



DECISIONS, NOTICES, AND ORDERS

Monday, September 8, 2025

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

Amy L. Hymes v. West Virginia Department of Human Services, 24-ICA-327 (West Virginia Public Employees Greivance Board No. 2023-0611-DHHR)
Affirmed (3-0)

In re: G.T. and K.T., minors, 24-ICA-338 (Cir. Ct. Jefferson Cnty. No. CC-19-2017-CIG-4)
Affirmed (2-0) (Chief Judge Lorensen, not participating)

Victor Summers v. Edward L. Moore, 24-ICA-385 (Cir. Ct. Roane Cnty. No. CC-44-2022-C-31)
Affirmed, in part, Vacated, in part, and Remanded (3-0)

Kermit Wiley, Sr. v. Sandra K. Trent, 24-ICA-394 (Cir. Ct. Mercer Cnty. No. CC-28-2024-C-42)
Reversed (3-0)

Julia R. v. Paul J., 24-ICA-406 (Fam. Ct. Marshall Cnty. No. FC-25-2019-D-214)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

Christie Conley v. Logan County Board of Education, 24-ICA-424 (Workers' Compensation Board of Review)
Affirmed (3-0)

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Darrell D. Morgan v. Cornerstone Labor Services, Inc., 24-ICA-435 (Workers' Compensation Board of Review)
Affirmed (3-0)

Chet Burgess and Kimberly Burgess v. West Virginia Consolidated Public Retirement Board, 24-ICA-437 (W. Va. Consol. Pub. Ret. Bd. Case In re: Chet Burgess)
Vacated and Remanded (3-0)

James Robert Hendricks v. West Virginia Consolidated Public Retirement Board, 24-ICA-448 (W. Va. Consol. Pub. Ret. Bd. Case In re: James Robert Hendricks)
Reversed (3-0)

Morgantown Mall Associates, LP v. Mark A. Musick, in his official capacity as Assessor of Monongalia County, West Virginia, 24-ICA-449 (W. Va. Office of Tax Appeals No. 23-1329)
Affirmed (3-0)

Timothy Short v. West Virginia Division of Natural Resources, 24-ICA-450 (Workers' Compensation Board of Review)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

Matthew S. v. Elizabeth S., 24-ICA-465 (Fam. Ct. Kanawha Cnty. No. FC-20-2016-D-1111)
Affirmed (3-0)

Aaron D. Birtcher v. West Virginia Northern Community College, 24-ICA-470 (W. Va. Pub. Emp. Grievance Bd. No. 2025-0077-NCC)
Affirmed (3-0)

Katelin C. v. Donovan C., 24-ICA-473 (Fam. Ct. Nicholas Cnty. No. FC-34-2020-D-23)
Affirmed (3-0)

Leadmine Community Church a/k/a Leadmine United Methodist Church, by and through its Trustees, James G. Alford, Larry Stemple, Mark Warner, Jeremy Hile, Lonnie Dotson, Wesley Lantz, Karen Hockman, Mark D. Phillips, and Sylvia Owens v. West Virginia Annual Conference of the United Methodist Church, an unincorporated association, by and through its Trustees, Nancy Cheshire, Yvonne W. Harris, Richard Shaffer, Richard E. Ford, Jr., Sheri Kernik, Thomas Matthews, Holly Biondi, Annette Carper, Ken Krimmel, Randall F. Flanagan, Cynthia Eakle, and Frank Shomo, 24-ICA-475 (Cir. Ct. Tucker Cnty. No. CC-47-2023-C-13)
Affirmed (3-0)

NCP Belden, LLC v. Angela Banks, in her official capacity as Assessor of Jefferson County, West Virginia, 24-ICA-491 (W. Va. Office of Tax Appeals No. 23-1306)
Affirmed (3-0)

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James Summers v. Nancy Summers, 24-ICA-493 (Fam. Ct. Monongalia Cnty. No. FC-31-2007-D-295)

