



DECISIONS, NOTICES AND ORDERS

Tuesday, April 22, 2025

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the 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:

State of West Virginia v. Gary A. Thomas – No. 23-170 (Cabell 21-F-9)
Affirmed (5-0)

State of West Virginia v. Joseph B. – No. 23-403 (Wetzel CC-52-2022-F-2)
Affirmed (5-0)

State of West Virginia v. Gary M. – No. 23-404 (Berkeley CC-02-2021-F-316)
Affirmed (5-0)

Martez Griffin v. Shelby Searls, Superintendent, Huttonsville Correctional Center – No. 23-412 (Kanawha 21-P-435)
Affirmed (5-0)

State of West Virginia v. Heather L. Hewitt – No. 23-413 (Fayette CC-10-2023-F-24)
Affirmed (5-0)

Jamie Miller v. Shelby Searls, Superintendent, Huttonsville Correctional Center – No. 23-203 (Calhoun CC-07-2022-P-12)
Affirmed (5-0)

In re P.W. – No. 23-451 (Wood CC-54-2019-JD-47)
Affirmed (5-0)

Michael Ian Palmer v. Russell Maston, Superintendent, Saint Marys Correctional Center – No. 23-205 (Marion CC-24-2016-C-297)
Affirmed (5-0)

State of West Virginia v. Robert L. Shingleton – No. 23-193 (Taylor 11-F-50)
Affirmed (5-0)

ORDER LIST
April 22, 2025
Page 2

Michael Dewayne Hicks v. Jonathan Frame, Superintendent, Mt. Olive Correctional Complex – No. 23-502 (Kanawha 23-P-94)
Affirmed (4-0) (Justice Armstead disqualified.)

State of West Virginia v. Michael E. Brown – No. 24-73 (Cabell 98-F-40)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

Ronald Hardy, Ralph Manuel, Edgel Dudleson, Ricky Miller, James Cruvey, Mark Scott, and Gary Scott v. 3M Company, Mine Safety Appliances Company, LLC, AO-C-A (American Optical Corporation-Cabot CSC Corporation-Cabot Corporation), Eastern State Mine Supply Company, and Raleigh Mine and Industrial Supply – No. 23-717 (McDowell 22-ICA-123)

State of West Virginia v. Ronnie Eric Cochran – No. 24-98 (Raleigh CC-41-2020-F-426)

State of West Virginia ex rel. Stonewall Jackson Memorial Hospital Company v. West Virginia Department of Health, Health Care Authority, and St. Joseph's Hospital of Buckhannon, Inc. – No. 24-750 (Original Mandamus) (23-ICA-265)
Issued Rule to Show Cause.

State of West Virginia ex rel. State of West Virginia v. The Honorable Jason A. Cuomo, Judge of the Circuit Court of Brooke County, West Virginia, and Thomas Anthony Smogonovich – No. 25-16 (Original Prohibition)
Issued Rule to Show Cause.

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Nathan Dolen – No. 23-160 (Cabell 21-F-209)

St. Joseph's Hospital of Buckhannon, Inc. v. Stonewall Jackson Memorial Hospital Co. and West Virginia Health Care Authority – No. 24-347 (Kanawha 23-ICA-265)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. Michael Brown v. The Honorable Paul Farrell, Judge of the Circuit Court of Cabell County – No. 23-696 (Original Mandamus)
Petition refused. (5-0)

ORDER LIST

April 22, 2025

Page 3

State of West Virginia ex rel. The Shumard Foundation, Inc. v. UMB Bank, N.A., in its capacity as Successor Master Trustee under the certain Master Trust Indenture dated as of August 31, 2007, between Ohio Valley University, Inc.; and United Bank, Inc.; and Ohio Valley University, Inc. – No. 24-318 (Original Certiorari)
Petition refused. (5-0)

State of West Virginia ex rel. Alpha Technologies, Inc., and Douglas E. Tate v. The Honorable David J. Hardy, Judge of the Circuit Court of Kanawha County, Pulmonary Associates of Charleston, PLLC., Kevin Eggleston, M.D., Tamejiro Takubo M.D., Robby Keith, M.D., W. Alex Wade, M.D., Phillip Cox, D.O., James Perry, III, D.O., Ryan Waddell, D.O., and Kevin Musilli – No. 24-402 (Original Prohibition) (Kanawha 22-C-398)
Petition refused. (3-0) (Justice Trump disqualified.) (Justice Armstead not participating.)

State of West Virginia ex rel. Elkins Regional Convalescent Center, Inc. d/b/a Elkins Rehabilitation and Care Center, and Tara Shaver v. The Honorable David Wilmoth, Judge of the Circuit of Randolph County, and Patricia Arbogast, as Administratrix of the Estate of Josephine Taylor – No. 24-503 (Original Prohibition) (Randolph CC-42-2023-C-139)
Petition refused. (5-0)

State of West Virginia ex rel. David E. Tackett v. The Honorable Darl Poling, Judge of the Circuit Court of Raleigh County – No. 24-586 (Original Mandamus)
(Raleigh CC-41-2017-F-238)
Petition refused. (5-0)

State of West Virginia ex rel. Iran Eli Glover v. Belinda J. Biafore, Clerk of the Circuit Court of Marion County – 24-529 (Original Mandamus) (Marion CC-24-2023-C-103)
Petition refused. (5-0)

State of West Virginia ex rel. Richard Waters Jr., v. The Honorable Anita Ashley, Judge of the Circuit Court of Roane County – No. 24-500 (Original Mandamus) (Roane CC-44-2018-F-92)
Petition refused. (5-0)