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Office of the Attorney General

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NOV 1 2021

HOUSE OF DELEGATES
SPEAKERS OFFICE

Patrick Morrisey
Attorney General

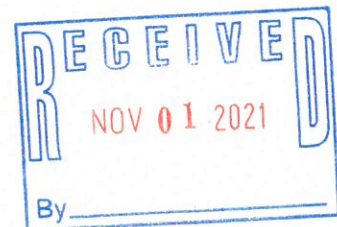
(304) 558-2021
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November 1, 2021

Honorable James Conley Justice
Governor
Office of the Governor
State Capitol, Bldg. 1
1900 Kanawha Boulevard East
Charleston, WV 25305

Honorable Craig Blair
President, State Senate
State Capitol, Bldg. 1, Rm. M211
1900 Kanawha Boulevard East
Charleston, WV 25305

Honorable Roger Hanshaw
Speaker, House of Delegates
State Capitol, Bldg. 1, Rm. M228
1900 Kanawha Boulevard East
Charleston, WV 25305



Re: Annual Report 2021

Dear Governor Justice, President Blair and Speaker Hanshaw:

Pursuant to West Virginia Code § 5-3-4, and on behalf of Attorney General Patrick Morrisey, attached please find a report concerning the several causes of action in which the State is a party, pending in the Courts mentioned in § 5-3-2 of the West Virginia Code.

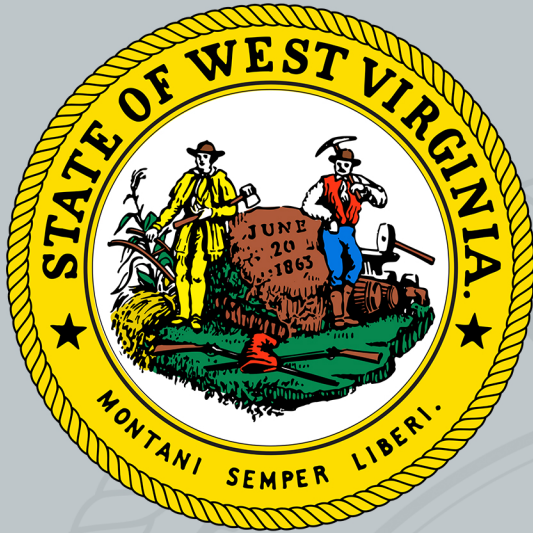
During this reporting period, and in addition to the cases listed in this report, the Attorney General's office also has 46 active Legislative Claims Commission cases.

As always, if you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Candace Kraus

Candace Kraus
Senior Deputy Attorney General



Office of the Attorney General

Report to the Governor, Senate President and House of Delegates Speaker

NOVEMBER 1, 2021

Patrick Morrissey
Attorney General

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**APPELLATE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER

