



## DECISIONS, NOTICES, AND ORDERS

Monday, June 1, 2026

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

*Samuel Hernandez and Zusmitha 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)  
Reversed and Remanded (3-0)

### MEMORANDUM DECISIONS

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

*John C. and Bonnie C., a married couple, individually and as conservators and guardians of their adopted son, Z.S.C., a protected person, and Jackie Lee Spencer and Phyllis Ann Spencer, a married couple v. Mark E. Brennan, in his capacity as Bishop of the Diocese of Wheeling-Charleston, and the Catholic Diocese of Wheeling-Charleston*, 25-ICA-183 (Cir. Ct. Monongalia Cnty. No. CC-31-2020-C-159)  
Affirmed (3-0)

ORDER LIST

June 1, 2026

Page 2

Robert A. Blair, in his official capacity as Sheriff of Berkeley County, Administrator of the Estate of Robert Bartles, Sr. v. West Virginia Department of Human Services, Bureau for Family Assistance, 25-ICA-190 (Office of Inspector General Bd. of Rev. No. 25-BOR-1598)  
Affirmed (3-0)

William Hines and Diane Hines v. Spiroff Waugerman Properties, LLC, 25-ICA-226 (Cir. Ct. Preston Cnty. No. CC-39-2022-C-10)  
Affirmed (3-0)

Forrest O. Miller v. EQT TGH Exploration II, LLC, and Stone Hill Minerals Holdings, LLC, and Ellen Schilling, J. Thomas Voltz, Andrew Voltz, Jack M. Foreman, Julie F. Springwater, Klova A. Morris, John Paul Richmond Icard, Vicki L. Wood, William Litman, Aaron D. Litman, Melissa M. Gibson, and Sharon T. Williams, 25-ICA-272 (Cir. Ct. Marshall Cnty. No. CC-25-2020-C-48)  
Affirmed (3-0)

Country Roads Minerals, LLC, and LaCore Agriculture, LLC v. Roger Goodwin and Reed Energy Services, LLC, 25-ICA-283 (Cir. Ct. Monongalia Cnty. No. CC-31-2023-C-214)  
Affirmed (3-0) (Judge White, concurring)

Timothy Hall v. John Doe, 25-ICA-300 (Cir. Ct. Berkeley Cnty. No. CC-02-2023-C-182)  
Affirmed (2-0) (Judge Lorensen, not participating)

Freda J. Lee v. Little General Stores, Inc., 25-ICA-309 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Rockwood Casualty Insurance Company v. Allen L. McVey, Insurance Commissioner of the State of West Virginia, 25-ICA-329 (Office of the Insurance Commissioner No. 25-IC-179552)  
Affirmed (3-0)

ECM Energy Services, Inc. v. Etta Spencer, 25-ICA-345 (Workers' Compensation Board of Review)  
Reversed (3-0)

Gary Palmer v. Loar Holdings, Inc., 25-ICA-346 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Quad Graphics, Inc. v. Rodney Hottle, 25-ICA-356 (Workers' Compensation Board of Review)  
Affirmed (3-0)

ACNR Resources, Inc. v. Thomas Banco, 25-ICA-386 (Workers' Compensation Board of Review)  
Affirmed (3-0)

ORDER LIST

June 1, 2026

Page 3

Deron Bryant v. Donahue Brothers, Inc., 25-ICA-398 (Workers' Compensation Board of Review)  
Affirmed (3-0)

Theresa L. Childers v. Mercer County Board of Education, 25-ICA-403 (Workers' Compensation Board of Review)  
Affirmed (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 Conserv. Comm'n No. 412, Cause Nos. 507-508, Order No. 1)  
Vacated and Remanded (3-0)

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

Mercer County Board of Education v. Rosemary S. Mitchell, 25-ICA-427 (Workers' Compensation Board of Review)  
Affirmed (3-0)

In re: M.A.G., a minor, 25-ICA-475 (Fam. Ct. Berkeley Cnty. No. FC-02-2025-FIG-13)  
Affirmed (3-0)

Amber B. Elmore v. Mount Vernon Baptist Church, Frank Budd, The Board of Deacons of the Mount Vernon Baptist Church, and Ronald McClung, 25-ICA-234 (Cir. Ct. Putnam Cnty. No. CC-40-2023-C-73)  
Affirmed (3-0) (Judge Greear, concurring)

Blake Realty, LLC v. Sheila K. White, 25-ICA-191 (Cir. Ct. Wetzel Cnty. No. CC-52-2024-C-19)  
Affirmed, in part, Reversed, in part, and Remanded (3-0)

**RULE 19 ARGUMENT GRANTED**

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

Ashley B. v. Dustin K., 25-ICA-437 (Fam. Ct. Jefferson Cnty. No. FC-19-2023-D-97) (3-0)

**RULE 20 ARGUMENT GRANTED**

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

Fountain Place LLC v. City of Logan Development Authority, Fountain Place Realty, LLC, Namdar DG Realty, LLC and City of Logan, West Virginia, 25-ICA-334 (Cir. Ct. Logan Cnty. No. CC-23-2023-C-106) (3-0)

**ORDERS**

Orders of note were entered in the following cases:

Turn-Key Tunneling, Inc., and Joseph Z. Hannab, Jr. v. Samantha Branham, 26-ICA-198 (Cir. Ct. Kanawha Cnty. No. CC-20-2025-C-1190)  
Case Dismissed Due to Lack of Jurisdiction – Collateral Order Doctrine (3-0)

Adrienne Byrd v. Robert Gipson, Jr., 26-ICA-110 (Fam. Ct. Berkeley Cnty. No. FC-02-2022-D-128)  
Motion to Dismiss Refused (3-0)

Joseph L. Kay and Jennifer Wright-Kay v. Brian S. Miller, Amy L. Miller, Logan A. Hunter, Clayton R. Matheny, and Margaret L. Matheny, 26-ICA-45 (Cir. Ct. Mason Cnty. No. CC-26-2023-C-39)  
Motion to Dismiss Granted (3-0)

Missouri W. v. Sean C., 26-ICA-100 (Fam. Ct. Mason Cnty. No. FC-26-2022-D-55)  
Motion to Dismiss Refused (3-0)

John Fumich v. Judith Renzelli, 25-ICA-461 (Fam. Ct. Monongalia Cnty. No. FC-31-2024-D-114)  
Motion for Protective Order, Injunctive Relief, and Sanctions Refused (3-0)

Christopher K. v. Shannon K., 26-ICA-154 (Fam. Ct. Wood Cnty. No. FC-54-2026-D-4)  
Case Held in Abeyance (3-0)

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

Jason S. v. Amanda F., 26-ICA-176 (Fam. Ct. Mineral Cnty. No. FC-29-2018-D-242)  
Motion for Stay Refused (3-0)

ORDER LIST

June 1, 2026

Page 5

Tabatha Adkins v. Carla Denise Workman, Terry L. Lewis, Michael Paul Damron and Jason Scott Damron, 26-ICA-119 (Cir. Ct. Wayne Cnty. No. CC-50-2024-P-119)

Motion for Stay Refused (3-0)

Prime Therapeutics, LLC v. Allan L. McVey, in his official capacity as Insurance Commissioner of the State of West Virginia, 26-ICA-142 (Office of the Insurance Commissioner No. 24-IC-175889)

Motion for Stay Refused (3-0)

Adams Manufacturing Company, Inc. v. Mildred J. Cantrell, Dependent of Spencer T. Cantrell, Deceased, 26-ICA-146 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)