Affirmed (3-0)

Christopher D. v. Trystin T., 24-ICA-498 (Fam. Ct. Jefferson Cnty. No. FC-19-2022-D-15)

Affirmed (3-0)

Mingo Logan Coal Company v. Andrew Reynolds III, 24-ICA-508 (Workers' Compensation Board of Review)

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

Regina McLaughlin v. Joseph M. Cole, 24-ICA-509 (Fam. Ct. Marion Cnty. No. FC-24-2012-D-79)

Affirmed (3-0)

Amanda S. v. Daniel S., 24-ICA-512 (Fam. Ct. Boone Cnty. No. FC-03-2024-D-90)

Reversed and Remanded, with instructions (3-0)

Hannah G. v. Eric S., 24-ICA-513 (Fam. Ct. Cabell Cnty. No. FC-06-2017-D-703)

Affirmed (3-0)

Regina McLaughlin v. Joseph M. Cole, 24-ICA-516 (Fam. Ct. Marion Cnty. No. FC-24-2012-D-79)

Affirmed (3-0)

Frank Mayer v. City of Clarksburg, 24-ICA-519 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

ACNR Resources, Inc. v. Ronald Miller, 25-ICA-15 (Workers' Compensation Board of Review)

Affirmed (3-0)

Frank Mayer v. City of Clarksburg, 25-ICA-28 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

Terry Kyle v. Patriot Coal Corporation, 25-ICA-33 (Workers' Compensation Board of Review)

Affirmed (3-0)

Pineville Furniture & Appliance Company, Inc. v. Glen Laxton, 25-ICA-34 (Workers' Compensation Board of Review)

Affirmed (3-0)

Cabell County Commission v. David L. Edgar, 25-ICA-4 (Workers' Compensation Board of Review)
Affirmed (3-0)

Macy's Corporate Services, Inc. v. Darlene Wolford, 25-ICA-48 (Workers' Compensation Board of Review)
Affirmed (3-0)

Mingo County Board of Education v. Michael Lucas, 25-ICA-60 (Workers' Compensation Board of Review)
Affirmed (3-0)

Blackhawk Mining, LLC v. Harold G. Woods, Jr., 25-ICA-63 (Workers' Compensation Board of Review)
Affirmed (3-0)

ACNR Resources, Inc. v. Danielle Goff, 25-ICA-9 (Workers' Compensation Board of Review)
Affirmed (3-0)

Majed M. v. Nisha W., 25-ICA-290 (Fam. Ct. Wood Cnty. No. FC-54-2025-D-32)
Affirmed (3-0)

Jason Barnette v. West Virginia Department of Health, West Virginia Department of Human Services, West Virginia Department of Health Facilities, Office of Shared Administration, and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 24-ICA-401 (WorkForce W. Va. Bd. of Rev. No. R-2024-0976)
Affirmed (3-0)

Francis McGuire and Equity Capital, LLC v. Keith McGuire, 24-ICA-407 (Cir. Ct. Cabell Cnty. No. CC-06-2020-C-409)
Affirmed (3-0)

Robbie Hatfield v. Wyoming County Commission, 24-ICA-408 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Bruce Fein v. Robert Peckenpaugh and Wheeling Park Commission, 24-ICA-444 (Cir. Ct. Ohio Cnty. No. CC-35-2024-C-172)
Affirmed (3-0)

Susan A. Witte, Jack Gregg Haught, and Paula Jean Freeman v. Beverly A. Factor, Terrance L. Koester, and Antero Resources Corporation, 24-ICA-453 (Cir. Ct. Tyler Cnty. No. CC-48-2021-C-9)
Affirmed (3-0)

Cari L Casto v. Peppermint Creek, LLC, 24-ICA-338 (Workers' Compensation Board of Review)
Affirmed (3-0)

In re: Expungement of Record of C.S., 24-ICA-482 (Cir. Ct. Hampshire Cnty. No. CC-14-2024-P-53)
Affirmed (3-0)

