



DECISIONS, NOTICES AND ORDERS

Thursday, July 30, 2020

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:

Carl Mascioli v. Louann Mascioli, No. 18-0791
Petition refused (5-0)

State of West Virginia v. Elizabeth Ladybird Jenkins, No. 18-0283
Petition refused (5-0)

Ashlee Hull v. Dr. Muhammed Samar Nasher-Alneam, No. 18-1028
Petition refused (4-0) (Justice Workman disqualified.)

Wei-Pinge Zenge v. Marshall University, No. 18-1035
Petition refused (4-0) (Justice Workman not participating.)

State of West Virginia v. Robert Lee Lewis, No. 19-0121
Petition refused (4-0) (Justice Workman not participating.)

Billy Evans v. State of West Virginia, No. 18-1044
Petition refused (5-0)

In Re: Special Services Bureau, Inc., No. 19-0365
Petition refused (5-0)

David Adkins v. Donnie Ames, Superintendent, No. 19-0229
Petition refused (4-0) (Justice Workman not participating.)

Amalia Savelli v. Robert Messick, Nos. 18-0463 and 19-0790
Petition refused (5-0)

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MEMORANDUM DECISIONS

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

State of West Virginia v. Charles B., No. 19-0590
Reversed and remanded (5-0)

State of West Virginia v. Tyler Graening, No. 19-0601
Affirmed (5-0)

Todd Bowen v. Sugarcreek, Inc., No. 19-0654
Affirmed (5-0)

John Lambert v. Donnie Ames, Superintendent, No. 19-0150
Affirmed (4-0) (Justice Workman not participating.)

Keith R. v. Donnie Ames, Superintendent, No. 19-0225
Affirmed (4-0) (Justice Workman not participating.)

State v. William R., No. 19-0232
Affirmed (4-0) (Justice Workman not participating.)

State v. Douglas G., No. 19-0252
Affirmed (4-0) (Justice Workman not participating.)

State v. James K., No. 19-0424
Affirmed (5-0)

State v. Michael V., No. 19-0427
Affirmed (5-0)

Anne Ayers v. State Farm Insurance, et al., No. 19-0783
Affirmed (5-0)

State v. Charles Mauller, No. 19-0829
Affirmed (4-0) (Justice Workman not participating.)

State v. Michael Kennedy, No. 19-0499
Affirmed (4-0) (Justice Workman not participating.)

State v. Karl Dunn, III, No. 19-0619
Affirmed (4-0) (Justice Workman not participating.)

David Dempster and Sara Arditti v. AAAA Self Storage & Moving, No. 19-0555
Affirmed (5-0)

Meagen Brinegar v. C.O. Lumpbert, et al., No. 19-0691
Affirmed (4-0) (Justice Workman not participating.)

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David Francisco v. Donnie Ames, Superintendent, No. 19-0340
Affirmed (5-0)

Sears Roebuck & Co, et al. v. James Dodrill, West Virginia Office of the Insurance Commissioner, No. 19-0690
Affirmed (5-0)

Everett Frazier, Commissioner v. Anthony Riddel, No. 19-0197
Reversed and remanded (5-0)

Everett Frazier, Commissioner v. Robert Condia, No. 19-0465
Reversed and remanded (5-0)

State v. Glenn B., No. 19-0206
Affirmed (4-0) (Justice Workman not participating.)

Bruce Hyre Jr. v. William Waddy, VI, No. 19-0487
Affirmed (4-0) (Justice Workman not participating.)

Randy Brodnick, D.O. and Bluefield Women's Center, PC v. Robert Stientjes, et al., No. 17-1107
Affirmed (5-0)

State v. L.M.C., No. 18-0851
Affirmed (5-0)

Erica Dickerson v. WV State Treasurer's Office, et al., No. 19-0203
Affirmed (5-0)

Brian Parks v. Donnie Ames, Superintendent, No. 19-0458
Affirmed (5-0)

William Worley v. Mercer County Sheriff's Department, et al., No. 19-0464
Affirmed (5-0)

State v. David Riffle, No. 19-0843
Affirmed, in part. Reversed and remanded, in part. (5-0)

Dean Fuller v. City of Huntington, No. 19-0881
Affirmed (4-0) (Justice Workman not participating.)

Henrietta and Wade Stiltner v. Wal-Mart Stores, Inc., No. 19-0126
Affirmed (4-0) (Justice Workman not participating.)

State v. Bryson J. England, Jr., No. 19-0563
Affirmed (4-0) (Justice Workman not participating.)

State v. Carl Tramane Magee, No. 19-0575
Affirmed (4-0) (Justice Workman not participating.)

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Gregory Schillace v. Brickstreet Mutual Insurance Company, No. 19-0705
Affirmed (4-0) (Justice Workman not participating.)

Shirley Grimmett v. Wiseman Excavating, Inc., No. 19-0061
Affirmed (5-0)

Raymond Richardson v. Donnie Ames, Superintendent, No. 18-0999
Affirmed (4-0) (Justice Workman disqualified)

Arthur C. v. Donnie Ames, Superintendent, No. 18-0699
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Clayton Rogers v. Donnie Ames, Superintendent, No. 19-0612

Hassan G. v. Tamara P., No. 19-0591

RULE 20 ARGUMENT GRANTED

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

State ex rel. Third-Party Defendant Health Plans v. Hon. Shawn Nines, Judge, et al., No. 20-0296 (Prohibition)

and

State ex rel. Blue Cross and Blue Shield of Kansas, Inc., et al. v. Hon. Shawn Nines, Judge, et al., No. 20-0297 (Prohibition)

Consolidated

Everett Frazier, Commissioner v. Gary Bragg, No. 19-0519

Denise Johnson v. Ruth Ann Pinson, No. 19-1014

Motorist Mutual Insurance Company v. Jacob and Lisa Zukoff, No. 19-0711

Lanna Klein v. Darlene McCullough, No. 19-0888

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ORDERS

Orders of note were entered in the following cases:

State of West Virginia v. Timmy Crockett, No. 19-1030 (Bail)
Petition refused (5-0)

State ex rel. Deron Yarrell v. Magistrate William Frank Holroyd, No. 20-0269 (Prohibition)
Petition refused (5-0)

State ex rel. United States Conference of Catholic Bishops v. Hon. Jason Cuomo, Judge, et al.,
No. 20-0285 (Prohibition)
Petition refused (3-2) (Justices Walker and Jenkins)

State ex rel. Jody D. v. Hon. Rudolph J. Murensky, Judge, No. 20-0286 (Mandamus)
Petition refused as moot (5-0)

Lawyer Disciplinary Board v. David A. Kirkpatrick, No. 18-1113 (Lawyer Disciplinary)
License to practice law suspended for 6 months. (3-2) (Justices Workman and Hutchison)

State ex rel. S. Marshall Wilson, et al. v. Governor James C. Justice, II, No. 20-0292
(Mandamus)
Petition refused (5-0)

State ex rel. Connor Putillion v. Hon. Lora A. Dyer, Judge, et al., No. 20-0305 (Prohibition)
Petition refused (4-1) (Justice Hutchison)