remanded (3-0)

Constellium US Holdings I, LLC v. Stacey C. Shank, No. 23-ICA-377 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Murray American Energy, Inc. v. Carey Fitzwater, No. 23-ICA-376 (Workers' Compensation Board of Review) Affirmed (3-0)

Linda Hulvey v. William Hulvey, No. 22-ICA-263 (Cir. Ct. Monongalia Cnty. No. 15-D-558) Affirmed (3-0)

Ronald Powell v. Hancock County Board of Education, No. 23-ICA-340 (Workers' Compensation Board of Review) Affirmed (3-0)

Alliance Coal, LLC v. Richard E. Heath, No. 23-ICA-339 (Workers' Compensation Board of Review) Reversed (3-0) (Chief Judge Scarr, voluntarily recused) (Judge Joseph K. Reeder, sitting by temporary assignment)

B.R. v. West Virginia Department of Health and Human Resources, Bureau for Children and Families, and Child Protective Services, No. 22-ICA-202 (Cir. Ct. Kanawha Cnty. No. 18-C-670) Affirmed (3-0)

Peggy Allen v. Princeton Community Hospital Association, No. 23-ICA-336 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Jason Heavener v. J.F. Allen Company, No. 23-ICA-317 (Workers' Compensation Board of Review) Affirmed (3-0)

John D. Chaudron and Linda L. Chaudron v. Steven J. Swingle, Kara G. Swingle, and Michael A. Mills, No. 23-ICA-30 (Cir. Ct. Hampshire Cnty. No. 17-C-104) Affirmed (3-0)

John Haske v. Elizabeth Judge, No. 23-ICA-50 (Cir. Ct. Morgan Cnty. No. CC-33-2022-C-34) Affirmed (3-0)

Brenda Fonner v. Judy Cogar, No. 23-ICA-79 (Cir. Ct. Braxton Cnty. No. CC-04-2019-C-27) Affirmed (3-0)

Ashton B. v. Megan E., No. 23-ICA-96 (Fam. Ct. Jackson Cnty. No. FC-18-2022-D-59) Affirmed (3-0)

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Amy R. Rhoe v. West Virginia Department of Health and Human Resources, Bureau for Social Services, No. 23-ICA-100 (West Virginia Department of Health and Human Resources Board of Review No. 22-BOR-2512) Affirmed (3-0)

Dusti A. v. Jonathan A., No. 23-ICA-125 (Fam. Ct. Randolph Cnty. No. FC-42-2017-D-37) Reversed, in part, Vacated, in part, and Remanded (3-0)

Marilyn F. Minor v. Kevin S. Ford, No. 23-ICA-130 (Fam. Ct. Marion Cnty. No. FC-24-2022-D-323) Affirmed (3-0)

Gloria S. Conger v. Dennis L. Conger, No. 23-ICA-150 (Fam. Ct. Webster Cnty. No. FC-51-2015-D-24) Affirmed (3-0)

Jason H. v. Mozella F., No. 23-ICA-196 (Fam. Ct. Greenbrier Cnty. No. FC-13-2015-D-37) Affirmed (3-0)

William S. v. Amy H., No. 23-ICA-206 (Fam. Ct. Ritchie Cnty. No. FC-43-2020-D-59) Affirmed, in part, Reversed, in part, and Remanded (3-0)

Tammy V. v. Kenneth D., No. 23-ICA-319 (Fam. Ct. Grant Cnty. No. FC-12-2014-D-61) Affirmed (3-0)

Corinne Z. v. Tyler M., No. 23-ICA-329 (Fam. Ct. Brooke Cnty. No. FC-05-2019-D-27) Affirmed (3-0)

Megan W. v. Robert R., No. 23-ICA-353 (Fam. Ct. Jefferson Cnty. No. FC-19-2021-D-58) Affirmed (3-0)

Sevita Health v. Kelli Wyatt, No. 23-ICA-385 (Workers' Compensation Board of Review) Affirmed (3-0)

Gary L. Zeigler v. Davis Kitchen & Tile, LLC, No. 23-ICA-440 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Cathy J. Fontana v. Mato Corporation, No. 23-ICA-452 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Robert Workman v. Raleigh County Solid Waste Authority, No. 23-ICA-461 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Liam P. Hall v. ACNR Resources, Inc., No. 23-ICA-465 (Workers' Compensation Board of Review) Affirmed (3-0)

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West Virginia Department of Corrections v. Mike Tencer, No. 23-ICA-493 (Workers' Compensation Board of Review) Affirmed (2-0) (Chief Judge Scarr, not participating)

Cabell County Board of Education v. Katura Lyles, No. 23-ICA-538 (Workers' Compensation Board of Review) Reversed (2-0) (Chief Judge Scarr, not participating)

**RULE 20 ARGUMENT GRANTED**

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

St. Joseph's Hospital of Buckhannon, Inc., d/b/a St. Joseph's Hospital v. Stonewall Jackson Memorial Hospital Company and West Virginia Health Care Authority, 23-ICA-265 (West Virginia Health Care Authority File No. 23-7-12659-X) (3-0)

Milbank Insurance Company v. Nick Showalter and Kelly Mattson, Co-Administrators of the Estate of Sierra Mattson, 23-ICA-213 (Cir. Ct. Ohio Cnty. No. CC-35-2020-C-208) (3-0)

Charleston Gazette-Mail d/b/a HD Media, LLC v. West Virginia University Board of Governors, 23-ICA-248 (Cir. Ct. Monongalia Cnty. No. 20-C-300) (3-0)

**RULE 19 ARGUMENT GRANTED**

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

West Virginia HCR Manorcare Facilities, Heartland of Beckley, Heartland of Charleston, Heartland of Clarksburg, Heartland of Keyser, Heartland of Martinsburg, Heartland of Preston County, and Heartland of Rainelle v. West Virginia Department of Health and Human Resources, Bureau for Medical Services, 23-ICA-207 (West Virginia Department of Health and Human Resources, Bureau for Medical Services) (3-0)

Michell Barrett v. Spence Barrett, 23-ICA-293 (Fam. Ct. Berkeley Cnty. No. FC-02-2005-D-944) (3-0)

**ORDERS**

Orders of note were entered in the following cases:

Dreama C. v. Terry C., 24-ICA-1 (Fam. Ct. Kanawha Cnty. No. 23-D-1029)  
Motion to Dismiss Refused (3-0)

Blackhawk Mining, Inc. v. Archie Caldwell, No. 24-ICA-31 (Workers' Compensation Board of Review)

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Motion for Stay Refused (3-0)

Tina W. v. Spencer W., No. 24-ICA-43 (Fam. Ct. Taylor Cnty. No. FC-46-2014-D-40)

Motion for Stay Refused (3-0)

Sandra J. Crim and Julia Crim v. Della Riffle and James Winnings, 24-ICA-44 (Cir. Ct. Harrison Cnty. No. CC-17-2022-C-104)

Motion to Dismiss Refused (3-0)

Jonathan M. v. Catherine M., 23-ICA-508 (Fam. Ct. Berkeley Cnty. No. FC-02-2021-D-623)

Motion to Dismiss Granted (3-0)