Jay Crofford v. Koppers Industries, Inc., 24-ICA-484 (Workers' Compensation Board of Review)
Reversed and Remanded (3-0)

Route 92 Operations, LLC, d/b/a White Sulphur Springs Center v. West Virginia Department of Human Services, Bureau for Medical Services, 24-ICA-489 (W. Va. Dept. of Human Svcs, Bureau for Med. Svcs. Case In Re: Route 92 Operations, LLC, d/b/a White Sulphur Springs Center)
Affirmed (3-0)

1000 Lincoln Drive Operations, LLC, d/b/a Valley Center v. West Virginia Department of Human Services, Bureau for Medical Services, 24-ICA-490 (W. Va. Dept. of Human Svcs, Bureau for Med. Svcs. Case In Re: 1000 Lincoln Drive Operations, LLC, d/b/a Valley Center)
Affirmed (3-0)

Frank D. Unger v. Roane County Commission, 24-ICA-501 (Cir. Ct. Roane Cnty. No. CC-44-2024-P-67)
Affirmed (3-0)

Jeremiah N. v. Briana C., 25-ICA-10 (Fam. Ct. Jackson Cnty. No. FC-18-2023-D-95)
Affirmed (3-0)

Rebecca Harper v. City of Elkins, 25-ICA-101 (Workers' Compensation Board of Review)
Affirmed (3-0)

Maxim Healthcare Services, Inc. v. Sabrina Taylor, 25-ICA-102 (Workers' Compensation Board of Review)
Affirmed (3-0)

Fabiano D. v. Dylan Y., 25-ICA-11 (Fam. Ct. Greenbrier Cnty. No. FC-13-2019-D-143)
Affirmed, in part, Vacated, in part, and Remanded (3-0)

Stephen U. v. Caren J., 25-ICA-118 (Cir. Ct. Mason Cnty. No. CC-26-2019-C-32)
Affirmed (3-0)

Brittany M. v. Bryan M., 25-ICA-13 (Fam. Ct. Upshur Cnty. No. FC-49-2024-D-17)
Affirmed, in part, Vacated, in part, and Remanded with Directions (3-0)

Blackhawk Mining, LLC v. Harold G. Elswick II, 25-ICA-22 (Workers' Compensation Board of Review)
Affirmed (3-0)

Hung-Ni W. v. Christopher W., 25-ICA-25 (Fam. Ct. Jefferson Cnty. No. FC-19-2012-D-335)
Vacated and Remanded (3-0)

Duncan Homes, LLC v. Matthew D. Stallard and J. Douglas Stallard, 25-ICA-3 (Cir. Ct. Berkeley Cnty. No. CC-02-2023-C-385)
Affirmed (3-0)

Brandon Hicks v. Karen Barnett, 25-ICA-31 (Cir. Ct. Mercer Cnty. No. CC-28-2024-C-135)
Affirmed, in part, Vacated, in part, and Remanded, with directions (2-0) (Chief Judge Lorensen, not participating)

Gregory H. Schillace v. Robert Matheny, Sheriff of Harrison County, 25-ICA-37 (Cir. Ct. Harrison Cnty. No. CC-17-2019-C-94)
Affirmed (3-0)

Gregory H. Schillace v. Edward Ryan Wilson, 25-ICA-38 (Cir. Ct. Harrison Cnty. No. CC-17-2023-C-197)
Reversed and Remanded (3-0)

Brandon L. v. Stephanie L., 25-ICA-41 (Fam. Ct. Harrison Cnty. No. FC-17-2024-D-250)
Affirmed (3-0)

William K. Willis v. Fayette County Commission, 25-ICA-46 (Workers' Compensation Board of Review)
Affirmed (3-0)

