



## DECISIONS, NOTICES, AND ORDERS

Monday, January 5, 2026

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of December 2025. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

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### MEMORANDUM DECISIONS

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

Michael S. v. Savannah S., 25-ICA-197 (Fam. Ct. Raleigh Cnty. No. FC-41-2016-D-144)  
Vacated and Remanded, with Directions (3-0)

Mariah D. v. Michael N., 25-ICA-160 (Fam. Ct. Jefferson Cnty. No. FC-19-2017-D-290)  
Reversed, in part (3-0)

Scott C. Sonda and the Estate of Mark Alan Sonda v. Matthew R. Irby, in his official capacity as State Tax Commissioner of West Virginia, 25-ICA-201 (Office of Tax Appeals Docket No. 24-1041)  
Affirmed (3-0)

Benjamin L. Tenney v. Northwest Hardwoods, Inc., and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 25-ICA-192 (WorkForce W. Va. Bd. of Rev. Case No. R-2025-0115)  
Affirmed (3-0)

Allen Bond v. West Virginia Department of Human Services, Bureau for Family Assistance, 25-ICA-188 (Bd. of Review Case No. 25-BOR-1582)  
Affirmed (3-0)

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Robin Hammer v. West Virginia Department of Human Services, Bureau for Family Assistance, 25-ICA-139 (Bd. of Review Case No. 25-BOR-1169)

Affirmed (3-0)

Lonnie Stanley v. StructSure Scaffold Solutions, LLC, and Jonathan Lasure, 25-ICA-146 (Cir. Ct. Putnam Cnty. No. CC-40-2024-C-182)

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

Emily Haddix v. Gary Timms, 25-ICA-142 (Cir. Ct. Marion Cnty. No. CC-24-2024-C-149)

Affirmed (3-0)

Aaron Dalton v. City of Westover, 25-ICA-132 (Cir. Ct. Monongalia Cnty. No. CC-31-2023-AA-1)

Affirmed (3-0)

Mengyang Li v. Shepherd University, 25-ICA-121 (Cir. Ct. Jefferson Cnty. No. CC-19-2024-C-235)

Affirmed (3-0)

David Henline and Michelle Henline v. Donna MacKenzie, 25-ICA-119 (Cir. Ct. Lewis Cnty. No. CC-21-2023-C-51)

Affirmed (3-0)

Timothy C. Dunlap II v. Morgan M. Switzer, 25-ICA-105 (Cir. Ct. Kanawha Cnty. No. CC-20-2024-C-1186)

Affirmed (3-0)

Roland F. Chalifoux, Jr., D.O. v. The Health Plan of West Virginia, Inc., 25-ICA-66 (Cir. Ct. Ohio Cnty. No. CC-35-2023-C-11)

Affirmed (3-0)

MaryAnn Manor, Inc. v. Carl N. Frankovitch, Carl A. Frankovitch, Tom DeCapio, and Frankovitch Anetakis Simon DeCapio & Pearl, LLP, 25-ICA-50 (Cir. Ct. Brooke Cnty. No. CC-05-2021-C-49)

Vacated and Remanded (3-0)

Teresa Farmer v. Jeremiah Edward Farmer, individually and in his official capacity as Executor of the Estate of William J. Farmer, Sr., and William Joseph Farmer, Jr., 25-ICA-30 (Cir. Ct. Mercer Cnty. No. CC-28-2022-C-57)

Affirmed (3-0)

Clinton Hills Improvement Association v. Frank E. Butch a/k/a Francis Butch and Rose Mary Butch, 25-ICA-29 (Cir. Ct. Ohio Cnty. No. CC-35-2021-C-164)

Reversed and Remanded (3-0)

Janice Hearn v. Rickie Hearn, 25-ICA-228 (Fam. Ct. Kanawha Cnty. No. FC-20-2014-D-2080)  
Vacated, in part, and Remanded (2-0) (Judge Greear, not participating)

Shelia Hallman-Warner v. Bluefield State University, Umina Legal, and Bailey & Wyant, PLLC, 25-ICA-125 (Cir. Ct. Mercer Cnty. No. CC-28-2024-C-222)  
Affirmed (3-0)

Kayla S. v. Preston S. and West Virginia Department of Human Services, Bureau for Child Support Enforcement, 25-ICA-198 (Fam. Ct. Wyoming Cnty. No. CC-55-2023-D-178)  
Vacated, in part, and Remanded, with directions (3-0)

Andrew Burgess v. Dawn Burgess, 25-ICA-194 (Fam. Ct. Jefferson Cnty. No. FC-19-2011-D-456)  
Vacated and Remanded, with directions (2-1) (Judge White, dissenting)

Cliffs Logan County Coal, LLC v. Forrest White, 25-ICA-250 (Workers' Compensation Board of Review)  
Affirmed (3-0)

West Virginia United Health System, Inc. v. Brooke Miner, 25-ICA-247 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Marshall County Coal Resources v. Joshua Kessler, 25-ICA-246 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Bimbo Bakeries, Inc. v. Roy Marcum, 25-ICA-237 (Workers' Compensation Board of Review)  
Affirmed (3-0)

City of Wheeling v. David Gilbert, 25-ICA-222 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Abou Funna v. West Virginia Department of Human Services, 25-ICA-210 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Jefferson County Emergency Services Agency v. George Wilson, 25-ICA-205 (Workers' Compensation Board of Review)  
Affirmed (3-0)

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Hospice of Southern West Virginia, Inc. v. Melissa Whitney, 25-ICA-184 (Workers' Compensation Board of Review)

Affirmed (3-0)

Everick Newborn v. Gestamp North America, Inc., 25-ICA-179 (Workers' Compensation Board of Review)

Affirmed (3-0)