November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-20-0045	2:20-cv-69	USDC WVSD	Jeffrey Roy Finley v. Donnie Ames, Superintendent (2:20-cv-69)	Federal habeas appeal alleging confrontation clause violation and ineffective assistance of counsel. In litigation. (Logan County)
Appellate	Bissett, Lara	APP-20-0186	20-0317	Supreme Court - WV	State of West Virginia v. Michael J. Smith (20-0317)	Direct appeal alleging error in allowing gruesome photos, evidence of flight, evidence of prior arrests, Petitioner's prior participation in juvenile abuse and neglect, and presentment of jury instructions. Briefing completed. (Roane County)
Appellate	Bissett, Lara	APP-20-0111	20-0324	Supreme Court - WV	State of West Virginia v. David Canaday, Jr. (20-0324)	Rule 35(b) appeal alleging abuse of discretion in denial of alternative sentencing. Briefing completed. (Greenbrier County)
Appellate	Bissett, Lara	APP-20-0192	20-0473	Supreme Court - WV	Oscar Combs, Sr. v. Donnie Ames, Superintendent (20-0473)	Habeas appeal alleging insufficiency of the evidence regarding identification of victim and alibi, improper communications with juror, and defective indictment. Briefing completed. (Mercer County)
Appellate	Bissett, Lara	APP-20-0139	20-0519	Supreme Court - WV	State of West Virginia v. Andre Parrish (20-0519)	Direct appeal alleging error in denial of motions for dismissal based upon newly discovered evidence and tampered evidence. Briefing completed. (Monongalia County)
Appellate	Bissett, Lara	APP-20-0137	20-0546	Supreme Court - WV	State of West Virginia v. Jamie Lynn Metheny (20-0546)	Direct appeal of probation revocation alleging extension of probationary period beyond five years results in ex post facto violation. Briefing completed. Stay issued. (Harrison County)
Appellate	Bissett, Lara	APP-20-0166	20-0603	Supreme Court - WV	State of West Virginia v. Tanner Carter (20-0603)	Appeal alleging abuse of discretion in denial of motion to withdraw plea arising from State's admission of no evidence at plea hearing and ineffective assistance of counsel. Briefing completed. (Logan County)
Appellate	Bissett, Lara	APP-20-0179	20-0707	Supreme Court - WV	State of West Virginia v. Tammy Jean Holmes (20-0707)	Direct appeal alleging excessive and disproportionate sentence. Briefing completed. (Morgan County)
Appellate	Bissett, Lara	APP-20-0221	20-0844	Supreme Court - WV	Robert Ewell Thomas v. Donnie Ames, Superintendent (20-0844)	Habeas appeal alleging error arising from failure to hold an omnibus hearing and appoint counsel. Briefing completed. (Marion County)
Appellate	Bissett, Lara	APP-20-0216	20-0885	Supreme Court - WV	Mason E. Bishop v. Donnie Ames, Superintendent (20-0885)	Habeas appeal alleging abuse of discretion arising from failure to hold an omnibus hearing and appoint counsel. Briefing completed. (Mercer County)
Appellate	Bissett, Lara	APP-20-0229	20-0904	Supreme Court - WV	State of West Virginia v. Dean E. Gamble, Sr. (20-0904)	Direct appeal of resentencing alleging plain error resulting from enhancement for convictions on same day, same proceeding under 60(A); under 10(c), (10)(b), involuntary plea, ineffective assistance of counsel, etc. Briefing completed. (Fayette County)
Appellate	Bissett, Lara	APP-20-0224	20-0928	Supreme Court - WV	State of West Virginia v. Joseph G. Ray (20-0928)	Direct appeal alleging lifetime requirement of registering on sex offender registry is unconstitutional and not rationally related to legitimate government interest. Briefing completed. (Berkeley County)
Appellate	Bissett, Lara	APP-21-0020	20-0930	Supreme Court - WV	Jimmy Dean Mullins v. Aaron Westfall, Superintendent (20-0930)	Habeas appeal alleging denial of due process due to incompetency and ineffective assistance of counsel. Briefing completed. (Wyoming County)
Appellate	Bissett, Lara	APP-21-0005	20-0976	Supreme Court - WV	State of West Virginia v. Kevin Wayne Saunders (20-0976)	Rule 35(b) appeal alleging sentence greater than necessary based on plea offer and failure of Court to fully consider Rule 35(b) motion. Briefing completed. (Raleigh County)
Appellate	Bissett, Lara	APP-21-0026	20-1039	Supreme Court - WV	State of West Virginia v. Billy Joe McFarland, Jr. (20-1039)	Direct appeal alleging undue emphasis on victim impact statement during sentencing, error in allowing victim to present dash-cam video during sentencing, and failure to adhere to Rule 11(e)(2) when court conditionally accepted plea. Briefing completed. (Jackson County)
Appellate	Bissett, Lara	APP-21-0040	21-0040	Supreme Court - WV	State of West Virginia v. Norris B. Domer (21-0040)	Direct appeal alleging jury errors and any other errors discovered upon review of record. Briefing completed. (Berkeley County)
Appellate	Bissett, Lara	APP-21-0064	21-0112	Supreme Court - WV	State of West Virginia v. Michael Jenkins (21-0112)	Direct appeal alleging double jeopardy violation where mistrial of first jury trial was caused by circuit clerk's misconduct, juror misconduct, failure of State to present expert testimony, and interference with jury's ability to determine credibility. Briefing completed. (Hancock County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-21-0062	21-0157	Supreme Court - WV	Steven W. Funt v. Donnie Ames, Superintendent (21-0157)	Habeas appeal alleging error in denial of habeas in light of recent unnamed WV Supreme Court of Appeals decisions and failure to rule on all claims submitted. Briefing completed. (Morgan County)
Appellate	Bissett, Lara	APP-21-0140	21-0158	Supreme Court - WV	SER Timothy Taylor v. Shelby Searls, Superintendent (21-0158)	Original Jurisdiction Habeas petition does not articulate any error; amended petition to be filed by appointed counsel. Briefing completed. (Mason County)
Appellate	Bissett, Lara	APP-21-0070	21-0175	Supreme Court - WV	Patricia Aldridge v. J. D. Sallaz, Superintendent (21-0175)	Habeas appeal alleging errors in previous appeals not ruled upon, ineffective assistance of counsel, failure to pursue bifurcation, sixth amendment due process violation. Briefing completed. (Wayne County)
Appellate	Bissett, Lara	APP-21-0102	21-0198	Supreme Court - WV	John Spaulding v. Donnie Ames, Superintendent (21-0198)	Habeas appeal alleging ineffective assistance of counsel and excessive sentence. Under briefing schedule. (Mercer County)
Appellate	Bissett, Lara	APP-21-0096	21-0246	Supreme Court - WV	SER Bobby L. Blake v. Carl Aldridge, Superintendent (21-0246)	Habeas appeal alleging ineffective assistance of counsel and unlawful guilty plea. Briefing completed. (Mason County)
Appellate	Bissett, Lara	APP-21-0080	21-0249	Supreme Court - WV	State of West Virginia v. Oscar Ross Combs, Sr. (21-0249)	Direct appeal alleging error in lower court ruling finding magistrate court did not abuse its discretion regarding (1) 404(b) evidence and (2) denial of motion for mistrial. Briefing completed. (Wyoming County)
Appellate	Bissett, Lara	APP-21-0092	21-0263	Supreme Court - WV	State of West Virginia v. Izzac Christopher Weister (21-0263)	Direct appeal alleging error in finding offenses charged involved acts of violence and in commitment of Petitioner to Sharpe Hospital for 25 years. Briefing completed. (Jefferson County)
