



DECISIONS, NOTICES, AND ORDERS

Monday, December 2, 2024

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of November 2024. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

SIGNED OPINIONS

In accordance with Rule 22, signed opinions were entered in the following cases:

Dondi S. Stemple v. West Virginia Consolidated Public Retirement Board, 23-ICA-308 (West Virginia Consolidated Public Retirement Board, In Re: Dondi Stemple)
Vacated and Remanded (3-0)

Helen Bradley v. Ohio County Board of Education and Katrina Lewis, 24-ICA-40 (Cir. Ct. Ohio Cnty. CC-35-2022-C-21)
Affirmed (3-0)

Nationwide Insurance Company of America v. Brittney Duty and Gregory Duty, Individually and as Administrator of the Estate of Beverly Duty, and Lula Conley, Individually and as Administratrix of the Estate of Shehy Conley, and Paul Conley, 23-ICA-491 (Cir. Ct. Logan Cnty. CC-23-2021-C-30)
Reversed and Remanded (3-0)

In Re: C.S., 24-ICA-35 (Fam. Ct. Wood Cnty. 13-FIG-5 and FC-54-2020-D-64)
Affirmed (3-0)

Deborah Bebler 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 R-2023-1780(R-2-J))

Vacated and Remanded (3-0) (Judge Greear, voluntarily recused) (Judge Robert E. Richardson, sitting by temporary assignment)

The Silver Creek Association, Inc., et al., v. Matthew Irby, in his official capacity as State Tax Commissioner of the State of West Virginia, and Johnny Pritt, in his official capacity as Assessor of Pocahontas County, West Virginia, 23-ICA-372 (Cir. Ct. Pocahontas Cnty. CC-38-2020-P-31)
Reversed (3-0)

In Re: Expungement of Record of N.B., 23-ICA-430 (Cir. Ct. Cabell Cnty. 23-P-51)
Affirmed (2-1) (Chief Judge Scarr, dissenting)

MEMORANDUM DECISIONS

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

Estate of D.E.; D.E., individually by and through his mother, Christine Erickson; Christine Erickson, individually; and I.E., a minor, by and through her mother, Christine Erickson v. West Virginia Department of Health and Human Resources; Jeffrey M. Pack; and Jennifer L. Raper, individually and in her capacity as an employee/agent of West Virginia Department of Health and Human Resources, 23-ICA-404 (Cir. Ct. Marshall Cnty. No. CC-25-2023-C-42)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

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

Bethann Cornett Spears v. Drema Ann Spears, 23-ICA-478 (Cir. Ct. Raleigh Cnty. No. CC-41-2022-C-161)
Remanded (3-0)

Jacob H. v. Siera G., 24-ICA-147 (Fam. Ct. Cabell Cnty. No. FC-06-2023-D-538)
Affirmed (3-0) (Chief Judge Scarr, concurring)

Fund III, LP, and Diversified Production LLC, successor in interest to Alliance Petroleum Co. LLC, 24-ICA-115 (Cir. Ct. Tyler Cnty. CC-48-2019-C-22) (3-0)

ORDERS

Orders of note were entered in the following cases:

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ROC Services Company, LLC v. Antonio Smith, 24-ICA-372 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Chet Burgess and Kimberly Burgess v. West Virginia Consolidated Public Retirement Board, 24-ICA-437 (West Virginia Consolidated Public Retirement Board)

Motion to Hold in Abeyance and Remand Refused (3-0)

James Goodwin, John Ingram, Raymond Lovejoy, Jeffrey Allen, Charles Lilly, and Raymond Muncy v. 3M Company, American Optical Corporation, Cabot CSC Corporation, Cabot Corporation, Aearo Technologies, LLC, Aearo, LLC, Mine Safety Appliances Company, LLC, Eastern States Mine Supply Company, Raleigh Mine and Industrial Supply, and United Central Industrial Supply, LLC, 24-ICA-186 (Cir. Ct. McDowell Cnty. CC-27-2021-C-76)

Motion to Hold in Abeyance Refused (3-0)

Geovoni Gail Jones v. Jeannetta Petras and Richard L. Petras, 24-ICA-413 (Cir. Ct. Taylor Cnty. CC-46-2022-C-13)

Motion to Dismiss Refused (3-0)

Abraham M. v. Andrea M., 24-ICA-368 (Fam. Ct. Kanawha Cnty. FC-20-2021-D-463)

Motion to Dismiss [Strike] Petitioner's Brief Refused (3-0)