



DECISIONS, NOTICES, AND ORDERS

Monday, April 7, 2025

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

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)
Affirmed (2-1) (Judge White, concurring in part and dissenting in part)

Hull Property Group, LLC, and Charles WV Mall, LLC v. Quarrier St LLC, and U.S. Bank National Association, successor by merger to Lasalle Bank National Association, as Trustee for Bear Stearns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and C-III Asset Management LLC, f/k/a Centerline Servicing, Inc., 24-ICA-67 (Cir. Ct. Kanawha Cnty. No. 22-C-128)
Affirmed (3-0) (Judge White, voluntarily recused) (Judge Laura V. Faircloth, sitting by temporary assignment)

Antero Resources Corporation v. Elvanda J. Pike, in her capacity as representative of the Estate of Rufus Fordyce Pike, John Kent Pike, Jr., Daniel Edward Pike, James P. Moffitt, Tanya L. Yoho, Ted Arthur McCullough, Robert A. Borchers, Ritchie Petroleum Corporation, AMP Fund III, LP, and Diversified Production LLC, successor in interest to Alliance Petroleum Co. LLC, 24-ICA-115 (Cir. Ct. Tyler Cnty. No. CC-48-2019-C-22)
Reversed and Remanded (2-1) (Judge White, concurring in part and dissenting in part)

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Steak Escape of Kanawha City II, LLC d/b/a Steak Escape, and Josh Macleery v. Jason Hudson, 24-ICA-173 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-706)
Affirmed, in part, Reversed, in part, and Remanded (3-0) (Judge White, concurring)

MEMORANDUM DECISIONS

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

Sim Fryson Enterprises, Inc. v. Tim Short of Charleston, LLC, Tim Short, and Gary Marcum, 24-ICA-106 (Cir. Ct. Kanawha Cnty. No. 20-C-754)
Reversed and Remanded (3-0)

Paul C. Hall and Connie J. Hall v. John Lilly, Kerrie Lilly, and Faith Builders Construction, LLC, 24-ICA-151 (Cir. Ct. Raleigh Cnty. No. CC-41-2018-C-192)
Affirmed (3-0)

Beth A. Redden f/k/a Beth Hughes Ross v. Community Health Systems, Inc. d/b/a AccessHealth, and Raleigh General Hospital, LLC, 24-ICA-198 (Cir. Ct. Raleigh Cnty. No. CC-41-2023-C-54)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

David Leonard v. Wells Fargo, 24-ICA-210 (Cir. Ct. Jefferson Cnty. No. CC-19-2012-C-71)
Affirmed (3-0)

William Harvey Archibald v. Office of the Adjutant General, West Virginia Military Authority, 24-ICA-211 (West Virginia Public Employees Grievance Board No. 2024-0569-MISC)
Affirmed (3-0)

Kyle B. v. Denisa B., 24-ICA-235 (Fam. Ct. Raleigh Cnty. No. FC-41-2019-D-276)
Vacated and Remanded (3-0)

J Class Collision, LLC v. RealCorp, LLC, 24-ICA-255 (Cir. Ct. Kanawha Cnty. No. CC-20-2021-C-930)
Affirmed (3-0)

Rachel Y. Adkins v. Sound Mind, Inc., 24-ICA-295 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Martha Skidmore v. Joseph Ricard and Doreen Ricard, 24-ICA-314 (Cir. Ct. Randolph Cnty. No. CC-42-2024-C-AP-4)
Affirmed (3-0)

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Keith Jenkins, Jr. v. West Virginia University, 24-ICA-322 (Workers' Compensation Board of Review)

Affirmed (3-0)

Tina W. v. Spencer W., 24-ICA-324 (Fam. Ct. Taylor Cnty. No. FC-46-2014-D-40)

Dismissed (3-0)

Tina W. v. Spencer W., 24-ICA-325 (Fam. Ct. Taylor Cnty. No. FC-46-2014-D-40)

Affirmed (3-0)

Tammy R. Chambers v. Trinity Healthcare Services, Inc., 24-ICA-330 (Workers' Compensation Board of Review)

