



DECISIONS, NOTICES AND ORDERS

Friday, February 19, 2021

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.

REHEARINGS

The Court took the following action on petitions for rehearing:

Southern Environmental, Inc. v. Tucker-Stephen G. Bell, et al., No. 18-1124
Tucker Stephen G. Bell v. Nicholson Construction Company, No. 18-1139
Nicholson Construction Company v. Best Flow Line Equipment, L.P., No. 18-1140
Petition refused (3-1) (Justice Hutchison would grant.) (Justice Wooton not participating.)

Andrew Perry v. Donnie Ames, Superintendent, No. 19-0538
Petition refused (4-0) (Justice Wooton not participating.)

State ex rel. Credit Control v. Hon. Ronald Wilson, No. 20-0045
Petition refused (4-0) (Justice Wooton not participating.)

Jefferey Humphrey v. Richard Deal, No. 19-1009
Petition refused (4-0) (Justice Wooton not participating.)

In re L.R. and L.R., No. 20-0195
Petition refused (4-0) (Justice Wooton not participating.)

State of West Virginia v. Joshua Plante, No. 19-0109
Petition refused (4-0) (Justice Wooton not participating.)

Dan Ryan Builders, Inc., et al. v. Frank Williams, et al., No. 18-0579
Petition refused (2-2) (Chief Justice Jenkins and Justice Armstead would grant.) (Justice Wooton not participating.)

Bison Interests, LLC v. Antero Resources Corporation, No. 19-0527
Petition refused (4-0) (Justice Armstead disqualified. Judge Carl sitting by temporary assignment.) (Justice Wooton not participating.)

Denise Johnson v. Ruth Pinson, No. 19-1014
Petition refused (4-0) (Justice Wooton not participating.)

ORDER LIST
February 19, 2021
Page 2

Christopher McKenzie v. Donald Sevier, No. 19-0010
Petition refused (2-2) (Chief Justice Jenkins and Justice Armstead would grant.) (Justice Wooton not participating.)

Wal-Mart Stores East, L.P. v. Johna Ankrom, No. 19-0666
Petition refused (2-2) (Chief Justice Jenkins and Justice Armstead would grant.) (Justice Wooton not participating.)

Roof Service of Bridgeport v. Robert Trent and Charlotte Trent, No. 19-0200
Petition refused (2-2) (Chief Justice Jenkins and Justice Armstead would grant.) (Justice Wooton not participating.)

MEMORANDUM DECISIONS

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

Fitness, Fun and Freedom, Inc. v. David Perdue and Tabbatha Perdue, No. 20-0344
(Kanawha 19-C-278)
Affirmed (5-0)

State of West Virginia v. Wayne Dubuque, No. 20-0173 (Jefferson 15-F-11)
Affirmed (5-0)

State of West Virginia v. Alvin Gilbert, No. 20-0174 (Berkeley 19-F-70)
Affirmed (4-0) (Justice Wooton not participating.)

Everett Frazier, Commissioner v. Misty Workman, No. 20-0035 (Kanawha 17-AA-78)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Everett Frazier, Commissioner v. Tanya Stone, No. 20-0008 (Kanawha 19-AA-86)
Reversed and remanded (4-0) (Justice Wooton not participating.)

Martez Griffin v. Charles Williams, Superintendent, No. 19-0688 (Kanawha 17-P-406)
Affirmed (4-0) (Justice Wooton not participating.)

Sallie Murphy v. Ken Groves, No. 19-1031 (Braxton CC-04-2018-C-26)
Affirmed (4-0) (Justice Wooton not participating.)

State of West Virginia v. Shannon Mills, No. 19-0960 (Jefferson CC-19-2019-F-31)
Affirmed (4-0) (Justice Wooton not participating.)

Everett Frazier, Commissioner v. Sandra Shaffer, No. 20-0314 (Marion 19-AA-1)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Everett Frazier, Commissioner v. Cheryl Yoder, No. 20-0336 (Berkeley 19-P-353)
Reversed and remanded (4-1) (Justice Wooton dissenting.)

ORDER LIST
February 19, 2021
Page 3

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a later date:

State ex rel. D. Keith Randolph, Prosecuting Attorney v. Hon. William S. Thompson, Judge, et al., No. 20-0945 (Original Prohibition)

State ex rel. Harold Porter v. Hon. Paul T. Farrell, Judge, et al., No. 21-0090 (Original Prohibition)

Keith Mongold v. Kevin Mongold and Misty Mongold, No. 19-1106 (Grant 18-C-16)

Frontline Asset Strategies, LLC v. Robert Rutledge and Carol Barclay, No. 20-0395 (Raleigh 18-C-364)

Everett Frazier, Commissioner v. Nathan Talbert, No. 20-0134 (Kanawha 19-AA-100)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on a later date:

State ex rel. Roland Chalifoux, Jr. v. Hon. Jeffrey Cramer, Judge, et al., No. 20-0929 (Original Prohibition)

State ex rel. Morgantown Operating Company v. Hon. Phillip D. Gaujot, Judge, et al., No. 20-0940 (Original Prohibition)

Kayla Moss and Michael Moss v. City Hospital, Inc., et al., No. 21-0031 (Certified Question – US District Court for the Northern District of West Virginia)

West Virginia Consolidated Public Retirement Board v. Clark, et al., No. 20-0350 (Kanawha 18-AA-9)

State ex rel. Dominic Davis v. Betsy Jividen, Commissioner, No. 20-0981 (Original Mandamus)

State ex rel. Joshua Miller v. Betsy Jividen, Commissioner, No. 20-0628 (Original Mandamus)
Consolidated

State ex rel. Loren Garcia v. Craig Roberts, Superintendent, No. 20-1021 (Original Habeas)

State ex rel. Scott P. v. Craig Roberts, Superintendent, No. 20-1023 (Original Habeas)

ORDER LIST
February 19, 2021
Page 4

Amedisys West Virginia v. Personal Touch Home Care of W.Va., et al., No. 20-0308
(Kanawha 19-AA-145)
Preston Memorial Homecare, et al. v. United Hospital Center, Inc., et al., No. 20-0401
(Kanawha 18-AA-228)

ORDERS

Orders of note were entered in the following cases:

State ex rel. Navient Solutions v. Hon. Ronald E. Wilson, Judge, et al., No. 20-0966
(Original Prohibition)
Petition refused (4-1) (Justice Wooton would issue a rule to show cause.)

State of West Virginia v. Charles Bonner, Sr., No. 20-0887 (Bail)
Petition refused (5-0)

State of West Virginia v. Benjamin Lee Wilson, No. 20-1014 (Bail)
Petition refused (5-0)