



DECISIONS, NOTICES, AND ORDERS

Monday, October 7, 2024

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

Donta Wade v. Jared Brown and Blue First Management, LLC, 23-ICA-166 (Cir. Ct. Cabell Cnty. No. 22-C-74)
Reversed and Remanded (3-0)

Bohnert International, Inc., Norvin Raque, and David Graeser v. Motorists Mutual Insurance Company, 23-ICA-194 (Cir. Ct. Greenbrier Cnty. No. CC-13-2022-C-70)
Affirmed (2-0) (Chief Judge Scarr, not participating)

Betty J. Ayers and David R. Ayers v. J. Patrick Jones, Substitute Trustee, and Pinnacle Bank, 23-ICA-286 (Cir. Ct. Cabell Cnty. No. 22-C-44)
Affirmed, in part, and Reversed, in part (3-0)

Amanda Goff, Robert H. Carlton, individually and d/b/a Robert H. Carlton Law Office, and Homestead Realty Incorporated v. James Smith, former Sheriff of Mingo County, in his official capacity and individually, Joe Smith Sheriff of Mingo County, in his official capacity and individually, Norman Mines, Sheriff Deputy of Mingo County, in his official capacity and individually, Allen Mounts, Sheriff Deputy of Mingo County, in his official capacity and individually, other as of yet identified Mingo County Sheriff Deputies, State of West Virginia, West Virginia State Police, Dustin Contos, West Virginia State Police Officer, in his official capacity and individually, Cory Maynard, West Virginia State Police Officer, in his official capacity and individually, and other as of yet identified State Police Troopers, 23-ICA-299 (Cir. Ct. Mingo Cnty. No. CC-30-2021-C-84)
Affirmed, in part, Reversed, in part (3-0)

Osei Assibey Bonsu v. West Virginia Board of Registered Nurses, 23-ICA-326 (West Virginia Board of Registered Nurses No. 104449)
Affirmed, in part, and Reversed, in part (3-0)

Jianmin Chen v. White Rock Mountain Retreat, 23-ICA-333 (Cir. Ct. Greenbrier Cnty. No. CC-13-2022-C-AP-9)
Affirmed (3-0)

Margo Hedges v. Unity Staffing, LLC, and WorkForce West Virginia, 23-ICA-362 (WorkForce West Virginia Board of Review No. R-2023-1060)
Affirmed (3-0)

Vincent Scott Hendricks v. The Boone County Commission, the Clerk of the Boone County Commission, and Gary Williams, in his individual capacity, 23-ICA-373 (Cir. Ct. Boone Cnty. No. CC-03-2015-C-7)
Affirmed (3-0)

Bianca Miller, individually and as natural mother and next friend to K.R., a minor, v. Wheeling Park Commission, Becker Arena Products, Inc., Vasco, Inc., and Rink Systems, Inc., 23-ICA-378 (Cir. Ct. Ohio Cnty. No. CC-35-2014-C-140)
Affirmed (3-0)

Toni Deleseleuc v. Larry D. Walker, 23-ICA-411 (Cir. Ct. Berkeley Cnty. No. CC-02-2021-C-340)
Reversed and Remanded (3-0)

Timothy J. Gregory and Janice L. Gregory v. Jack O. Long and Lora A. Long, 23-ICA-421 (Cir. Ct. Upshur Cnty. No. CC-49-2017-C-128) and Jack O. Long and Lora A. Long v. Timothy J. Gregory and Janice L. Gregory, 23-ICA-422 (Cir. Ct. Upshur Cnty. No. CC-49-2017-C-128)
Affirmed (3-0)

Brian Boley v. Larry L. Massey, Jr., 23-ICA-459 (Cir. Ct. Fayette Cnty. No. CC-10-2019-C-156)
Affirmed (3-0)

D & D Used Autos v. Everett Frazier, Commissioner, West Virginia Division of Motor Vehicles, 23-ICA-487 (West Virginia Division of Motor Vehicles No. 23-008-CP)
Affirmed (3-0)

Lori B. v. Danny F., 23-ICA-499 (Fam. Ct. Raleigh Cnty. No. FC-41-2018-D-43)
Vacated and Remanded with Directions (3-0)

Judith Thomas v. Steven Thomas, 23-ICA-547 (Fam. Ct. Kanawha Cnty. No. 02-D-2143)
Affirmed (3-0)

David A. Trippett v. Carol Pitts, 23-ICA-550 (Cir. Ct. Marion Cnty. No. CC-24-2020-C-90)
Affirmed (3-0)

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

Larry D. Williams v. Arch Coal, Inc., 24-ICA-101 (Workers' Compensation Board of Review)
Reversed and Remanded (2-0) (Chief Judge Scarr, not participating)