Appellate	Bissett, Lara	APP-21-0098	21-0290	Supreme Court - WV	State of West Virginia v. Robert Higgins (21-0290)	Direct appeal alleging 8th amendment violation regarding re-sentencing of Petitioner. Briefing completed. (Marion County)
Appellate	Bissett, Lara	APP-21-0132	21-0321	Supreme Court - WV	Brian D. Hayslett v. Donald Ames, Superintendent (21-0321)	Habeas appeal alleging abuse of discretion in precluding Petitioner's expert witness regarding voluntary intoxication, denial of incompetency claim, involuntary confession, ineffective assistance of counsel and improper jury instruction. Briefing completed. (Raleigh County)
Appellate	Bissett, Lara	APP-21-0114	21-0356	Supreme Court - WV	State of West Virginia v. Anthony Devaughn Johnson (21-0356)	Direct appeal alleging abuse of discretion in denial of motion to cancel trial due to newly discovered evidence, error in refusal to disqualify prosecutor, violation of confrontation clause resulting from admission of hearsay, prejudice from family's presence in courtroom, and due process violations. Under briefing schedule. (Summers County)
Appellate	Bissett, Lara	APP-21-0107	21-0382	Supreme Court - WV	State of West Virginia v. Michael Paul Conn (21-0382)	Certified Question regarding whether attempt to commit is qualifying offense under Sex Offender Registration statute. Under briefing schedule. (Cabell County)
Appellate	Bissett, Lara	APP-21-0125	21-0388	Supreme Court - WV	State of West Virginia v. Terry Grantham (21-0388)	Direct appeal alleging error in empaneling a jury with only one African American and insufficient evidence. Briefing completed. (Berkeley County)
Appellate	Bissett, Lara	APP-21-0146	21-0453	Supreme Court - WV	State of West Virginia v. Angel Lynn McCoy (21-0453)	Direct appeal alleging improper jury instructions, error in denial of motion to disqualify PA, error in denial of motion to be tried jointly with co-defendants, excessive sentencing. Under briefing schedule. (Morgan County)
Appellate	Bissett, Lara	APP-21-0149	21-0513	Supreme Court - WV	SER Corey Storbakken v. Shelby Searls, Superintendent (21-0513)	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel as petitioner wasn't informed of appeal process. Briefing completed. (Greenbrier County)
Appellate	Bissett, Lara	APP-21-0169	21-0514	Supreme Court - WV	State of West Virginia v. Daniel Plants (21-0514)	Rule 35(b) appeal alleging abuse of discretion by imposition of harsh sentence not commiserate with crime committed. Under briefing schedule. (Jackson County)
Appellate	Bissett, Lara	APP-21-0176	21-0526	Supreme Court - WV	State of West Virginia v. Roger Kent Stobart (21-0526)	Direct appeal alleging double jeopardy, failure to instruct jury, error in defining "uttering," failure to allow alibi defense, and insufficient evidence. Under briefing schedule. (Upshur County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-21-0163	21-0536	Supreme Court - WV	Mark Sowards v. Donnie Ames, Superintendent (21-0536)	Habeas appeal alleging errors as a matter of law regarding speedy trial violation, improper jury instruction, improper evidentiary rulings, ineffective assistance of counsel and cumulative error. Under briefing schedule. (Cabell County)
Appellate	Bissett, Lara	APP-21-0187	21-0587	Supreme Court - WV	State of West Virginia v. Terry Lee Hughes (21-0587)	Direct appeal alleging failure to make findings of fact and conclusions of law in denial of motion for sentence consideration. Under briefing schedule. (Nicholas County)
Appellate	Bissett, Lara	APP-21-0181	21-0615	Supreme Court - WV	SER Matthew Cottingham v. Donnie Ames, Superintendent (21-0615)	Original Jurisdiction Habeas appeal alleging violation of fair trial rights, insufficient evidence and actual innocence. Briefing completed. (Marion County)
Appellate	Bissett, Lara	APP-21-0196	21-0640	Supreme Court - WV	State of West Virginia v. Peter James Wodzinski, Jr. (21-0640)	Direct appeal alleging insufficient evidence, admission of prejudicial exhibits, and error in refusing to give instructions on lesser included offenses. Under briefing schedule. (Harrison County)
Appellate	Bissett, Lara	APP-21-0201	21-0648	Supreme Court - WV	Scotty E. Boothe v. Shelby Searls, Superintendent (21-0648)	Habeas appeal alleging error in findings of fact and conclusions of law without evidentiary hearing, ineffective assistance of trial and habeas counsel, conflict of interest of trial and habeas counsel, and various constitutional violations. Under briefing schedule. (Fayette County)
Appellate	Bissett, Lara	APP-21-0212	21-0674	Supreme Court - WV	State of West Virginia v. Jaquaylla Kessler (21-0674)	Direct appeal alleging improper admission of victim video statement, insufficient evidence, and newly discovered exculpatory evidence. Under briefing schedule. (Mingo County)
Appellate	Bissett, Lara	APP-21-0206	21-0680	Supreme Court - WV	Clifton Dent v. Donnie Ames, Superintendent (21-0680)	Habeas appeal alleging abuse of discretion for failure to hold omnibus hearing. Under briefing schedule. (Ohio County)
Appellate	Bissett, Lara	APP-21-0215	21-0683	Supreme Court - WV	State of West Virginia v. Brooklyn Zavion Johnson (21-0683)	Direct appeal alleging unlawful search and seizure, unlawful custodial interrogation, error in transfer to adult status, erroneous jury instruction, and introduction of bad acts evidence. Under briefing schedule. (Berkeley County)
Appellate	Bissett, Lara	APP-21-0222	21-0713	Supreme Court - WV	State of West Virginia v. Herman Catlett (21-0713)	Direct appeal alleging error in denial of motion for re-sentencing, and failure to appoint counsel and hold a hearing. Under briefing schedule. (Berkeley County)
Appellate	Bissett, Lara	APP-21-0225	21-0764	Supreme Court - WV	State of West Virginia v. Aaron Glen Hoard (21-0764)	Direct appeal alleging cumulative error and insufficient evidence. Under briefing schedule. (Preston County)
Appellate	Bissett, Lara	APP-17-0165	3:17-cv-22	USDC WVND	Harold Billiter v. Ralph Terry, Acting Warden (3:17-cv-22)	Federal habeas corpus petition by sex offender alleging failure to sequester witnesses; evidentiary errors; sufficiency of evidence; ineffective assistance; prejudicial closing argument. In litigation. (Harrison County)
Appellate	Bissett, Lara	APP-19-0062	5:19-cv-196	USDC WVSD	Norma B. Griffin v. Patrick Morrissey, West Virginia Attorney General (5:19-cv-196)	Petitioner was convicted of extortion. She is seeking federal habeas corpus relief on grounds of inordinate delay. Her substantive grounds are: statutory unconstitutionality, prosecutorial misconduct, improper instruction, and lack of speedy trial. In litigation. (Greenbrier County)
Appellate	Johnson, Scott	APP-20-0183	1:20-cv-235	USDC WVND	Julia Ann Surbaugh v. J. D. Sallaz, Superintendent (1:20-cv-235)	Federal habeas appeal alleging ineffective assistance of counsel, improper/lack of jury instruction re: blood evidence, improper witness testimony, improper admission of evidence from first trial, and prosecutorial misconduct. In litigation. (Webster County)