Donna G. Boggs v. Justice Family Group, LLC, 25-ICA-54 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Stephen U. v. Caren J. and Charleston Area Medical Center Health System, Inc.; and Stephen U., individually and on behalf of his minor children, Z.U. and L.U. v. Charleston Area Medical Center Health System, Inc., and Caren J., 25-ICA-56 and 25-ICA-57 (Cir. Ct. Kanawha Cnty. Nos. CC-20-2020-C-783 and CC-20-2018-C-1356)
Affirmed (3-0)

Rae R. v. Stanley B., 25-ICA-61 (Fam. Ct. Kanawha Cnty. No. FC-20-2017-D-254)
Affirmed (3-0)

Alpha Metallurgical Resources, Inc. v. Andrew Kincaid III, 25-ICA-65 (Workers' Compensation Board of Review)
Affirmed (3-0)

Brian Vossen II v. Marshall County Coal Resources, 25-ICA-67 (Workers' Compensation Board of Review)
Affirmed (3-0)

Donald R. Endicott v. ACNR Resources, Inc., 25-ICA-68 (Workers' Compensation Board of Review)
Affirmed (3-0)

Michael Walsh v. Beaver Ridge Resort Condo Unit Owners' Association, 25-ICA-77 (Cir. Ct. Tucker Cnty. No. CC-47-2021-C-9)
Affirmed (3-0)

Arch Coal Group, Inc. v. David Woolum, 25-ICA-91 (Workers' Compensation Board of Review)
Affirmed (3-0)

Katie Gee v. ACNR Resources, Inc., 25-ICA-92 (Workers' Compensation Board of Review)
Affirmed, in part, and Reversed, in part (3-0)

Mary Ann Groves v. Ricky Allen Ours, 25-ICA-93 (Fam. Ct. Grant Cnty. No. FC-12-2021-D-16)
Affirmed (3-0)

Graham Packaging Company, LP v. Crystal D. Barnes, 25-ICA-95 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

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

Bradley A. Reed v. P. Todd Phillips, 24-ICA-455 (Cir. Ct. Monongalia Cnty. No. CC-31-2022-C-124) (3-0)

Adrian Osborne v. Kevin Mace, M.D., Montana Boyce, R.N., United Hospital Center, Inc., and West Virginia University Board of Governors, 25-ICA-72 (Cir. Ct. Harrison Cnty. No. CC-17-2024-C-231) (3-0)

Dan Ryan Builders, Inc., Dan Ryan Builders Realty, Inc., DRB Enterprises, Inc., Monocacy Home Mortgage, LLC, Christopher Rusch, and Crystal Rankin v. Evanston Insurance Company, 24-ICA-481 (Cir. Ct. Harrison Cnty. No. CC-17-2009-C-57) (3-0)

Justin T. v. Haleigh T., 25-ICA-103 (Fam. Ct. Marion Cnty. No. FC-24-2024-D-242) (3-0)

RULE 20 ARGUMENT GRANTED

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

Haghtland Resources, LLC v. SWN Production Company, LLC, 25-ICA-84 (Oil and Gas Conservation Commission of W. Va. No. 383-443) (3-0)

Valerie Jane Poe, as Administratrix of the Estate of Dorothy Louise Poe v. James W. Taylor, 25-ICA-45 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-1089) (3-0)

ORDERS

Orders of note were entered in the following cases:

Jeffrey L. Durham v. County of Raleigh, West Virginia, Raleigh County Sheriff's Department, Sheriff J.C. Canaday, Raleigh County Prosecutor, Ben Hatfield, Bryan Parsons, and Raleigh County Attorney Carl Roop, 25-ICA-171 (Cir. Ct. Raleigh Cnty. No. CC-41-2023-C-352)
Motion to Dismiss Granted (3-0)

Elizabeth M. v. Derek C., 25-ICA-269 (Fam. Ct. Jefferson Cnty. No. FC-19-2024-D-157)
Motion to Dismiss Refused (3-0)

Robert S. v. Kate S., 25-ICA-257 (Fam. Ct. Berkeley Cnty. No. FC-02-2024-D-310)
Motion for Stay Refused (3-0)