



## DECISIONS, NOTICES AND ORDERS

**Wednesday, June 23, 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.

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### REHEARINGS

The Court took the following action on petitions for rehearing:

Roy Wisotzkey v. Donnie Ames, Superintendent, No. 20-0494 (Berkeley 18-C-238)  
Petition refused (5-0)

Michael Harlow v. Eastern Electric, LLC, No. 19-0643 (Nicholas 17-C-149)  
Petition refused (5-0)

In re J.B., No. 20-0584 (Mercer 18-JA-119)  
Petition refused (5-0)

Kevin C. v. Donnie Ames, Superintendent, No. 20-0469 (Fayette 20-C-46)  
Petition refused (5-0)

### MEMORANDUM DECISIONS

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

Mengyang Li v. Shepherd University President's Office, No. 20-0393 (Jefferson 19-C-102)  
Affirmed (5-0)

Darnell P. v. Elizabeth P., No. 20-0462 (Mercer 19-D-350)  
Affirmed (5-0)

Yasser Abdelhaq v. Donnie Ames, Superintendent, No. 20-0521 (Ohio 19-C-196)  
Affirmed (5-0)

Sharon Keene v. Warren Keene, No. 20-0539 (Morgan 20-D-AP-2)  
Affirmed (5-0)

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Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles v. George Gilbert,  
No. 20-0310 (Kanawha 19-AA-99)  
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles v. Crystal Parker,  
No. 20-0790 (Kanawha 19-AA-63)  
Reversed and remanded (4-1) (Justice Wooton dissenting.)

Katherine McFee, et al. v. Carole Kirby, et al., No. 20-0529 (Wirt 17-C-9)  
Affirmed (4-1) (Justice Armstead would set for argument.)

Calvin Gray v. Donnie Ames, Superintendent, No. 19-0849  
(Kanawha 98-MISC-545, 06-MISC-350)  
Affirmed (4-0) (Justice Armstead disqualified.)

State of West Virginia v. Keith D., No. 18-0479 (Summers 13-F-4)  
Affirmed (4-0) (Justice Wooton not participating.)

Ronald Robertson, Jr., et al. v. David and Monya Cohen, No. 20-0341 (Morgan 19-C-19)  
Affirmed (5-0)

State of West Virginia v. Raymond B., No. 20-0605 (Fayette 08-F-82)  
Affirmed (4-1) (Justice Armstead dissenting in writing.)

State of West Virginia v. Jason Canady, No. 20-0188 (Fayette 19-F-80)  
Affirmed (3-2) (Justices Hutchison and Wooton would set for argument.)

Christopher Knotts v. Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles,  
No. 20-0523 (Harrison 19-P-166)  
Affirmed (5-0)

Richard Booth, Jr. v. Karen Pszczolkowski, Superintendent, No. 19-1191 (Ohio 18-C-184)  
Affirmed (5-0)

State of West Virginia v. Shawn Malcomb, No. 19-1193 (Harrison 13-F-174)  
Affirmed (5-0)

State of West Virginia v. Joshua Newill, No. 20-0471 (Berkeley 18-F-180)  
Affirmed (5-0)

State of West Virginia v. Drexel M., No. 20-0322 (Nicholas 17-F-64)  
Affirmed (4-1) (Justice Wooton would set for argument.)

Arnold McCartney v. Donnie Ames, Superintendent, No. 20-0242 (Lewis 13-C-12)  
Affirmed (3-2) (Justices Hutchison and Wooton would set for argument.)

State of West Virginia v. Juan Xavier Chic, No. 20-0208 (Kanawha 18-F-568)  
Affirmed (5-0)

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Louis Yancich v. New Life Clinics, Inc., et al., No. 20-0578 (Kanawha 18-C-968)  
Affirmed (5-0)

Sheryl Russell v. Bayview Loan Servicing, Inc., No. 20-0681 (Jefferson CC-19-2017-C-125)  
Affirmed (5-0)

State of West Virginia v. Randall Beatty, No. 19-1150 (Wood 18-P-CR-22)  
Affirmed (5-0)

Margaret L. Reeves, Administrator of the Estate of Pamela Sue Reeves v. Camden Clark Memorial Hospital and Adam Kaplan, M.D., No. 20-0353 (Wood 17-C-53)  
Affirmed (3-2) (Justice Walker dissenting. Justice Wooton dissenting in writing.)

