



DECISIONS, NOTICES, AND ORDERS

Monday, February 3, 2025

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of January 2025. 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:

Rovilla Lips v. East Coast Estate Investments, LLC, 23-ICA-531 (Cir. Ct. Kanawha Cnty. No. 21-C-184)

Reversed, in part, Vacated, in part, and Remanded (2-0) (Judge White, not participating)

Chris Smith v. Elk River Boots and Saddle Club, Inc., 23-ICA-536 (Cir. Ct. Kanawha Cnty. No. 22-P-375)

Vacated and Remanded (3-0)

Joseph M. v. Karen C., 24-ICA-196 (Cir. Ct. Kanawha Cnty. No. FC-20-2023-D-688)

Affirmed (2-0) (Judge White, not participating)

Donald J. Cella v. Raleigh County Board of Education, 24-ICA-166 (Workers' Compensation Board of Review)

Affirmed (2-0) (Judge White, not participating)

Abby L. Boyes v. Hospice of Southern West Virginia, Inc., 24-ICA-203 (Workers' Compensation Board of Review)

Affirmed, in part, and Reversed, in part (2-0) (Judge White, not participating)

Arch Coal d/b/a Coal-Mac, LLC v. Tracey Jude and Condor Holdings, 24-ICA-234 (Workers' Compensation Board of Review)

Affirmed, in part, Vacated, in part, and Remanded (2-0) (Judge White, not participating)

McDowell County Board of Education v. Monica J. Nelson, 24-ICA-251 (Workers' Compensation Board of Review)

Affirmed (2-0) (Judge White, not participating)

AutoZone, Inc. v. Jordan Baker, 24-ICA-284 (Workers' Compensation Board of Review)

Affirmed (3-0)

West Virginia Parkways Authority v. Dainel Smith, 24-ICA-292 (Workers' Compensation Board of Review)

Reversed (2-0) (Judge White, not participating)

James B. Harvey v. Hobet Mining and West Virginia Offices of the Insurance Commissioner, in its capacity as administrator of The Old Fund, 24-ICA-297 (Workers' Compensation Board of Review)

Affirmed (3-0)

Deana L. Stone v. CCBCC, Inc., 24-ICA-298 (Workers' Compensation Board of Review)

Affirmed (3-0)

Brenda G. Blevins v. Princeton Community Hospital Association, 24-ICA-299 (Workers' Compensation Board of Review)

Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

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

Carbon Energy Corporation, Carbon West Virginia Company, LLC, n/k/a DP Bluegrass, LLC, and Diversified Gas and Oil Corporation v. Shonk Land Company, LLC, 24-ICA-154 (Cir. Ct. Kanawha Cnty. No. 20-C-613) (3-0)

Joseph C. Dorsey v. Blackhawk Mining, LLC, and John Adkins v. Marfork Coal Company, LLC, 24-ICA-254 and 24-ICA-256 (Workers' Compensation Board of Review) (3-0)

Ashley T. v. Robert T., 24-ICA-329 (Fam. Ct. Tyler Cnty. No. FC-48-2021-D-35) (3-0)

ORDERS

Orders of note were entered in the following cases:

Ronald E. v. Kelli E., 24-ICA-165 (Fam. Ct. Jefferson Cnty. FC-19-2023-D-13)
Petition for Rehearing Refused (2-0) (Judge White, not participating)

In re: A.N.G. and A.B.G., minors, 24-ICA-248 (Cir. Ct. Kanawha Cnty. CC-20-2023-CIGR-32)
Motion for Expedited Relief and Motion for Stay Refused (2-1) (Judge White would grant stay.)

Martha Skidmore v. Joseph Ricard and Doreen Ricard, 24-ICA-314 (Cir. Ct. Randolph Cnty. CC-42-2024-C-AP-4)
Motion for Stay Refused (3-0)

Mary Ann Kuhl v. Arnold E. Kuhl, Jr., 24-ICA-348 (Fam. Ct. Ohio Cnty. FC-35-2023-D-70)
Motion for Stay Refused (3-0)

Rashida Yost, Yost's Child Development Center, LLC, Yost's Child Development Center II, LLC, and Yost Educare Corporation v. Linda Smallwood and CR Enterprises, LLC, 24-ICA-442 (Cir. Ct. Berkeley Cnty. CC-02-2024-C-181)
Motion to Remand to Circuit Court for Adjudication of Rule 60(b) Motion Granted (3-0)

Matthew S. v. Elizabeth S., 24-ICA-465 (Fam. Ct. Kanawha Cnty. FC-20-2016-D-1111)
Motion to Hold in Abeyance Refused (3-0)

Spartan Mining Company, c/o ANR v. Mark Burgess, 24-ICA-485 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Frank D. Unger v. Roane County Commission, 24-ICA-501 (Cir. Ct. Roane Cnty. CC-44-2024-P-67)
Motion for Stay Granted (3-0)

Richard L. v. Heather L., 24-ICA-505 (Fam. Ct. Harrison Cnty. FC-17-2024-D-165)
Motion to Hold in Abeyance Granted (3-0)

Brandon Shirley v. Christina Carter, 24-ICA-518 (Cir. Ct. Roane Cnty. CC-44-2022-C-9)
Motion for Stay Refused (3-0)

Kevin R. v. Megan H., 25-ICA-2 (Fam. Ct. Kanawha Cnty. FC-20-2010-D-1694)
Motion to Hold in Abeyance Granted (3-0)

ORDER LIST
February 3, 2025
Page 4

National Union Fire Insurance Company of Pittsburgh, PA, Allianz Global Risks US Insurance Company, ACE American Insurance Company, Zurich American Insurance Company, Great Lakes Insurance SE, XL Insurance America, Inc., General Security Indemnity Company of Arizona, Aspen Insurance UK Limited, Navigators Management Company, Inc., Ironshore Specialty Insurance Company, Validus Specialty Underwriting Services, Inc., and HDI-Gerling America Insurance Company v. Westlake Chemical Corporation and Axiall Corporation, 25-ICA-16 (Cir. Ct. Marshall Cnty. 19-C-59)
Joint Motion for Stay Granted (3-0)