PPG Industries, Inc. v. Linda Wells, widow of David Wells (deceased), 24-ICA-120 (Workers' Compensation Board of Review)
Affirmed (2-0) (Chief Judge Scarr, not participating)

ACNR Resources, Inc. v. Matthew Knight, 24-ICA-121 (Workers' Compensation Board of Review)
Affirmed (3-0)

Terri M. v. Brandon M., 24-ICA-125 (Fam. Ct. Marion Cnty. No. FC-24-2023-D-267)
Affirmed, in part, and Reversed, in part, with Directions (3-0)

Granville Sesco v. Brooks Run South Mining, LLC, c/o ANR, 24-ICA-138 (Workers' Compensation Board of Review)
Affirmed (3-0)

Christopher Moore v. Ramaco Resources, LLC, 24-ICA-45 (Workers' Compensation Board of Review)
Vacated and Remanded with Directions (3-0)

Nicolle W. v. Jarlando W., 24-ICA-5 (Fam. Ct. Mason Cnty. No. FC-26-2023-D-54)
Affirmed (3-0)

Keven Justice v. Transwood, 24-ICA-57 (Workers' Compensation Board of Review)
Affirmed (3-0)

Rosemary Bailey, Dependent of Sherman Bailey (Deceased) v. Pine Ridge Coal Company and West Virginia Offices of the Insurance Commissioner, in its capacity as administrator of the Old Fund, 24-ICA-58 (Workers' Compensation Board of Review)
Affirmed (2-0) (Chief Judge Scarr, not participating)

Omer Hawkins v. Bimbo Bakeries, USA, 24-ICA-78 (Workers' Compensation Board of Review)
Affirmed (3-0)

Harvey Hill v. Lowes Home Centers, Inc., 24-ICA-86 (Workers' Compensation Board of Review)
Affirmed (3-0)

Charles Jarrell v. Blackhawk Mining, LLC, 24-ICA-87 (Workers' Compensation Board of Review)
Affirmed (3-0)

Juan Zavala v. Concrete Pipe & Precast Martinsburg, 24-ICA-92 (Workers' Compensation Board of Review)
Affirmed (3-0)

Shawn H. v. Elise H., 24-ICA-95 (Fam. Ct. Preston Cnty. No. FC-39-2023-D-103)
Affirmed, in part, and Remanded, in part (3-0)

Lonnie R. Puleo v. Coronado Group, LLC, 24-ICA-96 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 20 ARGUMENT GRANTED

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

Jeremiah L. Jones v. Town of Lumberport, West Virginia, a political subdivision of West Virginia, 23-ICA-540 (Cir. Ct. Harrison Cnty. No. CC-17-2023-C-75) (3-0)

Heidi Price, Administratrix of the Estate of Ellis Wayne Price v. Raleigh General Hospital, LLC, and Philip Bailey, 24-ICA-68 (Cir. Ct. Raleigh Cnty. No. CC-41-2023-C-331) (3-0)

Deborah Beheler Baldwin v. Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, and WorkForce West Virginia Board of Review, 24-ICA-39 (WorkForce West Virginia Board of Review) (2-0)

Oshelle M. v. Jeffrey M., 24-ICA-35 (Fam. Ct. Wood Cnty. No. FC-54-2020-D-64) (3-0)

RULE 19 ARGUMENT GRANTED

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

Jacob H. v. Sierra G., 24-ICA-147 (Fam. Ct. Cabell Cnty. No. FC-06-2023-D-538) (3-0)

Helen Bradley v. The Ohio County Board of Education and Katrina Lewis, 24-ICA-40 (Cir. Ct. Ohio Cnty. No. CC-35-2022-C-21) (3-0)

Estate of James L. Sine v. Richard L. Armstrong, 24-ICA-34 (Cir. Ct. Tyler Cnty. No. CC-48-2020-C-44) (3-0)

ORDERS

Orders of note were entered in the following cases:

In Re: A.N.G. and A.B.G., minors, 24-ICA-248 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-CIGR-32)

Motion for Stay Refused (3-0)

Patriot Coal Corporation v. Andrea O'Neal, Dependent, Jason O'Neal, Deceased, 24-ICA-318 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Robert D. Fisher v. West Virginia Legislature and Mineral County Office of Prosecutor, 24-ICA-289 (Cir. Ct. Mineral Cnty. No. CC-29-2024-P-30)
Motion to Dismiss Refused (3-0)

Blackhawk Mining, LLC v. Christi Banks, Dependent of Timothy Banks, Jr. (Deceased), 24-ICA-357 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Stephen M. Polinski v. Consol Bailey Mine WV, 24-ICA-11 (Workers' Compensation Board of Review)
Petition for Rehearing Refused (3-0)