



DECISIONS, NOTICES, AND ORDERS

Monday, March 3, 2025

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

Spyridoula L. Moschonas and Gerasimos Moschonas v. The Charles Town General Hospital d/ b/ a Jefferson Medical Center and Jason Giffi, D.O., 24-ICA-79 (Cir. Ct. Jefferson Cnty. CC-19-2023-C-32)
Affirmed (3-0)

West Virginia Department of Transportation, Division of Highways v. Olympus Painting Contractors, Inc.; Great Midwest Insurance Company; and Skyward Underwriters Agency, Inc., 24-ICA-183 (Cir. Ct. Kanawha Cnty. 22-C-292)
Affirmed, in part, Vacated, in part, and Remanded with directions (3-0)

MEMORANDUM DECISIONS

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

West Virginia Department of Human Services, Bureau for Child Support Enforcement v. Benjamin M. and Shanna M., 24-ICA-205 (Fam. Ct. Braxton Cnty. No. FC-04-2022-D-66)
Reversed (3-0)

ORDER LIST

March 3, 2025

Page 2

Renee Reed, as Administratrix of the Estate of Gregory Burl Reed v. West Virginia Consolidated Public Retirement Board, 24-ICA-108 (West Virginia Consolidated Public Retirement Board (In Re: Gregory Burl Reed))

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

Jason Wilhelm and Crystal Wilhelm v. Tunnel Ridge, LLC, 24-ICA-118 (Cir. Ct. Ohio Cnty. No. CC-35-2021-C-156)

Affirmed (3-0)

Ally Bank v. Dalton C. Webb, 24-ICA-124 (Cir. Ct. Nicholas Cnty. No. CC-34-2023-C-80)

Affirmed, in part, Reversed, in part, and Remanded (3-0)

Richard Wilhelm, III, and Mary R. Wilhelm v. Kyra L. Smith, as Executrix of the Estate of Kathryn Wilhelm, Kyra L. Smith, as Executrix of the Estate of Richard Wilhelm, Jr., and The Kyra L. Smith Family Trust U/A Dated 5/29/09, 24-ICA-129 (Cir. Ct. Wood Cnty. No. CC-54-2021-C-150)

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

Scott F. Grim, Jeffrey M. Grim, Darnell Fulks, Cindy Fulks, Bryan J. Suter, and Martha J. Suter v. Kathy A. Loub, 24-ICA-142 (Cir. Ct. Tyler Cnty. No. CC-48-2023-C-4)

Affirmed (3-0)

Stephanie L. Burnette v. Cornelius Burnette, 24-ICA-144 (Cir. Ct. Kanawha Cnty. No. 20-C-AP-103)

Vacated and Remanded (3-0)

Steve Racer and Susan Racer v. Antero Resources Corporation and Lazy S Farms, LLC, 24-ICA-149 (Cir. Ct. Tyler Cnty. No. CC-48-2022-C-8)

Affirmed (3-0)

Steve Blevins and Bruce Lariviere v. Buckeye Adventures, LLC, 24-ICA-152 (Cir. Ct. Hardy Cnty. No. CC-16-2021-C-34)

Affirmed (3-0)

Russell W. Vannest v. Cox Energy Industrial Coatings and Cleaning, LLC, and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-157 (WorkForce West Virginia Board of Review No. R-2023-2720 (R-1-E))

Vacated and Remanded (3-0)

Jessica Corey v. Wal-Mart Stores East, LP, 24-ICA-195 (Cir. Ct. Marshall Cnty. No. CC-25-2023-C-17)

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

ORDER LIST

March 3, 2025

Page 3

Phillip Allen Peterson, M.D. v. West Virginia Board of Medicine, 24-ICA-197 (West Virginia Board of Medicine Case No. 22-86-W)

Affirmed (3-0)

Jeffrey Orsborn and Sandra Orsborn v. The City of Morgantown and Benefit Assistance Company, LLC, 24-ICA-218 (Cir. Ct. Marion Cnty. No. CC-24-2019-C-94)

Affirmed (3-0)

John D. Sitar and Kenneth K. Sitar v. Linda K. DeChambeau, Kenneth L. Hopkins, Gregory R. McBride, and Jane K. McBride, 24-ICA-23 (Cir. Ct. Hampshire Cnty. No. CC-14-2021-C-59)

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

Marilyn F. Minor v. Kevin S. Ford, 24-ICA-245 (Fam. Ct. Marion Cnty. No. FC-24-2022-D-323)

Affirmed (2-1) (Judge White, dissenting)

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

Remanded, with Directions (3-0)

Jeffrey W. Hundley v. Austin Powder Company, 24-ICA-273 (Workers' Compensation Board of Review)

Reversed and Remanded (3-0)

Dallas Hankins v. Sprouting Farms Corp., 24-ICA-293 (Workers' Compensation Board of Review)