Appellate	Johnson, Scott	APP-20-0025	19-1192	Supreme Court - WV	State of West Virginia v. John Henry Herring (19-1192)	Direct appeal alleging disproportionate sentencing in comparison to co-defendant. Briefing completed. (Ohio County)
Appellate	Johnson, Scott	APP-17-0024	2:15-cv-11422	USDC WVSD	Danny R. Swager v. David Ballard, Warden (2:15-cv-11422)	Federal habeas corpus petition arising from convictions for first degree sexual assault, second degree sexual assault, and first degree sexual abuse, and alleging premature "Allen charge" in trial and denial of right to confront accuser. In litigation. (Nicholas County)
Appellate	Johnson, Scott	APP-17-0063	2:17-cv-6	USDC WVND	Elwood L. Johnson v. David Ballard, Warden (2:17-cv-6)	Federal habeas corpus petition arising from convictions for 1st degree sexual abuse and 2nd degree sexual assault, and alleging violation of due process based on the testimony of Fred Zain. In litigation. (Marion County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-20-0057	20-0099	Supreme Court - WV	State of West Virginia v. John Thomas Campbell (20-0099)	Direct appeal arising from re-sentencing order for the purpose of appeal. Petitioner claims his motion to suppress statement was erroneously denied. Briefing completed. (Greenbrier County)
Appellate	Johnson, Scott	APP-20-0106	20-0319	Supreme Court - WV	State of West Virginia v. Sarah Webber (20-0319)	Direct appeal alleging insufficiency of evidence and error in denial of post conviction motion for new trial based on discovery of new witness. Briefing completed. (Monongalia County)
Appellate	Johnson, Scott	APP-20-0112	20-0325	Supreme Court - WV	Mario Perito, II v. State of West Virginia (20-0325)	Direct appeal of denial of petition for expungement following issuance of pardon. Briefing completed. (Hancock County)
Appellate	Johnson, Scott	APP-20-0118	20-0411	Supreme Court - WV	State of West Virginia v. Gregory Frazer (20-0411)	Direct appeal alleging abuse of discretion arising from denial of motion for re-sentencing for purposes of filing direct appeal. Briefing completed. (Webster County)
Appellate	Johnson, Scott	APP-20-0123	20-0459	Supreme Court - WV	State of West Virginia v. Jonathan Ray Cain (20-0459)	Direct appeal alleging insufficient evidence and error in denial of motion for acquittal. Briefing completed. (Morgan County)
Appellate	Johnson, Scott	APP-20-0162	20-0477	Supreme Court - WV	Gary D. Martin v. Donnie Ames, Superintendent (20-0477)	Third habeas appeal alleging due process violations arising from denial of habeas petition. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-20-0170	20-0678	Supreme Court - WV	State of West Virginia v. Adam Cullen (20-0678)	Appeal of probation revocation alleging abuse of discretion by revoking probation instead of imposing a graduated sanction and error in finding by a preponderance of the evidence that Petitioner violated probation. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-20-0180	20-0706	Supreme Court - WV	State of West Virginia v. Scotty Joseph Byers (20-0706)	Direct appeal alleging due process violations arising from petitioner not physically present during sentencing (denial of right to be present during critical stage of trial). Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-21-0019	20-0715	Supreme Court - WV	SER Richard A. Knotts v. Donnie Ames, Superintendent (20-0715)	Habeas appeal alleging irregularities in blood evidence (Zain III) and error in failure of court to enforce habeas agreement. Briefing completed. (Preston County)
Appellate	Johnson, Scott	APP-21-0023	20-0802	Supreme Court - WV	Ray D. Cook v. Karen Pszczolkowski, Superintendent (20-0802)	Habeas appeal alleging error in finding Petitioner not entitled to new guilt phase of trial or new mercy phase of trial. Briefing completed. (Raleigh County)
Appellate	Johnson, Scott	APP-21-0013	20-0845	Supreme Court - WV	Nick Cochran v. Karen Pszczolkowski, Superintendent (20-0845)	Habeas appeal alleging abuse of discretion based upon summary denial of habeas and failure to hold hearing. Briefing completed. (Raleigh County)
Appellate	Johnson, Scott	APP-20-0204	20-0884	Supreme Court - WV	State of West Virginia v. Nathan Hall (20-0884)	Direct appeal alleging abuse of discretion in considering improper factors and alternative sentencing option—Anthony Center. Briefing completed. (Jackson County)
Appellate	Johnson, Scott	APP-20-0222	20-0937	Supreme Court - WV	State of West Virginia v. Sherri Lynn Fritts (20-0937)	Direct appeal alleging insufficient evidence, inappropriate expert and eye witness testimony, and nondisclosure of 404(b) evidence. Briefing completed. (Jefferson County)
Appellate	Johnson, Scott	APP-21-0009	20-1003	Supreme Court - WV	State of West Virginia v. Adam Derek Bowers (20-1003)	Direct appeal alleging error in requiring Petitioner to pay costs related to felony proceedings. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-21-0103	20-1041	Supreme Court - WV	Nicholas Ryan Robey v. Donnie Ames, Superintendent (20-1041)	Habeas appeal alleging ineffective assistance of counsel and involuntary plea. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-21-0159	21-0077	Supreme Court - WV	State of West Virginia v. Michael Faulkner (21-0077)	Direct appeal alleging lack of subject matter jurisdiction and insufficient evidence of probation violation. Under briefing schedule. (Webster County)
Appellate	Johnson, Scott	APP-21-0047	21-0081	Supreme Court - WV	Troy Goodman, Sr. v. Donnie Ames, Superintendent (21-0081)	Habeas appeal alleging ineffective assistance of trial counsel, and ineffective assistance of habeas counsel for failure to call rebuttal witnesses on grounds of newly discovered evidence. Briefing completed. (Logan County)
Appellate	Johnson, Scott	APP-21-0052	21-0114	Supreme Court - WV	State of West Virginia v. Quenton Sheffield (21-0114)	Direct appeal alleging violations of 6th amendment in refusing to sever murder in 1st degree and malicious wounding charges from Felony in Possession charge. Briefing completed. (Cabell County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-21-0198	21-0167	Supreme Court - WV	Joshawa Clark v. Donnie Ames, Superintendent (21-0167)	Habeas appeal alleging prejudicial pretrial publicity, double jeopardy, suppression of exculpatory evidence, excessive sentence, erroneous Pre-Sentence Investigation report, ineffective assistance of counsel, and irregularities with arrest. Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-21-0058	21-0170	Supreme Court - WV	State of West Virginia v. Cynthia Annmarie Gatewood (21-0170)	Direct appeal alleging error in denial of raising defenses of involuntary statement of gross intoxication; improper application of open door doctrine; denying expert testimony; prosecutorial misconduct; and improper voir dire. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-21-0071	21-0173	Supreme Court - WV	State of West Virginia v. Jamie Carson Hicks (21-0173)	Direct appeal alleging error in admitting evidence of relationship between Petitioner and witness, denial of post-trial motions and error in reasoning for sentence imposed. Under briefing schedule. (Roane County)
