



DECISIONS, NOTICES, AND ORDERS

Monday, July 6, 2026

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

Clean & Clear Advantage, LLC v. West Virginia Department of Health, Office of Health Facility Licensure and Certification, 25-ICA-298 (Cir. Ct. Kanawha Cnty. No. CC-20-2025-C-457)
Affirmed (3-0)

Harvey Bellomy and Nancy Bellomy v. Falcon Ridge Unit Owners' Association, Inc., 25-ICA-279 (Cir. Ct. Mercer Cnty. No. CC-28-2023-C-59)
Reversed and Remanded (2-1) (Judge White, dissenting)

Homesite Insurance Company of Florida v. Zurich American Insurance Company and J.F. Allen Company, Inc., and Zurich American Insurance Company v. Homesite Insurance Company of Florida and J.F. Allen Company, Inc., 25-ICA-213 and -216 (Cir. Ct. Upshur Cnty. No. CC-49-2024-C-16)
Affirmed (3-0)

MEMORANDUM DECISIONS

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

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Semper Fi Paving, LLC v. Granna Operating, LLC, 25-ICA-282 (Cir. Ct. Ohio Cnty. No. CC-35-2023-C-21)

Reversed and Remanded (3-0)

Jennifer Lynn Blosser v. Brandy Deeann Blosser and Michael Joseph Blosser, 25-ICA-295 (Cir. Ct. Monongalia Cnty. No. CC-31-2024-C-362)

Affirmed (3-0)

Jewell R. Hughey v. James M. Cagle, individually and as Partner in the Firm of Cagle & Jackson, and Cagle & Jackson; and Jewell R. Hughey v. P. Rodney Jackson, 25-ICA-316 and -317 (Cir. Ct. Kanawha Cnty. Nos. CC-20-2017-C-1100 and CC-20-2022-C-160)

Affirmed, in part, Vacated, in Part, and Remanded (3-0) (Chief Judge Greear, not participating) (Judge Debra McLaughlin, sitting by temporary assignment)

Richard W. v. Kristen O., 25-ICA-319 (Fam. Ct. Kanawha Cnty. No. FC-20-2017-D-1427)

Affirmed (3-0)

Mars Labs Properties, LLC v. John B. Bowman and Charlotte D. Bowman, 25-ICA-321 (Cir. Ct. Hardy Cnty. No. CC-16-2024-C-27)

Affirmed (3-0)

Philip E. Michael II v. West Virginia Board of Pharmacy, 25-ICA-327 (W. Va. Bd. of Pharmacy)

Affirmed (3-0)

Jud T. Seech v. Frontier Kemper Constructors, Inc., 25-ICA-328 (Workers' Compensation Board of Review)

Affirmed (3-0)

Samantha L. v. Shawn L., 25-ICA-333 (Fam. Ct. Monongalia Cnty. No. FC-31-2016-D-221)

Vacated and Remanded with Instructions (3-0)

Sarah L. v. Robert S., 25-ICA-358 (Fam. Ct. Raleigh Cnty. No. FC-41-2024-D-317)

Affirmed (3-0)

Justin B. v. Kelsie B., 25-ICA-362 (Fam. Ct. Wood Cnty. No. FC-54-2023-D-166)

Vacated and Remanded with Directions (3-0)

ACNR Resources, Inc. v. Justin Folmsbee, and Justin Folmsbee v. ACNR Resources, Inc., 25-ICA-372 and -373 (Workers' Compensation Board of Review)

Affirmed (3-0)

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Anthony Erskine v. Whitecap Waste Holdings, LLC, 25-ICA-423 (Workers' Compensation Board of Review)

Affirmed (3-0)

Tyler J. v. Emilie C., 25-ICA-434 (Fam. Ct. Kanawha Cnty. No. FC-20-2025-D-346)

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

Amanda McCormick v. Orgill, Inc., 25-ICA-446 (Workers' Compensation Board of Review)

Vacated and Remanded (3-0)

State Agencies of West Virginia v. Daniel Johnson, 25-ICA-448 (Workers' Compensation Board of Review)

Affirmed (3-0)

United Coal Company, LLC v. B.C., 25-ICA-449 (Workers' Compensation Board of Review)

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

Marshall County Coal Resources v. Joshua Kessler, 25-ICA-480 (Workers' Compensation Board of Review)

Affirmed (3-0)

Sharon Jackson v. Monroe County Council on Aging, 25-ICA-484 (Workers' Compensation Board of Review)

Affirmed (3-0)

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

Affirmed (3-0)

West Virginia Division of Highways v. Rodney Gauvin, 26-ICA-10 (Workers' Compensation Board of Review)

Affirmed (3-0)

Sean C. McKee v. State Farm Mutual Automobile Insurance Company and Parker Hall Insurance Agency, Inc., 25-ICA-85 (Cir. Ct. Monongalia Cnty. No. CC-31-2021-C-280)

Reversed and Remanded (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)

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

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

Vacated and Remanded (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)

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

Brady Murphy v. James King and Amanda King, 25-ICA-161 (Cir. Ct. Calhoun Cnty. No. CC-07-2021-C-17)

Affirmed (3-0)

Rebecca S. v. Paul S., 25-ICA-245 (Fam. Ct. Berkeley Cnty. No. FC-02-2019-D-500)

Affirmed (3-0)

Allison R. v. Derek J., 25-ICA-311 (Fam. Ct. Raleigh Cnty. No. FC-41-2024-D-254)

Affirmed (3-0)

