



DECISIONS, NOTICES, AND ORDERS

Monday, March 2, 2026

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of February 2026. 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:

Chandra T. v. Robert M., 25-ICA-271 (Fam. Ct. Kanawha Cnty. No. FC-20-2021-D-56)
Affirmed, in part, and Remanded, with instructions (3-0)

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

MEMORANDUM DECISIONS

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

NEXT Insurance, Inc. v. Tiffany Mullins, 25-ICA-164 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-988)
Reversed, in part, and Remanded (3-0)

Krystofer L. v. Mellenie L., 25-ICA-189 (Fam. Ct. Berkeley Cnty. No. CC-02-2012-D-810)
Affirmed (3-0)

ORDER LIST

March 2, 2026

Page 2

Frank J. Gallo v. Frank Leonard Gallo, 25-ICA-199 (Cir. Ct. Marion Cnty. No. CC-24-2024-C-51)

Vacated and Remanded with Instructions (3-0)

Robert K. v. Elizabeth K., 25-ICA-203 (Fam. Ct. Harrison Cnty. No. FC-17-2021-D-303)

Affirmed (3-0)

Altivia Services, LLC v. James Boster, 25-ICA-206 (Workers' Compensation Board of Review)

Affirmed (3-0)

Stephanie Lyons-Rochetti v. Bluefield State University, 25-ICA-214 (Workers' Compensation Board of Review)

Affirmed (3-0)

Arthena Roper and Bryan Sewell v. Crystal Mattera, Maple Hill Homes, LLC, and G. Russell Rollyson, Jr., Deputy Commissioner of Delinquent and Nonentered Lands of Jefferson County, West Virginia, 25-

ICA-215 (Cir. Ct. Jefferson Cnty. No. CC-19-2024-C-135)

Affirmed (3-0)

Jarrod K. v. Tausha M., 25-ICA-223 (Fam. Ct. Harrison Cnty. No. FC-17-2024-D-175)

Affirmed (3-0)

Terry Smallwood v. Brooks Run South Mining, LLC c/o ANR, 25-ICA-225 (Workers' Compensation Board of Review)

Reversed and Remanded (3-0)

Dustin G. v. Jennifer G., 25-ICA-227 (Fam. Ct. Raleigh Cnty. No. FC-41-2016-D-57)

Affirmed (3-0)

Lisa Perrine v. West Virginia Department of Health and Human Services, William R. Sharpe, Jr. Hospital, 25-ICA-232 (Workers' Compensation Board of Review)

Reversed (3-0)

Stephanie Lyons-Rochetti v. Bluefield State University, 25-ICA-244 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

John Bolen v. Brooks Run South Mining, LLC c/o ANR, 25-ICA-236 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

ORDER LIST

March 2, 2026

Page 3

Nicholas A. Patterson v. R.T. Rogers Oil Company, Inc., and Nova Rose, LLC, 25-ICA-249 (Cir. Ct. Summers Cnty. No. CC-45-2024-C-26)
Vacated and Remanded (3-0)

Jordyn D. v. Zane L., 25-ICA-251 (Fam. Ct. Raleigh Cnty. No. FC-41-2024-D-231)
Affirmed (3-0)

Anthony Stewart v. Coronado Coal Corporation, 25-ICA-256 (Workers' Compensation Board of Review)
Affirmed (3-0)

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

Nathan Lanham v. Law Enforcement Professional Standards Subcommittee, 25-ICA-258 (Department of Homeland Security, Office of Administrative Hearings)
Dismissed Without Prejudice (3-0)

Joseph Mulla v. Ryanne Ball, 25-ICA-261 (Cir. Ct. Kanawha Cnty. No. CC-20-2025-C-4)
Affirmed (3-0)

Candace E. v. Michael E., 25-ICA-262 (Fam. Ct. Kanawha Cnty. No. FC-20-2021-D-1166)
Vacated and Remanded, with Directions (3-0)

SGS North America, Inc. v. Kevin E. Vandall, 25-ICA-266 (Workers' Compensation Board of Review)
Vacated and Remanded (3-0)

Coronado Coal Corporation v. Anthony Stewart, 25-ICA-268 (Workers' Compensation Board of Review)
Affirmed (3-0)

Elizabeth M. v. Derek C., 25-ICA-269 (Fam. Ct. Jefferson Cnty. No. FC-19-2024-D-157)
Affirmed, in part, and Remanded, in part, with Directions (3-0)