Appellate	Johnson, Scott	APP-21-0075	21-0248	Supreme Court - WV	State of West Virginia v. Malik Corbin Edler (21-0248)	Direct appeal alleging disproportionate sentence and double jeopardy violation. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-21-0090	21-0268	Supreme Court - WV	State of West Virginia v. Kyle Lewis Taylor (21-0268)	Direct appeal alleging improper jury charge, prosecutorial misconduct, error in failing to grant motion for directed verdict and any other claim after review of transcripts. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-21-0115	21-0323	Supreme Court - WV	State of West Virginia v. Justin Conner (21-0323)	Direct appeal alleging denial of effective assistance of counsel. Under briefing schedule. (Fayette County)
Appellate	Johnson, Scott	APP-21-0097	21-0328	Supreme Court - WV	State of West Virginia v. Kevin Ray Fowler, Jr. (21-0328)	Direct appeal alleging improper indictment, failure to obtain psych evaluation, excessive sentence, and excessive restitution. Under briefing schedule. (Jefferson County)
Appellate	Johnson, Scott	APP-21-0110	21-0378	Supreme Court - WV	State of West Virginia v. Raymond William Miller (21-0378)	Direct appeal alleging 4th amendment violation regarding blood draw, juror misconduct, and insufficient evidence. Briefing completed. (Morgan County)
Appellate	Johnson, Scott	APP-21-0130	21-0389	Supreme Court - WV	State of West Virginia v. Brian S. Willis (21-0389)	Direct appeal alleging error in failure to recuse Prosecuting Attorney (PA), allowing testimony of ex-wife in violation of spousal privilege, excessive and disproportionate sentencing, and convening a jury during pandemic. Under briefing schedule. (Fayette County)
Appellate	Johnson, Scott	APP-21-0127	21-0419	Supreme Court - WV	Edwin Wright v. Donnie Ames, Superintendent (21-0419)	Habeas appeal alleging ineffective assistance of habeas counsel. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-21-0123	21-0431	Supreme Court - WV	SER David L. Ingram v. Shelby Searls, Superintendent (21-0431)	Original Jurisdiction Habeas petition does not articulate any error and only attaches the Losh list without any of the grounds checked. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-21-0135	21-0432	Supreme Court - WV	Ricky Vincent Pendleton v. Donald Ames, Superintendent (21-0432)	Habeas appeal alleging abuse of discretion in failure to address full scope of claim under 60(b)(1)(4)(6) motion. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-21-0147	21-0456	Supreme Court - WV	State of West Virginia v. Alexander Paul Delorenzo (21-0456)	Direct appeal alleging error in suppression of psychologist testimony, in denial of motion to disqualify PA, illegal access to attorney-client privileged material, violation of Miranda rights, failure to allow testimony of defense expert. Briefing completed. (Marshall County)
Appellate	Johnson, Scott	APP-21-0143	21-0461	Supreme Court - WV	Jeremy Lee Spadafore v. John Anderson, Superintendent (21-0461)	Habeas appeal alleging disproportionate sentencing and deficient order regarding findings of fact and conclusions of law. Briefing completed. (Monongalia County)
Appellate	Johnson, Scott	APP-21-0173	21-0507	Supreme Court - WV	State of West Virginia v. Matthew A. Smith (21-0507)	Direct appeal alleging juror bias and ineffective assistance of counsel. Under briefing schedule. (Ritchie County)
Appellate	Johnson, Scott	APP-21-0148	21-0510	Supreme Court - WV	SER Keith Lorenzo Miller v. Shelby Searls, Superintendent (21-0510)	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel and involuntary guilty plea. Briefing completed. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-21-0164	21-0535	Supreme Court - WV	Demerise A. Smith v. J. D. Sallaz, Superintendent (21-0535)	Successive Habeas appeal alleging abuse of discretion in denying new evidence claim, disproportionate sentencing, erroneous determination that hearsay issue waived, improper juror empaneled, due process violation due to publicity. Under briefing schedule. (Raleigh County)
Appellate	Johnson, Scott	APP-21-0190	21-0604	Supreme Court - WV	State of West Virginia v. Jeffrey Scott Smith (21-0604)	Direct appeal alleging abuse of discretion regarding excessive sentencing. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-21-0200	21-0644	Supreme Court - WV	Carlos Tilley v. Donnie Ames, Superintendent (21-0644)	Habeas appeal alleging abuse of discretion in denial of writ. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-21-0209	21-0668	Supreme Court - WV	State of West Virginia v. James Hendershot (21-0668)	Direct appeal alleging failure to withdraw counsel, mistrial based on uniformed official presence influencing jury, failure to sever charges, violation of confrontation clause due to unavailability of medical examiner, and insufficient evidence. Under briefing schedule. (Wood County)
Appellate	Johnson, Scott	APP-21-0228	21-0690	Supreme Court - WV	State of West Virginia v. Joshua Andrew Drennan (21-0690)	Direct appeal alleging error in failing to instruct jury of beyond a reasonable doubt standard for no mercy verdict, insufficient evidence regarding mental illness, and other such errors upon review of record. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-21-0219	21-0696	Supreme Court - WV	State of West Virginia v. William T. Wilfong (21-0696)	Direct appeal alleging W. Va. Code 61-7-7(a)(3) unconstitutional as void for vagueness and potential impact on the right to bear arms. Under briefing schedule. (Randolph County)
Appellate	Johnson, Scott	APP-21-0179	3:20-cv-126	USDC WVND	Richard West v. Shelby Searls, Superintendent (3:20-cv-126)	Habeas appeal alleging conflict of interest, insufficient evidence, double jeopardy, and ineffective assistance of counsel. In litigation. (Ohio County)
Appellate	Johnson, Scott	APP-12-337	5:12-cv-43	USDC WVSD	Tony Daugherty v. Dennis Dingus, Warden (5:12-cv-43)	Federal habeas corpus petition by petitioner convicted of multiple sex offenses alleging ineffective assistance of counsel and other issues. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden (5:17-cv-54)	Federal habeas corpus petition alleging ineffective assistance of counsel, instructional error, and insufficient evidence arising from petitioner's conviction for solicitation of minor via computer and sexual abuse by a person in a position of trust. In litigation. (Preston County)
Appellate	Johnson, Scott	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden (5:17-cv-993)	Federal habeas corpus action by drug offender complaining of ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-19-0175	5:19-cv-163	USDC WVSD	Jack Jones v. Sean Strawn, Superintendent (5:19-cv-163)	Federal petition for writ of habeas corpus alleging the Quinn-Barbe Issue and failure to provide exculpatory evidence. On appeal to 4th Circuit. (Ohio County)
Appellate	Johnson, Scott	APP-21-0120	5:21-cv-56	USDC WVND	Richard Kartman v. Shelby Searls, Superintendent (5:21-cv-56)	Federal habeas appeal alleging ineffective assistance of counsel arising from failure to investigate and conflict of interest and due process violations. In litigation. (Ohio County)
