



DECISIONS, NOTICES, AND ORDERS

Monday, May 5, 2025

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

Cassandra W. v. Steven T., 24-ICA-445 (Fam. Ct. Marion Cnty. No. FC-24-2014-D-340)
Affirmed (3-0)

Lorraine Clark, Dependent of Clifton Clark, Sr., (Deceased) v. U.S. Steel Mining Company, Inc., 24-ICA-429 (Workers' Compensation Board of Review)
Affirmed (3-0)

Laura J. Perine v. Genesis Healthcare, LLC, 24-ICA-415 (Workers' Compensation Board of Review)
Affirmed (3-0)

Sandra Schumacher v. Brightspring Healthcare Services, 24-ICA-414 (Workers' Compensation Board of Review)
Affirmed (3-0)

Marion County Coal Resources v. Andrew Mayle, 24-ICA-412 (Workers' Compensation Board of Review)
Affirmed (3-0)

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Matthew Price v. Raleigh County Commission, 24-ICA-411 (Workers' Compensation Board of Review)

Affirmed (3-0)

Michelle Harda and Douglas J. Harda v. Eric C. Popish and Stacy A. Popish, 24-ICA-403 (Cir. Ct. Hancock Cnty. No. CC-15-2019-C-52)

Dismissed (3-0)

JP Morgan Chase v. Donald Gwinn, 24-ICA-402 (Workers' Compensation Board of Review)

Affirmed (3-0)

Kim Walker v. James Walker, 24-ICA-393 (Fam. Ct. Wayne Cnty. No. FC-50-2023-D-7)

Vacated and Remanded (3-0)

Michael King v. Lurinda King, 24-ICA-392 (Fam. Ct. Webster Cnty. No. FC-51-2022-D-55)

Affirmed (3-0)

William Rhoades v. ACNR Resources, Inc., 24-ICA-391 (Workers' Compensation Board of Review)

Affirmed (3-0)

Dinah Rose v. Nora Church Trivett, 24-ICA-383 (Cir. Ct. Mercer Cnty. No. CC-28-2024-C-120)

Affirmed (3-0)

City of Wheeling v. Cody Melsop, 24-ICA-379 (Workers' Compensation Board of Review)

Affirmed (3-0)

Donta Wade v. University Physicians & Surgeons, Inc., Marshall Health Network, Inc., Holly Nauert, D.O., and Lee Van Horn, M.D., 24-ICA-378 (Cir. Ct. Cabell Cnty. No. CC-06-2024-C-179)

Affirmed (3-0)

Joseph E. Hunter v. Joshua Burdette, 24-ICA-375 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-779)

Affirmed (3-0)

Joanne M. Pybon v. United Hospital Center, 24-ICA-371 (Cir. Ct. Harrison Cnty. No. CC-17-2023-C-264)

Affirmed (3-0)

Fred Kennedy v. Harman Branch Mining, Inc., 24-ICA-366 (Workers' Compensation Board of Review)

Reversed and Remanded (3-0)

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Vicki Lawson v. Service Cleaners, Inc., 24-ICA-363 (Workers' Compensation Board of Review)
Affirmed (3-0)

Weyerhaeuser Company v. Richard Pritt, 24-ICA-355 (Workers' Compensation Board of Review)
Affirmed (3-0)

In re: R.K., a minor, 24-ICA-349 (Fam. Ct. Marion Cnty. No. FC-24-2020-FIG-17)
Vacated and Remanded (3-0)

Stanley L. v. Alexandra C., 24-ICA-334 (Fam. Ct. Wayne Cnty. No. FC-50-2019-D-44)
Affirmed (3-0)

Sylvia L. v. Gerald P., Jr., 24-ICA-332 (Fam. Ct. Hardy Cnty. No. FC-16-2020-D-75)
Vacated and Remanded (3-0)

Stephen U. v. The State of West Virginia, Sherri Young, in her official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources, Matthew Christiansen, in his official capacity as Commissioner of the West Virginia Department of Health and Human Resources, Bureau for Public Health, and State Health Officer, and Matthew Wickert, in his official capacity as the State Registrar for Vital Statistics, 24-ICA-326 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-877)
Affirmed (3-0)

Joseph Satterfield v. Walmart Associates, Inc., 24-ICA-323 (Workers' Compensation Board of Review)
Affirmed (3-0)

Joshua Dower v. Melissa Dower, 24-ICA-310 (Fam. Ct. Monongalia Cnty. No. FC-31-2018-D-176)
Affirmed (3-0)

