



## DECISIONS, NOTICES AND ORDERS

**Tuesday, June 13, 2023**

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

---

### MEMORANDUM DECISIONS

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

State ex rel. Patrick Morrissey, Attorney General v. Hon. Ronald E. Wilson, Judge, and Terry Alan Mason, No. 23-97 (Original Prohibition)  
Writ granted (3-2) (Justice Hutchison and Justice Wooton would issue a rule to show cause and set for Rule 19 argument.)

Clayton Eagle v. George Trent, Superintendent, No. 22-0198 (Preston 19-C-78)  
Affirmed (5-0)

State v. Bruce Edward Bird Jr., No. 22-0119 (Clay CC-08-2015-F-22)  
Affirmed (5-0)

Brian Merchant v. R.S. Mutter, Superintendent, No. 21-0940 (Marion 17-C-247)  
Affirmed (5-0)

Joshawa Clark v. Donnie Ames, Superintendent, No. 21-0167 (Cabell 14-C-359)  
Affirmed (5-0)

State v. Herman D. Catlett, No. 21-0713 (Berkeley CC-02-1984-F-40)  
Affirmed (4-0) (Justice Armstead disqualified)

State v. John William Robinette, No. 22-0107 (Wayne CC-50-2021-M-AP-2)  
Affirmed (5-0)

State v. Richard C., No. 21-1018 (Raleigh CC-41-2019-F-342)  
Affirmed (5-0)

ORDER LIST

June 13, 2023

Page 2

Antero Resources Corporation v. Matthew R. Irby, West Virginia State Tax Commissioner, et al., No. 22-0048 (Harrison 20-P-83-2), No. 22-0049 (Ritchie CC-43-2018-AA-1), No. 22-0050 (Harrison 18-F-235-3), No. 22-0051 (Doddridge CC-09-2019-AA-1), No. 22-0052 (Doddridge CC-09-2018-AA-1), and No. 22-0144 (Tyler 18-AA-1)  
Affirmed (4-0) (Justice Bunn disqualified)

Jay Folse v. G. Russell Rollyson, Jr., et al., No. 22-0169 (Wetzel 21-C-41)  
Affirmed (5-0)

Jay Folse v. G. Russell Rollyson, Jr., et al., No. 22-0430 (Logan CC-23-2022-C-13)  
Affirmed (5-0)

Lewis Dailey v. Donnie Ames, Superintendent, No. 21-0882 (Marion CC-24-2020-C-28)  
Affirmed (5-0)

In re R.C. and D.C., No. 22-622 (Wood 17-JA-3, 17-JA-4)  
Vacated and remanded (3-2) (Justice Armstead and Justice Wooton would set for Rule 19 argument.)

James LaRosa, et al. v. David Rexroad, et al., No. 21-0958 (Upshur 19-C-64)  
Affirmed (5-0)

Jay Folse v. G. Russell Rollyson, Jr., et al., No. 22-0130 (Ohio 21-C-149)  
Affirmed (5-0)

In re A.R.P. and A.R.C., No. 22-0084 (Marion 2021-FIG-21)  
Affirmed (4-1) (Justice Wooton dissenting)

State v. Donnyel Simmons, No. 22-0306 (Berkeley CC-02-2020-F-192)  
Affirmed (5-0)

Galen Hansen v. Pierpont Community and Technical College Board of Governors, et al., No. 22-0269 (Kanawha 22-P-63)  
Affirmed (5-0)

Julian Scardina v. Jason Collins, Superintendent, No. 22-0091 (Harrison 22-C-157-1)  
Affirmed (5-0)

Eric Kell v. Donnie Ames, Superintendent, No. 21-0978 (Mercer 20-C-130)  
Affirmed (5-0)

Thomas Menei v. Karen Pszczolkowski, Superintendent, No. 21-0116 (Monongalia 18-C-124)  
Vacated and remanded (3-2) (Justice Armstead and Justice Hutchison would set for Rule 19 argument.)

Everett Frazier, Commissioner of the WV Division of Motor Vehicles v. Michael Moore, No. 22-0284 (Kanawha 21-AA-27)  
Affirmed (5-0)

ORDER LIST

June 13, 2023

Page 3

Everett Frazier, Commissioner of the WV Division of Motor Vehicles v. Brian Ettinger,  
No. 22-0352 (Kanawha 22-P-40)  
Affirmed (4-1) (Justice Armstead would set for Rule 19 argument.)

Brian Ettinger v. Everett Frazier, Commissioner of the WV Division of Motor Vehicles,  
No. 22-0431 (Kanawha 22-P-40)  
Affirmed (5-0)

In re E.H., No. 22-0300 (Mercer 21-JA-29)  
Affirmed (5-0)

In re K.A., N.A., and J.B., No. 22-0426 (Kanawha 21-JA-425, 21-JA-426, 21-JA-427)  
Vacated and remanded (5-0)

In re G.P. and E.P., Nos. 22-591 and 22-730 (Roane 21-JA-62, 21-JA-63)  
Vacated and remanded (5-0)

In re G.N., L.N., and A.N., No. 22-0312 (Kanawha 21-JA-669, 21-JA-670, 21-JA-671)  
Affirmed, in part. Vacated, in part. Remanded. (5-0)

In re B.P., No. 22-0368 (Hardy 20-JA-40)  
Affirmed (5-0)

In re B.P., No. 22-0482 (Hardy 20-JA-40)  
Affirmed (5-0)

In re S.D., W.T., E.S., and J.S., No. 22-0481 (Clay 21-JA-27, 21-JA-28, 21-JA-29, 21-JA-30)  
Affirmed, in part. Vacated, in part. Remanded. (5-0)

Juan M. v. Donnie Ames, Superintendent, No. 22-0011 (Kanawha 18-P-197)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

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

State v. Timothy Maichle, No. 21-0943 (Fayette 21-F-130, 21-F-156)

State v. Charles Eric Ward, No. 22-0211 (Raleigh CC-41-2021-F-402)

State v. Jay Folse, No. 21-0972 (Monongalia 21-MAP-12)

Nathan H. v. Susan McQuaide and McQuaide & Associates, No. 22-0463 (Kanawha 22-C-184)

ORDER LIST

June 13, 2023

Page 4

**RULE 20 ARGUMENT GRANTED**

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

National Union Fire Insurance Company of Pittsburgh, PA, et al. v. Westlake Chemical Corporation, No. 21-1016 (Marshall 19-C-59)

Michael Ruble and Brenda Ruble v. Matrix Chemical, LLC, et al., No. 22-0329 (Cabell 19-C-127)

Roland Chalifoux, Jr., D.O., et al. v. WV Board of Osteopathic Medicine, et al., No. 21-0902 (Kanawha 16-C-844)

Todd Jarrell v. Frontier West Virginia, Inc., et al., No. 20-0040 (Jackson 19-C-31)