Appellate	Lampman, Thomas	APP-19-0208	19-0894	Supreme Court - WV	State of West Virginia v. Kenneth L. McCoy, Jr. (19-0894)	Direct appeal alleging errors regarding involuntary confession, waiver of counsel, due process violations arising from failure to provide counsel timely, insufficiency of evidence, and prompt presentment issues. Briefing completed. (Wood County)
Appellate	Longwell, William	APP-16-0216	1:16-cv-169	USDC WVND	Kilton L. Kitchen v. David Ballard (1:16-cv-169)	Federal habeas corpus petition alleging ineffective assistance of counsel in connection with first degree murder and conspiracy charges. Stayed pending exhaustion of state court remedies. (Harrison County)
Appellate	Longwell, William	APP-17-0141	1:17-cv-95	USDC WVND	Thomas Grantham, Jr. v. David Ballard, Warden (1:17-cv-95)	Federal habeas corpus petition alleging ineffective assistance of counsel, failure to sever trial, and several other errors arising from convictions for second degree murder, attempted second degree murder and malicious wounding. In litigation. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-19-0110	19-0187	Supreme Court - WV	SER Edward Dreyfuss v. Karen Pszczolkowski, Superintendent (19-0187)	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel, prosecutorial misconduct, Brady violations, and judicial misconduct. Briefing completed. (Cabell County)
Appellate	Longwell, William	APP-20-0019	19-1162	Supreme Court - WV	State of West Virginia v. William Ellis Bowen, IV (19-1162)	Direct appeal alleging insufficiency of evidence and improper jury instructions. Briefing completed. (Kanawha County)
Appellate	Longwell, William	APP-17-0213	2:16-cv-1853	USDC WVSD	Steven Lee Mahood v. David Ballard, Warden (2:16-cv-1853)	Federal habeas corpus petition alleging denial of impartial jury, ineffective assistance of counsel, improper denial of instruction on voluntary intoxication, prosecutorial misconduct, and improper denial of motion for judgment of acquittal by petitioner convicted of first degree murder. In litigation. (Jackson County)
Appellate	Longwell, William	APP-20-0034	2:20-cv-35	USDC WVND	Robert Lee Lewis v. Donald Ames, Superintendent (2:20-cv-35)	Federal habeas petition alleging prosecutorial misconduct, improper 404(b), improper jury instructions, juror misconduct, cumulative error and constitutional violation arising from defendant's jail attire. In litigation. (Cabell County)
Appellate	Longwell, William	APP-21-0213	2:21-cv-434	USDC WVSD	Martez Griffin v. Shelby Searls, Superintendent (2:21-cv-434)	Federal Habeas appeal alleging ineffective assistance of counsel. Under briefing schedule. (Kanawha County)
Appellate	Longwell, William	APP-20-0044	20-0024	Supreme Court - WV	Frank Antrobus v. Donnie Ames, Superintendent (20-0024)	Habeas petition alleging ineffective assistance of counsel, indictment defects, insufficiency of evidence, perjured testimony, prosecutorial misconduct, and falsification of trial transcript by court reporter. Briefing completed. (Harrison County)
Appellate	Longwell, William	APP-20-0063	20-0149	Supreme Court - WV	Gary Lee Rollins v. Donnie Ames, Superintendent (20-0149)	Habeas appeal alleging abuse of discretion in denial of petition asserting newly discovered evidence and ineffective assistance of counsel. Briefing completed. (Nicholas County)
Appellate	Longwell, William	APP-20-0054	20-0176	Supreme Court - WV	Michael Blickenstaff v. Donnie Ames, Superintendent (20-0176)	Habeas appeal alleging error in summary dismissal of habeas petition; without omnibus hearing, court failed to address all grounds raised which included ineffective assistance of counsel and unlawful extraction. Briefing completed. (Jefferson County)
Appellate	Longwell, William	APP-20-0113	20-0330	Supreme Court - WV	State of West Virginia v. Joseph William Howell, Jr. (20-0330)	Direct appeal of probation revocation alleging petitioner was not on probation for second sentence as he had yet to begin second sentence at completion of first sentence. Briefing completed. (Randolph County)
Appellate	Longwell, William	APP-20-0107	20-0331	Supreme Court - WV	State of West Virginia v. Angel Dawn Stump (20-0331)	Direct appeal alleging insufficiency of evidence, error in denial of post conviction motion for new trial and other errors on the record. Briefing completed. (Hardy County)
Appellate	Longwell, William	APP-20-0103	20-0332	Supreme Court - WV	State of West Virginia v. Joshua Dale Cutright (20-0332)	Direct appeal alleging insufficiency of evidence and prejudicial statements by prosecution during trial. Briefing completed. (Braxton County)
Appellate	Longwell, William	APP-20-0127	20-0342	Supreme Court - WV	Elan Bell-Vaney v. Michael Martin, Superintendent (20-0342)	Habeas appeal alleging denial of habeas petition without evidentiary omnibus hearing regarding challenge to sentencing was abuse of discretion. Briefing completed. (Berkeley County)
Appellate	Longwell, William	APP-20-0122	20-0456	Supreme Court - WV	State of West Virginia v. Russell Ray Slater (20-0456)	Direct appeal alleging due process violation regarding failure to suppress Petitioner's statement to media, evidence presented not found at crime scene, improper identification of Petitioner, insufficiency of the evidence, and excessive sentence. Briefing completed. (Kanawha County)
Appellate	Longwell, William	APP-20-0124	20-0457	Supreme Court - WV	State of West Virginia v. John Hess (20-0457)	Direct appeal alleging admission of photos was unfairly prejudicial and not relevant in establishing Petitioner's intent and denial of competency evaluation was in error and violated due process. Briefing completed. (Taylor County)
Appellate	Longwell, William	APP-20-0163	20-0533	Supreme Court - WV	Curtis D. Richards v. Karen Pszczolkowski, Superintendent (20-0533)	Habeas appeal alleging abuse of discretion in denial of habeas raising claims of ineffective assistance of counsel and involuntary plea. Briefing completed. (Wood County)
Appellate	Longwell, William	APP-20-0146	20-0544	Supreme Court - WV	Tyler S. Munson v. Shelby Searls, Superintendent (20-0544)	Habeas appeal alleging error in denial of hearing where lack of factual support arises from trial counsel's lack of memory and failure to provide case file to habeas counsel. Briefing completed. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-20-0169	20-0595	Supreme Court - WV	State of West Virginia v. William Clyde Jeffries (20-0595)	Direct appeal alleging abuse of discretion in admitting Petitioner's statements and seeking new trial. Briefing completed. (Harrison County)
Appellate	Longwell, William	APP-21-0016	20-0625	Supreme Court - WV	Adam Derek Bowers v. Donnie Ames, Superintendent (20-0625)	Habeas appeal alleging insufficient evidence, inadmissible testimony, prosecutorial misconduct, and ineffective assistance of counsel. Briefing completed. (Harrison County)
Appellate	Longwell, William	APP-20-0171	20-0641	Supreme Court - WV	State of West Virginia v. Amanda Massey (20-0641)	Appeal of probation revocation alleging abuse of discretion by court's failure to consider each alleged violation individually and impose a graduated sanction instead of revocation of probation. Briefing completed. (Wood County)