Fernando Marquez v. Tracardebre, LLC, 24-ICA-303 (Workers' Compensation Board of Review)
Affirmed, in part, and Reversed, in part (3-0)

Robert Owens and Melody Merva v. Courtney Axline and Dominique Johnson, 24-ICA-290 (Cir. Ct. Berkeley Cnty. No. CC-02-2024-C-230)
Affirmed (3-0)

Robert D. Fisher v. West Virginia Legislature and Mineral County Office of Prosecutor, 24-ICA-289 (Cir. Ct. Mineral Cnty. No. CC-29-2024-P-30)
Vacated and Remanded (3-0)

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Nicole Booker v. Woodside, a Linden Community, 24-ICA-280 (Cir. Ct. Berkeley Cnty. No. CC-02-2024-C-AP-11)

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

Robert Smith, Jr. v. Robert Smith, 24-ICA-278 (Cir. Ct. Mingo Cnty. No. CC-30-2023-C-132)

Affirmed (3-0)

Wastezero, Inc. v. Foodmasters, LLC d/b/a Kanawha City Piggly Wiggly, 24-ICA-271 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-185)

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

Michael B. Wilber v. Locust Hill Unit Owner's Association, Inc., 24-ICA-270 (Cir. Ct. Jefferson Cnty. No. CC-19-2022-C-97)

Remanded with Directions (3-0)

Go-Mart, Inc. v. Theresa Parker and Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-259 (WorkForce West Virginia Board of Review No. R-2024-0664)

Affirmed (3-0)

Grace K. Herron v. United Hospital Center, Inc., and Scott A. Adkins, in his capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-257 (WorkForce West Virginia Board of Review No. R-2024-0470)

Affirmed (3-0)

Christina Virtue, Executrix of the Estate of Everett Reed v. Camden-Clark Memorial Hospital Corporation, Roselyn Knopf, M.D., Seyoum Bage, M.D., Annette Hamilton, M.D., and Camden-Clark Physician Corporation, 24-ICA-252 (Cir. Ct. Wood Cnty. No. CC-54-2019-C-104)

Affirmed (3-0)

Joseph M. Benson v. Pamela Benson and Edward Benson, as Executrix/Executor of the Estate of August Frank Benson, Jr., and Bank of Romney, 24-ICA-247 (Cir. Ct. Hampshire Cnty. No. CC-14-2023-P-12)

Affirmed (3-0)

Savage Services Corporation v. Matthew Irby, in his official capacity as State Tax Commissioner of West Virginia, 24-ICA-237 (West Virginia Office of Tax Appeals No. 22-0005)

Reversed and Remanded (3-0)

Geoex, Inc. v. Williamson Mining and Manufacturing Company, 24-ICA-200 (Cir. Ct. Mingo Cnty. No. CC-30-2020-C-103)

Affirmed (3-0)

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Stephen H. Blaydes, M.D. v. Princeton Community Hospital Association, Inc., 24-ICA-156 (Cir. Ct. Mercer Cnty. No. CC-28-2022-C-137)
Affirmed (2-1) (Judge White, dissenting)

RULE 19 ARGUMENT GRANTED

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

Robin Goodwin v. James R. Shaffer and Iris M. Shaffer, 24-ICA-321 (Cir. Ct. Preston Cnty. No. CC-39-2018-C-7) (3-0)

U.S. Bank Trust National Association, as Trustee of LB-Ranch Series V Trust v. Duncan Homes, LLC, and Conrad Legal Corporation, 24-ICA-398 (Cir. Ct. Berkeley Cnty. No. CC-02-2023-C-15) (3-0)

Wade Boyce v. Quinwood Coal Company, LLC, 24-ICA-346 (Workers' Compensation Board of Review) (3-0)

ORDERS

Orders of note were entered in the following cases:

Messer & Associates v. Matthew Irby, in his official capacity as State Tax Commissioner of West Virginia, 24-ICA-471 (West Virginia Office of Tax Appeals No. 21-131)
Motion to Dismiss Granted (3-0)

XTO Energy Inc. v. Robert J. Edgell, 25-ICA-18 (Cir. Ct. Harrison Cnty. CC-17-2019-C-254)
Motion to Dismiss Granted (3-0)

GMS Mine Repair and Maintenance, Inc. v. Rodney Woodruff, 24-ICA-367 (Workers' Compensation Board of Review)
Petition for Rehearing Refused (3-0)

Hull Property Group, LLC, and Charles WV Mall, LLC v. Quarrier St LLC, and US 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. 22-C-128)
Petition for Rehearing Refused (3-0)