ACNR Resources, Inc. v. Joseph Asturi, 25-ICA-270 (Workers' Compensation Board of Review)
Affirmed (3-0)

Arnold Kubl v. Mary Ann Kubl, 25-ICA-277 (Fam. Ct. Ohio Cnty. No. FC-35-2023-D-70)
Affirmed (3-0)

ORDER LIST

March 2, 2026

Page 4

Alliance Coal, LLC v. Ashley Carte, 25-ICA-284 (Workers' Compensation Board of Review)
Affirmed (3-0)

Shaun Platthy v. Tonya Platthy, 25-ICA-288 (Fam. Ct. Mingo Cnty. No. FC-30-2022-D-18)
Affirmed (3-0)

Joseph M. v. Hollie L., 25-ICA-302 (Fam. Ct. Nicholas Cnty. No. FC-34-2024-D-37)
Reversed and Remanded (3-0)

Charles Riley v. Rebekah Riley, 25-ICA-305 (Fam. Ct. Jefferson Cnty. No. FC-19-2019-D-59)
Vacated and Remanded, with Directions (3-0)

Randolph County Emergency Squad, Inc. v. Thomas Carlucci, 25-ICA-308 (Workers' Compensation Board of Review)
Affirmed in part and Reversed in part (3-0)

Elmer Stewart v. Krista Gannon, 25-ICA-325 (Fam. Ct. Mingo Cnty. No. FC-30-2016-D-85)
Affirmed (3-0)

Joseph Kessler v. West Virginia Paving, Inc., 25-ICA-275 (Workers' Compensation Board of Review)
Affirmed (3-0)

Heritage Resources-Marcellus Minerals, LLC v. JB Exploration I, LLC, et al., 25-ICA-144 (Cir. Ct. Tyler Cnty. No. CC-48-2014-P-3)
Affirmed, in part, and Reversed, in part (3-0)

Caitlyn W. v. Amos W., 25-ICA-207 (Fam. Ct. Gilmer Cnty. No. FC-11-2023-D-2)
Affirmed, in part, Vacated, in part, and Remanded, with Directions (3-0)

The City of South Charleston and City of South Charleston Property Board v. M. Alex Urban and West Virginia Department of Agriculture, 25-ICA-51 (Cir. Ct. Kanawha Cnty. No. CC-20-2023-C-683)
Reversed and Remanded (3-0)

The Shumard Foundation, Inc. v. UMB Bank, N.A., in its capacity as Successor Master Trustee under that certain Master Trust Indenture dated as of August 31, 2007, between Ohio Valley University, Inc., and United Bank, Inc., and B. Riley Financial, Inc., and Ohio Valley University, Inc., 23-ICA-290 (Cir. Ct. Wood Cnty. No. CC-54-2022-C-21)
Affirmed (3-0)

ORDER LIST

March 2, 2026

Page 5

Deborah K. Maynard v. Crown Equipment Corporation d/b/a Crown Lift Trucks C T Corporation System and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 25-ICA-152 (WorkForce W. Va. Bd. of Rev. No. R-2024-3065)
Affirmed (3-0)

Ivy O'Neal v. West Virginia Office of Health Facility Licensure and Certification, 25-ICA-169 (Office of Inspector General Bd. of Rev. No. 24-BOR-3639)
Affirmed (3-0)

Kelly L. Sacker v. Northwood Health Systems, Inc., and Scott A. Adkins, in his official capacity as Acting Commissioner of WorkForce West Virginia, 25-ICA-193 (WorkForce W. Va. Bd. of Rev. No. R-2025-0097)
Affirmed (3-0)

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

Richard Phebus and Katherine Phebus v. Gerald Smith and Martha Smith, 25-ICA-240 (Cir. Ct. Hardy Cnty. No. CC-16-2021-P-36)
Affirmed (3-0)

Daniel Ford v. Ronda Ford, 25-ICA-243 (Fam. Ct. Marion Cnty. No. FC-24-2024-D-240)
Affirmed (3-0)

Black Star Trading Company, LLC v. John Davis Miller, 25-ICA-267 (Cir. Ct. Harrison Cnty. No. CC-17-2024-C-96)
Affirmed (3-0)

Pamela Griffith v. Larry Griffith, 25-ICA-273 (Fam. Ct. Ritchie Cnty. No. FC-43-2024-D-36)
Affirmed (3-0)