Appellate	Longwell, William	APP-20-0178	20-0687	Supreme Court - WV	State of West Virginia v. David Tackett (20-0687)	Direct appeal alleging illegal sentence because court "did not correctly define terms of his sentence," "lower court improperly limited scope of information" to be received by Petitioner at pre-trial and ineffective assistance of counsel. Briefing completed. (Raleigh County)
Appellate	Longwell, William	APP-20-0175	20-0721	Supreme Court - WV	State of West Virginia v. Christine Stepanian (20-0721)	Direct appeal alleging W.Va. Code 15-2-2 unconstitutional and void for vagueness as applied to homeless individuals. Briefing completed. (Jefferson County)
Appellate	Longwell, William	APP-20-0185	20-0744	Supreme Court - WV	State of West Virginia v. Ariel Bennett (20-0744)	Direct appeal alleging insufficiency of evidence and due process violations. Briefing completed. (Raleigh County)
Appellate	Longwell, William	APP-20-0195	20-0786	Supreme Court - WV	In Re: Rausheen Rivers (20-0786)	Direct appeal alleging error in transfer to adult status due to insufficient evidence and application of improper standard. Briefing completed. (Wyoming County)
Appellate	Longwell, William	APP-20-0203	20-0811	Supreme Court - WV	State of West Virginia v. James Roland L'Heureux (20-0811)	Direct appeal alleging breach of plea agreement regarding sentencing. Briefing completed. (Barbour County)
Appellate	Longwell, William	APP-20-0208	20-0859	Supreme Court - WV	State of West Virginia v. Bernard G. Echols (20-0859)	Direct appeal alleging incorrect jury instructions, incorrect enhancement of sentence, ineffective assistance of counsel, and warrantless search. Briefing completed. (Fayette County)
Appellate	Longwell, William	APP-21-0028	20-0860	Supreme Court - WV	State of West Virginia v. Jonathan Miller (20-0860)	Direct appeal alleging denial of Rule 35(a) motion to correct sentence for pretrial credit for time served. Briefing completed. (Berkeley County)
Appellate	Longwell, William	APP-20-0231	20-0900	Supreme Court - WV	State of West Virginia v. Jeremy Michael Phipps (20-0900)	Direct appeal alleging defective indictment arising from prosecutor's recusal based upon relationship with victim. Briefing completed. (Wood County)
Appellate	Longwell, William	APP-21-0041	21-0041	Supreme Court - WV	Deveron Patterson v. Karen Pszczolkowski, Superintendent (21-0041)	Habeas appeal alleging error in failure to hold omnibus hearing and denial of petition. Briefing completed. (Kanawha County)
Appellate	Longwell, William	APP-21-0045	21-0073	Supreme Court - WV	Charles E. Jacobs v. Shawn Straughn, Superintendent (21-0073)	Habeas appeal alleging failure to state specific findings of fact and conclusions of law relating to each ground raised, denial of direct appeal, and denial of credit for time served. Briefing completed. (Kanawha County)
Appellate	Longwell, William	APP-21-0160	21-0116	Supreme Court - WV	Thomas Menei v. Karen Pszczolkowski, Superintendent (21-0116)	Habeas appeal alleging error in failure to provide an omnibus hearing, insufficient findings of fact and conclusions of law, and failure in addressing Losh list. Under briefing schedule. (Monongalia County)
Appellate	Longwell, William	APP-21-0069	21-0172	Supreme Court - WV	James N. Mauldin v. Shelby Searls, Superintendent (21-0172)	Habeas appeal alleging ineffective assistance of counsel and reserving right to amend for additional claims after review of record. Briefing completed. (Berkeley County)
Appellate	Longwell, William	APP-21-0085	21-0212	Supreme Court - WV	Apollo Rice v. Donnie Ames, Superintendent (21-0212)	Habeas appeal alleging abuse of discretion in denying petition. Briefing completed. (Ohio County)
Appellate	Longwell, William	APP-21-0081	21-0228	Supreme Court - WV	State of West Virginia v. Johnny Ray Dempsey (21-0228)	Direct appeal alleging error in lower court ruling finding magistrate court did not abuse its discretion regarding (1) 404(b) evidence and (2) denial of motion for mistrial. Briefing completed. (Wayne County)
Appellate	Longwell, William	APP-21-0095	21-0245	Supreme Court - WV	SER Lamar Dorsey v. Shawn Straughn, Superintendent (21-0245)	Habeas appeal alleging conviction based on coerced confession and illegal search and seizure. Briefing completed. (Logan County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-21-0078	21-0250	Supreme Court - WV	State of West Virginia v. Ty Mogyoros (21-0250)	Direct appeal alleging error in allowing conviction of lesser included offense in violation of double jeopardy clause of US and WV Constitutions. Briefing completed. (Hancock County)
Appellate	Longwell, William	APP-21-0091	21-0260	Supreme Court - WV	State of West Virginia v. Jomo Kenyata Morris (21-0260)	Direct appeal alleging insufficient evidence and no probable cause for Terry stop. Briefing completed. (Berkeley County)
Appellate	Longwell, William	APP-21-0101	21-0307	Supreme Court - WV	State of West Virginia v. Donald Lawrence Campbell, II (21-0307)	Direct appeal alleging insufficiency of evidence. Briefing completed. (Harrison County)
Appellate	Longwell, William	APP-21-0151	21-0335	Supreme Court - WV	Warren Hester v. Donnie Ames, Superintendent (21-0335)	Habeas appeal alleging improper jury instruction regarding element and ineffective assistance of counsel. Under briefing schedule. (Raleigh County)
Appellate	Longwell, William	APP-21-0113	21-0374	Supreme Court - WV	State of West Virginia v. Alphrin A. Norman (21-0374)	Direct appeal alleging denial of deferral of sentencing to seek substance abuse treatment and/or probation was in error. Briefing completed. (Wood County)
Appellate	Longwell, William	APP-21-0144	21-0424	Supreme Court - WV	State of West Virginia v. Candice T. Salmons (21-0424)	Direct appeal alleging abuse of discretion in admission of illegally obtained evidence, error in denial of motion for directed verdict and improper jury instructions. Under briefing schedule. (Wyoming County)
Appellate	Longwell, William	APP-21-0139	21-0457	Supreme Court - WV	Isaiah Murphy v. Shawn Straughn, Superintendent (21-0457)	Habeas appeal alleging error in denial of petition after omnibus hearing regarding ineffective assistance of counsel involving plea agreement, review of discovery, development of diminished capacity defense, and trial counsel not physically or mentally adequate to represent petitioner. Briefing completed. (Clay County)
Appellate	Longwell, William	APP-21-0166	21-0475	Supreme Court - WV	Mark A. Sorsaia v. Linda Hunt, Putnam County Magistrate and Harlee Beasely (21-0475)	Appeal of writ of prohibition seeking reversal of circuit court's grant of writ and interpretation of W. Va. Code 61-8-19. Under briefing schedule. (Putnam County)
Appellate	Longwell, William	APP-21-0168	21-0492	Supreme Court - WV	State of West Virginia v. Benjamin A. Harrison (21-0492)	Direct appeal alleging error in not following Rule 11 requirements regarding withdrawal of guilty plea in instance where Court does not follow sentencing recommendations. Under briefing schedule. (Kanawha County)
Appellate	Longwell, William	APP-21-0178	21-0548	Supreme Court - WV	State of West Virginia v. Michael Adkins (21-0548)	Direct appeal of probation revocation alleging insufficient evidence. Under briefing schedule. (Cabell County)