Affirmed (3-0)

Macy's Retail Holdings, Inc. v. Kimberly Wormack, 24-ICA-341 (Workers' Compensation Board of Review)

Affirmed (3-0)

Teena W. v. Tristan E., 24-ICA-342 (Fam. Ct. Berkeley Cnty. No. FC-02-2024-D-184)

Affirmed (3-0)

Regina McLaughlin v. Joseph M. Cole, 24-ICA-343 (Fam. Ct. Marion Cnty. No. FC-24-2012-D-79)

Affirmed (3-0)

Victoria Bradhurst v. Walmart Associates, Inc., 24-ICA-344 (Workers' Compensation Board of Review)

Affirmed (3-0)

Ervin C. Caldwell v. Health Team Critical Care Transport, LLC, 24-ICA-345 (Workers' Compensation Board of Review)

Affirmed (3-0)

Danford Bragg v. Blue Creek Mining, 24-ICA-353 (Workers' Compensation Board of Review)

Affirmed (3-0)

Karla M. v. West Virginia Department of Human Services Bureau for Social Services, 24-ICA-354 (West Virginia Office of Inspector General Board of Review No. 24-BOR-2660)

Reversed and Remanded (3-0)

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Avory Williams, Jr. v. Stop Buy Auto, 24-ICA-365 (Cir. Ct. Kanawha Cnty. No. CC-20-2024-C-AP-37)

Affirmed (3-0)

Abraham M. v. Andrea M., 24-ICA-368 (Fam. Ct. Kanawha Cnty. No. FC-20-2021-D-463)

Affirmed, in part, Vacated, in part, and Remanded, with Directions (3-0)

Gabe's v. Keith Hayes, 24-ICA-380 (Workers' Compensation Board of Review)

Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

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

F&R Cargo Express, LLC v. Aida Betts, as Administratrix of the Estate of Adanela L. Santana, Ebony White, and Ebony White, as Mother and Next Friend of J.B., 24-ICA-242, 24-ICA-243, and 24-ICA-244 (Cir. Ct. Ohio Cnty. Nos. CC-35-2022-C-10, CC-35-2022-C-44, and CC-35-2022-C-45) (3-0)

Tammy S. Wratchford and Michael W. Wratchford v. Erie Insurance Property & Casualty Company, 24-ICA-320 (Cir. Ct. Hardy Cnty. No. CC-16-2018-C-3) (3-0)

Erie Insurance Property & Casualty Company v. Tammy S. Wratchford and Michael W. Wratchford, 24-ICA-331 (Cir. Ct. Hardy Cnty. No. CC-16-2018-C-3) (3-0)

ORDERS

Orders of note were entered in the following cases:

Karen L. Bishop v. Robert Valle, 25-ICA-55 (Cir. Ct. Boone Cnty. No. CC-03-2024-C-AP-2)

Motion for Stay Refused (3-0)

Mingo County Board of Education v. Michael Lucas, 25-ICA-60 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Blackhawk Mining, LLC v. Harold G. Woods, Jr., 25-ICA-63 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

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Alpha Metallurgical Resources, Inc. v. Andrew Kincaid, 25-ICA-65 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Timothy D. v. Rachelle D., 25-ICA-82 (Fam. Ct. Kanawha Cnty. No. FC-20-2022-D-711)

Motion for Stay Refused (3-0)

Jennifer Phillips v. City of Beckley Housing Authority, 25-ICA-88 (Cir. Ct. Raleigh Cnty. No. CC-41-2024-C-AP-14)

Motion for Stay Refused (3-0)

David R. v. Honey R., 25-ICA-12 (Fam. Ct. Wyoming Cnty. FC-55-2018-D-161)

Motion to Dismiss Refused (3-0)

Teresa Farmer v. Jeremiah Edward Farmer, individually and in his official capacity as Executor of the Estate of William J. Farmer, Sr., and William J. Farmer, Jr., 25-ICA-30 (Cir. Ct. Mercer Cnty. No. CC-28-2022-C-57)

Motion to Remand to Circuit Court Granted (3-0)