



DECISIONS, NOTICES, AND ORDERS

Monday, December 1, 2025

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

Mountain Valley Pipeline, LLC v. Martha Ann Zinn, and Mary Beth Naim, Judy Kay Smucker, and Jessica Grim, 24-ICA-447 and 24-ICA-458 (Cir. Ct. Summers Cnty. Nos. CC-45-2023-C-25 and CC-45-2023-C-26)

Affirmed, in part, and Reversed, in part (3-0)

Scott Lemley, in his official capacity as Assessor of Wetzel County, West Virginia v. MarkWest Liberty Midstream & Resources, LLC, MarkWest Liberty Ethane Pipeline, LLC, and MarkWest Liberty NGL Pipeline, LLC, 24-ICA-438 (Office of Tax Appeals Docket No. 23-1355)

Affirmed (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)

Affirmed (3-0) (Judge White, concurring)

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)

Affirmed, in part, Reversed, in part, and Remanded (3-0)

G&G Builders, Inc. v. Central Mutual Insurance Company; G&G Builders, Inc. v. Builders Premier Mutual Insurance Company; and Central Mutual Insurance Company v. G&G Builders, Inc., 24-ICA-441, 25-ICA-42, and 25-ICA-111 (Cir. Ct. Cabell Cnty. No. CC-06-2014-C-250)
Affirmed, in part, Reversed, in part, and Remanded with directions (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)
Affirmed, in part, and Vacated, in part (3-0)

Lillie Junkins, in her official capacity as Vice Mayor, City of Clarksburg, West Virginia v. West Virginia Ethics Commission; and James E. Marino, former Mayor, City of Clarksburg, West Virginia v. West Virginia Ethics Commission, 24-ICA-486 and 24-ICA-487 (West Virginia Ethics Commission Complaints #VCRB 2022-2 and #VCRB 2022-04)
Affirmed, in part, Reversed, in part, and Remanded (3-0)

In re: Petition of M.W. for Expungement of Record, 24-ICA-496 (Cir. Ct. Randolph Cnty. No. CC-42-2024-P-86)
Affirmed (3-0)

National Union Fire Insurance Company of Pittsburgh, PA, Allianz Global Risks US Insurance Company, Ace American Insurance Company, Zurich American Insurance Company, Great Lakes Insurance SE, XL Insurance America, Inc., General Security Indemnity Company of Arizona, Aspen Insurance UK Limited, Navigators Management Company, Inc., Ironshore Specialty Insurance Company, Validus Specialty Underwriting Services, Inc., and HDI-Gerling America Insurance Company v. Westlake Chemical Corporation and Axiall Corporation; and Westlake Chemical Corporation and Axiall Corporation v. National Union Fire Insurance Company of Pittsburgh, PA, Allianz Global Risks US Insurance Company, Ace American Insurance Company, Zurich American Insurance Company, Great Lakes Insurance SE, XL Insurance America, Inc., General Security Indemnity Company of Arizona, Aspen Insurance UK Limited, Navigators Management Company, Inc., Ironshore Specialty Insurance Company, Validus Specialty Underwriting Services, Inc., and HDI-Gerling America Insurance Company, 25-ICA-16 and 25-ICA-17 (Cir. Ct. Marshall Cnty. No. CC-25-2019-C-59)
Affirmed, in part, Reversed, in part, Vacated, in part, and Remanded (3-0)

MEMORANDUM DECISIONS

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

Caitlyn T. v. Christopher H., 25-ICA-167 (Fam. Ct. McDowell Cnty. No. FC-27-2019-D-183)
Vacated and Remanded with directions (3-0)

Michael Baker and George Cameron Baker, Trustees of the George C. Baker Trust Dated July 20, 2002; George Cameron Baker and Susan Ann Baker v. Daniel C. Cooper, as Executor of the Estate of George C. Baker, 24-ICA-253 (Cir. Ct. Braxton Cnty. No. CC-04-2021-AA-1)

Affirmed (3-0) (Judge White, voluntarily recused) (Judge Chad Lovejoy, sitting by temporary assignment)

Haughtland Resources, LLC v. SWN Production Company, LLC, 25-ICA-84 (Oil and Gas Conservation Commission No. 383-443)

Affirmed (3-0)

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

Reversed and Remanded (3-0)

James L. Coster v. Dennis Wingrove, Lisa Wingrove, Ronald K. Lilley, Sr., and Helga M. Lilley, 24-ICA-467 (Cir. Ct. Marshall Cnty. No. CC-25-2019-C-40)

Affirmed (3-0)

Timothy D. v. Rachelle D., 24-ICA-416 and 25-ICA-82 (Fam. Ct. Kanawha Cnty. No. FC-20-2022-D-711)

Reversed, in part, Vacated, in part, and Remanded with directions (2-0) (Judge Greear, not participating)

RULE 19 ARGUMENT GRANTED

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

Chandra T. v. Robert M., 25-ICA-271 (Fam. Ct. Kanawha Cnty. No. FC-20-2021-D-56) (3-0)

Caithlyn W. v. Amos W., 25-ICA-207 (Fam. Ct. Gilmer Cnty. No. FC-11-2023-D-2) (3-0)

Robert Gene Hitt II v. Kimberly Fae Seabolt, 25-ICA-220 (Fam. Ct. Nicholas Cnty. No. FC-34-2023-D-160) (3-0)

ORDERS

Orders of note were entered in the following cases:

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

West Virginia Military Authority v. Joseph Brogan, 25-ICA-414 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

Mastec, Inc. v. Brett Blackwell, 25-ICA-406 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

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

Triple H Enterprises, Inc. v. Bryant Reed, 25-ICA-433 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

In Re: D.S., a protected person, 25-ICA-375 (Cir. Ct. Braxton Cnty. No. CC-04-2020-C-3)
Motion to Dismiss Granted (3-0)