



## DECISIONS, NOTICES, AND ORDERS

Monday, May 4, 2026

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

*Hisel Bailey v. Michelle Woomer, Teri Stone, and Legal Aid of West Virginia, Inc.*, 25-ICA-286 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-145)  
Affirmed (3-0) (Judge S. Ryan White, voluntarily recused) (Judge Stephen O. Callaghan, sitting by temporary assignment)

*Sheree N. Bryant v. West Virginia Higher Education Policy Commission*, 25-ICA-239 (Cir. Ct. Kanawha Cnty. No. CC-20-2022-C-888)  
Affirmed (3-0)

*Christy K. v. Jimmy K.*, 25-ICA-253 (Fam. Ct. Putnam Cnty. No. FC-40-2017-D-356)  
Affirmed (3-0)

*Patricia Weyandt, as Executrix of the Estate of Billy R. Lambert v. Walton England, Keith England, Jerry England, Sharon Hanshaw, Darlene Griffey, Heather Tignor, and Diane Terry*, 25-ICA-254 (Cir. Ct. Mercer Cnty. No. CC-28-2024-C-262)  
Affirmed (3-0)

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R & D Towing, Inc., and Tri-County Towing LLC v. United Financial Casualty Company, 25-ICA-259 (Cir. Ct. Summers Cnty. No. CC-45-2020-C-5)

Affirmed (3-0)

Joel Lawson v. Mindi Dillon, 25-ICA-278 (Cir. Ct. Kanawha Cnty. No. CC-20-2025-C-AP-68)

Vacated and Remanded (3-0)

Anthony W. Ferris v. Special Metals Incorporated, 25-ICA-292 (Workers' Compensation Board of Review)

Affirmed (3-0)

David Lambert v. Quanta Services, Inc., 25-ICA-293 (Workers' Compensation Board of Review)

Affirmed (3-0)

Deborah Bolen v. Raleigh County Board of Education, 25-ICA-312 (Workers' Compensation Board of Review)

Affirmed (3-0)

Blackhawk Mining, LLC v. Larry Albright, 25-ICA-315 (Workers' Compensation Board of Review)

Affirmed (3-0)

Carmen Johnston v. Dowl Johnston, 25-ICA-320 (Fam. Ct. Nicholas Cnty. No. FC-34-2024-D-73)

Affirmed (3-0)

Arthur Casbarro v. Anthony Correctional Center, 25-ICA-324 (Workers' Compensation Board of Review)

Affirmed (3-0)

William Dżiatkowiç v. Hancock County Board of Education, 25-ICA-326 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

Mastec Inc. v. Brett Blackwell, 25-ICA-344 and 25-ICA-406 (Workers' Compensation Board of Review)

Affirmed (3-0)

Timothy Haberkam and Cynthia Berkemeier, 25-ICA-359 (Cir. Ct. Morgan Cnty. No. CC-33-2024-C-58)

Affirmed (3-0)

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Blackhawk Mining, LLC v. Glenn Stover, 25-ICA-365 (Workers' Compensation Board of Review)

Affirmed (3-0)

Superior Home Specialists v. Michael Sindledecker, 25-ICA-371 (Workers' Compensation Board of Review)

Affirmed (3-0)

WVNH EMP LLC & PMA Insurance Companies v. Maureen Swisher, 25-ICA-374 (Workers' Compensation Board of Review)

Reversed (2-1) (Judge S. Ryan White, dissenting)

Haulin' Jack Shipping Service, Inc. v. Thomas Jackson, 25-ICA-378 (Workers' Compensation Board of Review)

Affirmed (3-0)

Jack Crampton v. Express Services, Inc., 25-ICA-393 (Workers' Compensation Board of Review)

Affirmed (3-0)

Marshall County Coal Resources, Inc. v. Dan Shuler, 25-ICA-395 (Workers' Compensation Board of Review)

Affirmed (3-0)

Thomas Health System, Inc. v. Tina Spence, 25-ICA-396 (Workers' Compensation Board of Review)

Affirmed (3-0)

Triple H Enterprises, Inc. v. Bryant Reed, 25-ICA-433 (Workers' Compensation Board of Review)

Affirmed (3-0)

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

Affirmed, in part, and Vacated and Remanded, in part (2-1) (Judge S. Ryan White, concurring in part and dissenting in part)

**RULE 20 ARGUMENT GRANTED**

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

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Charleston Area Medical Center, Inc. v. Thomas Memorial Hospital Association, d/b/a Thomas Memorial Hospital, and West Virginia Health Care Authority, 25-ICA-369 (W. Va. Health Care Authority No. 24-3-13064-PV) (3-0)

**ORDERS**

Orders of note were entered in the following cases:

Kevin A. Lee and Mainline, LLC v. First Community Bank, Gary S. Mills, individually and in his capacity as President of First Community Bank, and Jeffrey D. Noble, individually and in his capacity as Trustee for the benefit of First Community Bank, 25-ICA-305 (Fam. Ct. Jefferson Cnty. No. FC-19-2019-D-59)

Motion to Dismiss Granted (3-0)

Magus Abnend v. Ocie Helton, 25-ICA-468 (Cir. Ct. Raleigh Cnty. No. CC-41-2025-C-348)

Motion for Expedited Decision Refused (3-0)

Amy Hull-Wright, Michael Hull, Betty Garrett Schmidt, Trustee of the Betty Schmidt Revocable Trust, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC, 26-ICA-37 (Oil and Gas Conservation Commission Docket No. 431, Cause Nos. 549-550, Order No. 1)

Motion for Stay Granted; Motion to Hold in Abeyance Refused (3-0)

Amy Hull-Wright, Michael Hull, Betty Garrett Schmidt, Trustee of the Betty Schmidt Revocable Trust, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC, 26-ICA-38 (Oil and Gas Conservation Commission Docket No. 424-534, Order No. 1)

Motion for Stay Granted; Motion to Hold in Abeyance Refused (3-0)

Angela Turley v. Carolyn McMellon by William Edward Roberts, her conservator, 26-ICA-83 (Cir. Ct. Logan Cnty. No. CC-22-2025-C-27)

Motion for Stay Refused (3-0)

Richard T. v. Tiffany C., 26-ICA-90 (Fam. Ct. Fayette Cnty. No. FC-10-2023-D-198)

Motion for Stay Refused (3-0)

Christopher M. v. Lucia M., 26-ICA-91 (Fam. Ct. Harrison Cnty. No. FC-17-2024-D-97)

Motion for Stay Refused (3-0)

Amy Hull-Wright, Michael Hull, Betty Garrett Schmidt, Trustee of the Betty Schmidt Revocable Trust, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC, 26-ICA-37 (Oil and Gas Conservation Commission Docket No. 431, Cause Nos. 549-550, Order No. 1)

Motion for Limited Remand Refused (3-0)

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*Amy Hull-Wright, Michael Hull, Betty Garrett Schmidt, Trustee of the Betty Schmidt Revocable Trust, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC*, 26-ICA-38 (Oil and Gas Conservation Commission Docket No. 424-534, Order No. 1)

Motion for Limited Remand Refused (3-0)

*Amy Hull-Wright, Michael Hull, Betty Garrett Schmidt, Trustee of the Betty Schmidt Revocable Trust, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC*, 25-ICA-410 (Oil and Gas Conservation Commission Docket No. 42, Case Nos. 507-508, Order No. 1)

Motion for Limited Remand Refused (3-0)