



DECISIONS, NOTICES, AND ORDERS

Monday, October 6, 2025

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

Michelle Gordon v. Jefferson County Commission, Tricia Jackson, individually and in her official capacity as Jefferson County Commissioner, and Thomas Hansen, individually and in his official capacity as Jefferson County Sheriff, 24-ICA-452 (Cir. Ct. Jefferson Cnty. No. CC-19-2022-C-112)
Affirmed (2-0) (Chief Judge Lorensen, not participating)

MEMORANDUM DECISIONS

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

Carl Gooderham v. SWVA, Inc., 24-ICA-483 (Workers' Compensation Board of Review)
Affirmed (3-0)

Corey R. v. Ashley R., 24-ICA-492 (Fam. Ct. Jackson Cnty. No. FC-18-2023-D-189)
Affirmed (3-0)

Kathy J. Nelson v. Wayne County Board of Education, 24-ICA-503 (Workers' Compensation Board of Review)
Affirmed (3-0)

In re: L.A.G., 25-ICA-107 (Cir. Ct. Lewis Cnty. No. CC-21-2024-G-4)
Vacated and Remanded (3-0)

Kaylee Pugh v. West Virginia Department of Human Services, Bureau for Social Services, 25-ICA-109 (W. Va. Off. of Inspector Gen. Bd. of Rev. No. 25-BOR-1516)
Affirmed (3-0)

J.K. v. Marshall County Coal Resources, 25-ICA-110 (Workers' Compensation Board of Review)
Affirmed (3-0)

Constellium US Holdings I, LLC v. Michael D. Ferrell, 25-ICA-112 (Workers' Compensation Board of Review)
Affirmed (3-0)

David R. v. Honey R., 25-ICA-12 (Fam. Ct. Wyoming Cnty. No. FC-55-2018-D-161)
Affirmed (3-0)

Phillip R. v. Kelly R., 25-ICA-123 (Fam. Ct. Wood Cnty. No. FC-54-2020-D-353)
Affirmed (3-0)

XMV, Inc. v. Fredrick E. Ayers, 25-ICA-128 (Workers' Compensation Board of Review)
Affirmed (3-0)

John Moore v. United Coal Company, LLC, 25-ICA-137 (Workers' Compensation Board of Review)
Affirmed (3-0)

ACNR Resources, Inc. v. Shine Kellison, 25-ICA-182 (Workers' Compensation Board of Review)
Affirmed (3-0)

Richard DeBias and Marie DeBias v. Thomas A. Hunter and Cathy B. Hunter, 25-ICA-19 (Cir. Ct. Randolph Cnty. No. CC-42-2022-C-125)
Affirmed (3-0)

Stephen U. v. Caren J., 25-ICA-204 (Cir. Ct. Kanawha Cnty. No. CC-20-2020-C-155)
Affirmed (3-0)

David Socha v. Leafguard Holdings, Inc., and Leafguard of Pittsburgh, 25-ICA-21 (Cir. Ct. Marion Cnty. No. CC-24-2024-C-100)
Affirmed (3-0)

N. Rachel T. v. Oliver B., 25-ICA-23 (Fam. Ct. Jefferson Cnty. No. FC-19-2017-D-131)
Vacated and Remanded with Directions (3-0)

B.M. v. Mingo Logan Coal Company, 25-ICA-26 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Tami K., individually and as Guardian and Next Friend of minor children J.S., M.S., and Z.S., and Chris W., individually and as Guardian and Next Friend of minor child G.W. v. Konrad Construction, LLC, Kidd Excavating, LLC, William R. Railing, and Logan Stewart, 25-ICA-43 and 25-ICA-86 (Cir. Ct. Ohio Cnty. No. CC-35-2024-C-212)
Reversed, in part (3-0)

Joshua A. v. Jessica A., 25-ICA-5 (Fam. Ct. Monongalia Cnty. No. FC-31-2024-D-179)
Affirmed (3-0)

Hannah F. v. West Virginia Department of Human Services, Bureau for Social Services, 25-ICA-53 (W. Va. Off. of Inspector Gen. Bd. of Rev. No. 24-BOR-2947)
Affirmed (3-0)

Nelson Steve Marteney v. Agnes Nuzum Murphy, Administratrix of the Estate of Ervin Severn McVicker, 25-ICA-59 (Cir. Ct. Barbour Cnty. No. CC-01-2023-C-44)
Affirmed (3-0)

Calvin R. Teets v. Patterson UTI Energy, Inc., 25-ICA-6 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

James Clark v. Spartan Mining Company c/o ANR, 25-ICA-75 (Workers' Compensation Board of Review)
Affirmed (3-0)

Noah Fleenor v. Alpha Metallurgical Resources, Inc., 25-ICA-76 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Gregory Keplinger v. Cheri Molter, 25-ICA-81 (Fam. Ct. Grant Cnty. No. FC-12-2010-D-90)
Affirmed (3-0)

Prestera Center for Mental Health v. Morgan N. Lutz and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 25-ICA-87 (WorkForce W. Va. Bd. of Rev. No. R-2024-2849)
Affirmed (3-0)

Timothy Hall v. Nationwide Insurance Company, Michael Fallon, Fallon Insurance Agency, and Allan L. McVey, Insurance Commissioner of the State of West Virginia, 25-ICA-94 (W. Va. Off. of the Ins. Comm. Nos. 24-IC-159993 and 24-IC-159995)
Affirmed (3-0)

David Neely v. Pressure Vessel Services, Inc., 25-ICA-98 (Workers' Compensation Board of Review)
Affirmed (3-0)

Joseph Tassey v. JSG I, Inc., 25-ICA-99 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 19 ARGUMENT GRANTED

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

Sean C. McKee v. State Farm Mutual Automobile Insurance Company and Parker Hall Insurance Agency, Inc., 25-ICA-85 (Cir. Ct. Monongalia Cnty. No. CC-31-2021-C-280) (3-0)

ORDERS

Orders of note were entered in the following cases:

In re: B.E.B., an alleged protected person, 25-ICA-145 (Cir. Ct. Barbour Cnty. No. CC-01-2023-P-6)
Motion to Dismiss Granted (3-0)

Earnest Dale Collins, Jr. v. J. Kevin Koch, 25-ICA-285 (Cir. Ct. Wood Cnty. No. CC-54-2022-C-222)
Motion to Dismiss Refused (3-0)

Gracious Dining, LLC v. Miriam Lopez, 25-ICA-336 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Mountain Memories Assisted Living and Retirement Center v. Ricky Martin, 25-ICA-335 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Kennedy Kabiru v. State of West Virginia, ex rel., John B. McCuskey, in his official capacity as Attorney General of the State of West Virginia, 25-ICA-352 (Cir. Ct. Kanawha Cnty. No. CC-20-2025-P-172)
Motion for Stay Refused (3-0)

Rockwood Casualty Insurance Company v. Allan L. McVey, Insurance Commissioner of the State of West Virginia, 25-ICA-329 (Insurance Commissioner of the State of West Virginia No. 25-IC-179552)
Motion for Stay Refused (3-0)

Daniel McKee v. Jonathon Barnes, 25-ICA-62 (Cir. Ct. Lewis Cnty. No. CC-21-2024-C-AP-1)
Motion for Reconsideration Refused (3-0)

Trudy S. Cain v. Town of Worthington, 25-ICA-230 (Cir. Ct. Marion Cnty. No. CC-24-2021-C-141)
Motion to Dismiss Refused (3-0)