Affirmed (3-0)

B E T, Ltd. v. James R. May, 24-ICA-296 (Workers' Compensation Board of Review)

Affirmed (3-0)

Lisa R. Rhodes v. Go-Mart, Inc., 24-ICA-301 (Workers' Compensation Board of Review)

Affirmed (3-0)

Gregory Adkins v. SWVA, Inc., 24-ICA-304 (Workers' Compensation Board of Review)

Affirmed (3-0)

Barbara Wilson-Mishow v. Mineral County Board of Education, 24-ICA-305 (Workers' Compensation Board of Review)

Affirmed (3-0)

Blackhawk Mining, LLC v. Harris Argabright, 24-ICA-311 (Workers' Compensation Board of Review)

Affirmed (3-0)

ORDER LIST

March 3, 2025

Page 4

Patriot Coal Corporation v. Andrea O'Neal, dependent of Jason O'Neal (deceased), 24-ICA-318
(Workers' Compensation Board of Review)
Affirmed (3-0)

Barbara N. v. Hannah G. and Eric S., 24-ICA-328 (Fam. Ct. Cabell Cnty. No. FC-06-2022-D-342)
Affirmed (3-0)

Mary Ann Kuhl v. Arnold E. Kuhl, Jr., 24-ICA-348 (Fam. Ct. Ohio Cnty. No. FC-35-2023-D-70)
Affirmed (3-0)

Paul L. v. Stephanie L., 24-ICA-350 (Fam. Ct. Taylor Cnty. No. FC-46-2023-D-20)
Vacated and Remanded with Directions (3-0)

Blackhawk Mining, LLC v. Christi Banks, dependent of Timothy Banks, Jr. (deceased), 24-ICA-357
(Workers' Compensation Board of Review)
Affirmed (3-0)

GMS Mine Repair & Maintenance, Inc. v. Rodney Woodruff, 24-ICA-367 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 20 ARGUMENT GRANTED

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

Ameriprise Financial, Inc. v. Charles E. Vallandigham, 24-ICA-340 (Cir. Ct. Kanawha Cnty. No. CC-20-2010-C-221) (3-0)

RULE 19 ARGUMENT GRANTED

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

William Jordan v. Pansy Jordan, 24-ICA-291 (Fam. Ct. Upshur Cnty. No. FC-49-2010-D-134) (3-0)

Tracy LeMaster v. Coleen LeMaster, 24-ICA-229 (Fam. Ct. Harrison Cnty. No. FC-17-2008-D-295) (3-0)

ORDER LIST

March 3, 2025

Page 5

Fred Starliper v. Adrienne Johnson, 24-ICA-263 (Cir. Ct. Jefferson Cnty. No. CC-19-2021-C-20) (3-0)

Robert Harris v. Warner Law Offices PLLC and Clarksburg Publishing Co. d/b/a Weston Democrat and The Record Delta, 24-ICA-264 (Cir. Ct. Lewis Cnty. No. CC-21-2023-C-71) (3-0)

In re: W.S., a minor, 24-ICA-335 (Fam. Ct. Mineral Cnty. No. FC-29-2016-FIG-28) (3-0)

Union Carbide Corporation, a subsidiary of the Dow Chemical Company v. Thomas Dearien, dependent of Christina Dearien (deceased), 24-ICA-269 (Workers' Compensation Board of Review) (3-0)

George Nicholas Parsons v. Wiley Tyler Raines and Calhoun County Commission, 24-ICA-193 (Cir. Ct. Calhoun Cnty. No. CC-07-2023-C-7) (3-0)

ORDERS

Orders of note were entered in the following cases:

Brandon L. v. Stephanie L., 25-ICA-41 (Fam. Ct. Harrison Cnty. FC-17-2024-D-250)
Motion to Dismiss Refused (3-0)

Regina McLaughlin v. Joseph M. Cole, 24-ICA-509 (Fam. Ct. Marion Cnty. FC-24-2012-D-79)
Motion to Dismiss Refused (3-0)

Katelin C. v. Donovan C., 24-ICA-473 (Fam. Ct. Nicholas Cnty. FC-34-2020-D-23)
Motion to Dismiss 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)
Renewed Motion to Dismiss Refused (3-0)

Executive Committee of the Republican Party of Ohio County, West Virginia, Elgine McArdle, Robert Luchetti, Gregory William Smith, George Craig Meyer, Carlee J. Dittmar, Deborah Marie Smith, and Faith Elizabeth Meyer v. Adolph Santorine, Jr., 24-ICA-446 (Cir. Ct. Ohio Cnty. CC-35-2022-C-96)
Motion to Dismiss Granted (3-0)

Hung-Ni W. v. Christopher W., 25-ICA-25 (Fam. Ct. Jefferson Cnty. FC-19-2012-D-335)
Motion for Appointment of Counsel Refused (3-0)