Stonerise Healthcare v. Kimberly Dewitt, 25-ICA-306 (Workers' Compensation Board of Review)
Affirmed (3-0)

Javier Jimenez v. Almost Heaven GC, LLC d/b/a Golden Corral, 25-ICA-310 (Workers' Compensation Board of Review)
Affirmed (3-0)

Tasha R. v. Brian R., 25-ICA-313 (Fam. Ct. Lincoln Cnty. No. FC-22-2015-D-135)
Affirmed (3-0)

ORDER LIST

March 2, 2026

Page 6

Frank DeGeorge v. Allison DeGeorge, 25-ICA-330 (Fam. Ct. Monongalia Cnty. No. FC-31-2024-D-106)

Affirmed (3-0)

Mountain Memories Assisted Living & Retirement Center v. Ricky Martin, 25-ICA-335 (Workers' Compensation Board of Review)

Affirmed (3-0)

Gracious Dining, LLC v. Miriam Lopez, 25-ICA-336 (Workers' Compensation Board of Review)

Affirmed (3-0)

City of Wheeling v. Cody Melsop, 25-ICA-338 (Workers' Compensation Board of Review)

Affirmed (3-0)

Airgas Mid America v. Joshua Lowe, 25-ICA-354 (Workers' Compensation Board of Review)

Affirmed (3-0)

Cynthia Griffith, dependent of James Griffith (deceased) v. Alpha Natural Resources, Inc., 25-ICA-357 (Workers' Compensation Board of Review)

Affirmed (3-0)

West Virginia Division of Motor Vehicles v. Dillan Allejandro Perez, 25-ICA-469 (Cir. Ct. Monongalia Cnty. No. CC-31-2025-M-AP-6)

Dismissed (3-0)

RULE 20 ARGUMENT GRANTED

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

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

Tessa Warren, individually and in her capacity as Administratrix of the Estate of Kevin M. Warren v. Appalachian Power Company, 25-ICA-289 (Cir. Ct. Logan Cnty. No. CC-23-2023-C-122) (3-0)

ORDERS

Orders of note were entered in the following cases:

ORDER LIST

March 2, 2026

Page 7

Charles Riley v. Rebecca Riley, 25-ICA-305 (Fam. Ct. Jefferson Cnty. No. FC-19-2019-D-59)
Motion for Stay Refused (3-0)

Donna J. Armstead and Anthony Armstead v. Mannington Home Center, Inc., 26-ICA-14 (Cir. Ct. Monongalia Cnty. No. CC-31-2003-C-89)
Motion for Stay Refused (3-0)

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 to Dismiss Granted, in part, and Case Lifted from Abeyance (3-0)

Taylor County Board of Education v. Lisa Scheuvront, 26-ICA-50 (Workers' Compensation Board of Review)
Motion for Stay Refused (3-0)

University Physicians & Surgeons, Inc., David A. Denning, M.D., David Gozal, M.D., Jay A. Shepherd, M.D., and Paulette S. Wehner, M.D. v. Surgical Center 360, LLC, and West Virginia Health Care Authority, 26-ICA-19 (West Virginia Health Care Authority CON No. 24-2-13062-P)
Motion for Stay Granted (3-0)

Alfredo Castillo-Reyes v. Bobbi G. Ingalls, 25-ICA-503 (Cir. Ct. Hardy Cnty. No. CC-16-2025-C-AP-2)
Motion for Stay Refused (3-0)

R.M. Roach & Sons, Inc. v. Harry Johnson and Bonnie Bundy, 25-ICA-489 (Cir. Ct. Berkeley Cnty. No. CC-02-2022-C-297)
Motion for Stay Refused (3-0)

Richard Dibella and Shraddha Joshi v. Melanie A. Mastermonico, 26-ICA-17 (Cir. Ct. Berkeley Cnty. No. CC-02-2025-C-AP-25)
Motion for Stay and Motion to Dismiss Refused (3-0)

Hil Rizvi v. Mark Spangler and West Virginia Board of Medicine, 25-ICA-453 (Cir. Ct. Hampshire Cnty. No. CC-14-2025-C-AP-1)
Motion to Reinstate Refused (3-0)

William C. v. Kristin H. and West Virginia Department of Human Services, Bureau for Child Support Enforcement, 25-ICA-498 (Fam. Ct. Kanawha Cnty. No. FC-20-2025-D-365)
Motion to Hold in Abeyance Granted (3-0)