Jared Iseli v. Donnie Ames, Superintendent, No. 20-0094 (Randolph 18-C-109)  
Affirmed (5-0)(Justice Armstead concurring in writing.)

**RULE 19 ARGUMENT GRANTED**

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

State of West Virginia ex rel. Scott R. Smith, Prosecuting Attorney v. Hon. Michael J. Olejasz, Judge; and Danny Mendoza, No. 20-1028 (Original Prohibition)

State of West Virginia ex rel. West Virginia University Hospitals, Inc. v. Hon. Cindy S. Scott, Judge, et al., No. 21-0230 (Original Prohibition)

State of West Virginia ex rel. West Virginia Mutual Insurance Company v. Hon. Tera Salango, Judge, and Michael Covelli, M.D., No. 21-0169 (Original Prohibition)

State of West Virginia ex rel. Mingo County Board of Education v. Hon. Miki Thompson, Judge, and “Big Jim” Hatfield, No. 21-0311 (Original Prohibition)

Kevin Goodman, Jr. v. Tom Harlan, Interim Superintendent, No. 20-0169 (Fayette 17-C-342)

Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles v. Douglas Null, No. 20-0225 (Kanawha 19-AA-106)

Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles v. Harry Ickes, No. 20-0901 (Kanawha 20-AA-46)

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**RULE 20 ARGUMENT GRANTED**

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

Nathan Scott Stepp, Zack W. Hartley, Okey S. Starsick, Robert Hickman, Roane County Sheriff's Department, and West Virginia State Police v. Bradley Cottrell, on behalf of the Estate of Bernard Cottrell, No. 21-0412  
(Certified Question — United States District Court for the Southern District of West Virginia, 2:18-cv-01281)

Yurish, et al. v. Sinclair Broadcast Group, Inc., et al., No. 20-0722 (Berkeley 19-C-93)

Larry Bradford v. West Virginia Solid Waste Management Board, No. 21-0234  
(Certified Question — Kanawha 15-C-1543)

Auto Club v. Jessica Mosier, No. 20-0792 (Berkeley 19-C-165)

**ORDERS**

Orders of note were entered in the following cases:

State of West Virginia ex rel. Diocese of Wheeling-Charleston v. Hon. Phillip D. Gaujot, Judge, and Jackie Spencer, et al., No. 21-0259 (Original Prohibition)  
Petition refused (3-2) (Chief Justice Jenkins and Justice Armstead would issue a rule to show cause.)

State of West Virginia ex rel. Kenneth Chance, Jr. v. Office of Lawyer Disciplinary Counsel, No. 21-0294 (Original Prohibition)  
Petition refused (5-0)

State of West Virginia ex rel. Rish Equipment Company and Samuel Cokley v. Hon. William S. Thompson, Judge, and Joshua C. Mullins, No. 21-0235 (Original Prohibition)  
Petition refused (4-1) (Chief Justice Jenkins would issue a rule to show cause.)

State of West Virginia ex rel. Hassan Hagler v. Hon. Paul T. Farrell, Judge, and the State of West Virginia, No. 21-0330 (Original Prohibition)  
Petition refused (5-0)

State of West Virginia ex rel. New Century Emergency Physicians of West Virginia, Inc., et al. v. Hon. Carrie L. Webster, Judge, and Randall Proctor, No. 21-0337 (Original Prohibition)  
Petition refused (4-1) (Chief Justice Jenkins would issue a rule to show cause.)

State of West Virginia ex rel. Matthew Wise v. Hon. Debra McLaughlin, Judge of the Circuit Court of Jefferson County, et al., No. 21-0306 (Original Prohibition)  
Petition refused (5-0)

Dustin Tabler v. Sheriff's Civil Service Commission of Jefferson County, No. 20-0012  
(Jefferson 19-AA-1)  
Dismissed as moot. (5-0)