Matthew T. v. Erina P., 25-ICA-337 (Fam Ct. Wood Cnty. No. FC-54-2016-D-2)

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

DSIS, LLC v. West Virginia Contractor Licensing Board, 25-ICA-349 (Contractor Lic. Bd., Cease and Desist Order UL016803)

Reversed (3-0)

Shannon N. v. Bobby S., 25-ICA-353 (Fam. Ct. Calhoun Cnty. No. FC-07-2024-D-6)

Vacated and Remanded, with Directions (3-0)

Kimberly D. v. Clark D., 25-ICA-366 (Fam. Ct. Roane Cnty. No. FC-44-2025-D-34)

Vacated and Remanded, with Directions (3-0)

Taylor C. v. Michael W., 25-ICA-387 (Fam. Ct. Marshall Cnty. No. FC-25-2024-D-49)

Affirmed (3-0)

Amye Straley v. John Straley, 25-ICA-394 (Fam. Ct. Cabell Cnty. No. FC-06-2025-D-192)

Affirmed (3-0)

Cheryl Battista v. Andrew Battista, 25-ICA-404 (Fam. Ct. Wayne Cnty. No. FC-50-2021-D-90)

Affirmed (3-0)

City of Bluefield v. S.S., 25-ICA-405 (Workers' Compensation Board of Review)

Affirmed (3-0)

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Carmela Dodrill v. West Virginia Department of Human Services, Bureau for Social Services, 25-ICA-411
(Off. of Inspector General Bd. of Rev. No. 25-BOR-2044)
Affirmed (3-0)

Vanessa G. v. Richard G., 25-ICA-413 (Fam Ct. Ritchie Cnty. No. FC-43-2021-D-46)
Vacated and Remanded with Instructions (3-0)

Ronald E. v. Kelli E., 25-ICA-416 (Fam. Ct. Jefferson Cnty. No. FC-19-2023-D-13)
Affirmed (3-0)

Brittany M. v. Bryan M., 25-ICA-426 (Fam. Ct. Upshur Cnty. No. FC-49-2024-D-17)
Vacated and Remanded (3-0)

Jessica B. v. Robert S., 25-ICA-430 (Fam. Ct. Berkeley Cnty. No. FC-02-2020-D-217)
Vacated, in part, and Remanded with Instructions (3-0)

Michael P. v. Alizabeth W., 25-ICA-435 (Fam. Ct. Kanawha Cnty. No. FC-20-2025-D-679)
Affirmed (2-0) (Judge Greear, not participating)

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

West Virginia Department of Transportation v. Dennis Thorn, 25-ICA-458 (Workers' Compensation Board of Review)
Affirmed (3-0)

Rob Juszczyk Construction v. John Juszczyk, 26-ICA-16 (Workers' Compensation Board of Review)
Affirmed (3-0)

Timothy Harker v. ACNR Resources, Inc., 26-ICA-26 (Workers' Compensation Board of Review)
Affirmed (3-0)

Ronzil Williams v. T.S. Elliott Contracting, LLC, 26-ICA-30 (Workers' Compensation Board of Review)
Affirmed (3-0)

Wesley Cook v. Arch Coal d/b/a Coal Mac, 26-ICA-42 (Workers' Compensation Board of Review)
Affirmed (3-0)

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John Greynolds v. Bluewater, Inc. & CJA Leasing, LLC, 26-ICA-8 (Workers' Compensation Board of Review)
Affirmed (3-0)

RULE 20 ARGUMENT GRANTED

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

Josephine N. Dutton v. State Farm Mutual Automobile Insurance Company, 25-ICA-418 (Cir. Ct. Ohio Cnty. No. CC-35-2025-C-12) (3-0)

Katti D. v. Anthony H., 25-ICA-436 (Fam. Ct. Harrison Cnty. No. FC-17-2021-D-173) (3-0)

ORDERS

Orders of note 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)
Petition for Rehearing Refused (3-0)

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 (Off. of Inspector General Bd. of Rev. No. 25-BOR-1598)
Petition for Rehearing 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 Conserv. Comm'n No. 431, Cause Nos. 549-550, Order No. 1)
Motion to Dismiss or in the Alternative Dissolve Order 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-38 (Oil and Gas Conserv. Comm'n No. 424-534, Order No. 1)
Motion to Dismiss or in the Alternative Dissolve Order for Stay Refused (3-0)

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Blackhawk Mining, LLC v. Richard Ullman, 26-ICA-213 (Workers' Compensation Board of Review)

Motion for Stay Refused (3-0)

Rex N. v. Ellie V. and West Virginia Department of Human Services, Bureau for Child Support Enforcement, 26-ICA-218 (Fam. Ct. Raleigh Cnty. No. FC-41-2021-D-146)

Motion for Stay Refused (3-0)

Tiffany S. v. Robert S., 26-ICA-20 (Fam. Ct. Wyoming Cnty. No. FC-55-2015-D-127)

Motion for Stay Refused (3-0)

Christopher F. v. Lyndsey F., 26-ICA-153 (Fam. Ct. Wayne Cnty. No. FC-50-2017-D-48)

Motion to Dismiss Refused (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)

Arch Coal, Inc. v. Clarence E. Music and Condor Holdings, LLC, 26-ICA-187 (Workers' Compensation Board of Review)

Dismissed as Improvidently Docketed (3-0)

Carmela Dodrill v. West Virginia Department of Human Services, Bureau for Social Services, 25-ICA-411 (Off. of Inspector General Bd. of Rev. No. 25-BOR-2044)

Motion to Dismiss Refused (3-0)