Connie Gardner, dependent of Richard Gardner, Sr. (deceased) v. Murray American Energy, Inc., 25-ICA-158 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

Logan General Hospital, LLC v. Ashley Bryant, 25-ICA-151 (Workers' Compensation Board of Review)

Affirmed (3-0)

Marshall County Coal Resources v. Colby Yarbrough, 25-ICA-140 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

Madison K. v. John S., 25-ICA-255 (Fam. Ct. Ritchie Cnty. No. FC-43-2021-D-1)

Vacated and Remanded (3-0)

Miranda L. v. Michael L., 25-ICA-244 (Fam. Ct. Marion Cnty. No. FC-24-2024-D-297)

Affirmed (3-0)

James B. v. Kristin R., 25-ICA-235 (Fam. Ct. Kanawha Cnty. No. FC-20-2017-D-616)

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

Aaron Underwood v. ACNR Resources, Inc., 25-ICA-219 (Workers' Compensation Board of Review)

Affirmed (3-0)

Charlene Fleshman v. James Fleshman, 25-ICA-229 (Fam. Ct. Greenbrier Cnty. No. FC-13-2015-D-333)

Affirmed (3-0)

Brandon Carter v. Seven Rivers Design Build, LLC, 25-ICA-209 (Workers' Compensation Board of Review)

Affirmed (3-0)

Paul Scott v. ACNR Resources, Inc., 25-ICA-175 and 25-ICA-208 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

Heather S. v. Jonathan S., 25-ICA-276 (Fam. Ct. Tucker Cnty. No. FC-47-2020-D-6)

Affirmed (3-0)

Tiana M. v. Michael M., 25-ICA-185 (Fam. Ct. Kanawha Cnty. No. FC-20-2013-D-1441)

Vacated and Remanded (2-1) (Chief Judge Lorensen, dissenting)

Gabriel B. v. Thomas C. and West Virginia Department of Human Services, Bureau for Child Support Enforcement, 24-ICA-265 (Fam. Ct. Wood Cnty. No. FC-54-2023-D-157)

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

David J. Lechiara, Esther Furbee, and LaScala Restaurant LLC, d/b/a Coco Bay Sport Café 2.0 v. Fredric L. Wooton, in his official capacity as Commissioner of the State of West Virginia Alcohol Beverage Control Administration, 25-ICA-200 (W. Va. Alcohol Beverage Control Administration)

Affirmed (3-0)

Rebecca Swisher v. Braxton County Memorial Hospital, Inc., 25-ICA-221 (Cir. Ct. Braxton Cnty. No. CC-04-2022-C-42)

Affirmed (3-0)

Christopher R. Stiles v. David Oswald, as Executor of the Estate of Stanley E. Stiles, John Steven Stiles, Joyce L. Rawn, Mary Katherine Iager, Amy Iager, E. William Iager, Nathan Iager, Rachel B. Adams, Mary K. Rawn, Anne L. Rawn, John Steven Stiles, Jr., Adam Stiles, and Michael Stiles, 25-ICA-149 (Cir. Ct. Jefferson Cnty. No. CC-19-2021-C-177)

Reversed (3-0)

Nelson Pigg, Brian Pigg, Sr., and Brian Pigg, Jr. v. Monroe Darrow Eads and Glenda T. Eads, 25-ICA-44 (Cir. Ct. Summers Cnty. No. CC-45-2023-C-14)

Affirmed (3-0)

Little Dogs Daycare v. Scarlett Carroll, 25-ICA-287 (Workers' Compensation Board of Review)

Affirmed (3-0)

## **RULE 20 ARGUMENT GRANTED**

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

Samuel Hernandez and Zusmitba Arnesto v. City Hospital, Inc., d/ b/ a WVU Medicine/ Berkeley Medical Center, 25-ICA-224 (Cir. Ct. Berkeley Cnty. No. CC-02-2022-C-52) (3-0)

Michael B. Wilber v. Locust Hill Unit Owner's Association, Inc., 25-ICA-280 (Cir. Ct. Jefferson Cnty. No. CC-19-2022-C-97) (3-0)

## **ORDERS**

Orders of note were entered in the following cases:

Joshua S. v. Sara O., 25-ICA-397 (Fam. Ct. Berkeley Cnty. No. FC-02-2017-D-441)  
Motion to Dismiss Refused (3-0)

Krystofer L. v. Mellenie L., 25-ICA-189 (Fam. Ct. Berkeley Cnty. No. FC-02-2012-D-810)  
Motion for Stay Refused (3-0)

Todd W. v. Jennifer W., 25-ICA-457 (Fam. Ct. Jefferson Cnty. No. FC-19-2019-D-113)  
Motion for Stay Refused (3-0)

United Coal Company, LLC v. Joshua Plumley, 25-ICA-440 (Workers' Compensation Board of Review)  
Motion for Stay Refused (3-0)

Timothy Haberkam & Cynthia Berkemeier v. Michael Carleton, 25-ICA-359 (Cir. Ct. Morgan Cnty. No. CC-33-2024-C-58)  
Motion for Stay Refused (3-0)

Amy Hull-Wright, Betty Garrett Schmidt, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC, 25-ICA-304 (Oil & Gas Conservation Comm'n Docket No. 404-490 Order No. 1)  
Motion for Stay Granted (3-0)

United Coal Company, LLC v. Brian Cole, 25-ICA-449 (Workers' Compensation Board of Review)  
Motion for Stay Refused (3-0)

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*American Water Works Service Company, Inc., and West Virginia-American Water Company v. Earl Dishman*, 25-ICA-380 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-613)

Motion for Stay Granted (3-0)

*Shane S. v. Alyssa D.*, 25-ICA-465 (Fam. Ct. Marshall Cnty. No. FC-25-2025-D-92)

Family Court Order Affirmed (3-0)