Appellate	Longwell, William	APP-21-0188	21-0573	Supreme Court - WV	State of West Virginia v. Evan Ottey, Jr. (21-0573)	Direct appeal alleging disproportionate sentencing, violation of due process and misinformation regarding sentencing. Under briefing schedule. (Berkeley County)
Appellate	Longwell, William	APP-21-0195	21-0630	Supreme Court - WV	State of West Virginia v. Robert Kramarage (21-0630)	Direct appeal alleging error in admission of suppressed jail recording after testimony "opened door," renewal of all objections to admission of Petitioner's statement and failure to direct verdict. Under briefing schedule. (Berkeley County)
Appellate	Longwell, William	APP-21-0204	21-0677	Supreme Court - WV	SER Keith Miller v. Shelby Searls, Superintendent (21-0677)	Habeas appeal filed without any grounds alleged; signed Losh list form attached without any grounds indicated. Briefing completed. (Ohio County)
Appellate	Longwell, William	APP-21-0218	21-0714	Supreme Court - WV	SER Casey M. Givens v. Shelby Searls, Superintendent (21-0714)	Original Jurisdiction Habeas appeal alleging plain error in allowing victim's family to coerce/influence the court regarding sentencing resulting in constitutional violation of fair trial rights. Briefing completed. (Kanawha County)
Appellate	Longwell, William	APP-21-0223	21-0783	Supreme Court - WV	SER Logan Treadway v. Paul M. Blake, Jr. (21-0783)	Original Jurisdiction Prohibition alleging enforcement of order committing juvenile to DJS is effectively a denial of medical services. Under briefing schedule. (Fayette County)
Appellate	Longwell, William	APP-18-0243	3:18-cv-1464	USDC WVSD	Jeffrey Lee Finley v. Donald F. Ames, Superintendent (3:18-cv-1464)	Petitioner, convicted of First Degree Murder and two counts of Second Degree Sexual Assault, claims the trial judge met with jury out of his presence, denial of effective assistance of counsel, Brady violation, etc. In litigation. (Cabell County)
Appellate	Longwell, William	APP-21-0152	5:20-cv-661	USDC WVSD	Angela Dawn Miller v. J. D. Sallaz, Superintendent (5:20-cv-661)	Federal habeas appeal alleging denial of psychiatric defense, ineffective assistance of counsel, new evidence of juror misconduct, and improper voir dire. Under briefing schedule. (Wyoming County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-18-0115	18-0479	Supreme Court - WV	State of West Virginia v. Keith Dement (18-0479)	Appeal of conviction for unlawful firearm possession and recidivism alleging evidentiary errors, juror misconduct, insufficient evidence and disproportionate sentence. Briefing completed. (Summers County)
Appellate	Nease-Proper, Andrea	APP-19-0186	19-0849	Supreme Court - WV	Calvin Gray v. Donnie Ames, Superintendent (19-0849)	Habeas appeal alleging denial of petitions in '98 and '06 as violative of due process, judicial misconduct, abuse of discretion, Brady violations, defective indictment, and Zain III issues. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-20-0017	19-1157	Supreme Court - WV	State of West Virginia v. Charles Campbell, Jr. (19-1157)	Direct appeal alleging insufficiency of the evidence. Briefing completed. (Marshall County)
Appellate	Nease-Proper, Andrea	APP-20-0181	2:20-cv-573	USDC WVSD	Raymond Andrew Richardson v. Donnie Ames, Superintendent (2:20-cv-573)	Federal habeas appeal alleging insufficiency of evidence. In litigation. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-20-0079	20-0222	Supreme Court - WV	State of West Virginia v. Benjamin R. Taylor (20-0222)	Direct appeal alleging error arising from denial of motion for change of venue, improper jury selection, evidentiary issues regarding gruesome photos, admissibility of officer's testimony, DNA evidence and Petitioner's phone calls. Briefing completed. (Jackson County)
Appellate	Nease-Proper, Andrea	APP-20-0102	20-0333	Supreme Court - WV	State of West Virginia v. William Shane Vaughn (20-0333)	Direct appeal of denial of writ of coram nobis alleging error due to Petitioner entering guilty plea without awareness of mandatory lifetime sex offender registration. Briefing completed. (Mercer County)
Appellate	Nease-Proper, Andrea	APP-20-0121	20-0399	Supreme Court - WV	State of West Virginia v. Hubert Diamond (20-0399)	Direct appeal alleging violation of W.Va. Code 61-11A-5 as court ordered excessive amount of restitution without proper notice. Briefing completed. (Jefferson County)
Appellate	Nease-Proper, Andrea	APP-20-0143	20-0547	Supreme Court - WV	State of West Virginia v. Julie Orellena (20-0547)	Direct appeal alleging error in denial of motion for mistrial based upon prejudicial conduct of witness and denial of change of venue for jury trial for mercy determination. Briefing completed. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-20-0198	20-0782	Supreme Court - WV	State of West Virginia v. Da'Meer Blackwell (20-0782)	Direct appeal alleging error in transfer to adult status due to insufficient evidence and application of improper standard. Briefing completed. (Wyoming County)
Appellate	Nease-Proper, Andrea	APP-20-0220	20-0891	Supreme Court - WV	State of West Virginia v. Jason Michael Payne (20-0891)	Rule 35(a) appeal alleging error in doubling recidivist sentences. Briefing completed. (Morgan County)
Appellate	Nease-Proper, Andrea	APP-20-0230	20-0897	Supreme Court - WV	Ronald C. Davis v. Donnie Ames, Superintendent (20-0897)	Habeas appeal alleging error in failure to appoint counsel, failure to set forth findings of fact and conclusions of law regarding denial of habeas, due process violation arising from failure to hold omnibus hearing. Briefing completed. (Jackson County)
Appellate	Nease-Proper, Andrea	APP-21-0018	20-0984	Supreme Court - WV	State of West Virginia v. Michael Matamala (20-0984)	Direct appeal alleging insufficient evidence to support conviction. Briefing completed. (Monongalia County)
Appellate	Nease-Proper, Andrea	APP-21-0008	20-1004	Supreme Court - WV	State of West Virginia v. Elliott D. Lansdowne (20-1004)	Direct appeal alleging unreasonable jury deliberations lasting less than an hour demonstrating sympathy and passion not objective review of evidence and failure to grant directed verdict. Briefing completed. (Jefferson County)
Appellate	Nease-Proper, Andrea	APP-21-0010	20-1028	Supreme Court - WV	SER Scott R. Smith, Prosecuting Attorney of Ohio County v. The Honorable Michael J. Olejasz and Danny Mendoza (20-1028)	Writ of prohibition and motion for expedited relief alleging error in court's denial of State's motion for continuance and prohibition of evidence relating to medical examiner. Briefing completed. (Ohio County)
Appellate	Nease-Proper, Andrea	APP-21-0105	21-0006	Supreme Court - WV	Roy Roger Pittman v. Shelby Searls, Superintendent (21-0006)	Habeas appeal alleging ineffective assistance of counsel and involuntary plea. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-21-0046	21-0078	Supreme Court - WV	John Keenan v. Karen Pszczolkowski, Superintendent (21-0078)	Habeas appeal alleging abuse of discretion in denying omnibus hearing, error in finding (1) no Zain III issues, (2) effective assistance of counsel, (3) sufficient evidence and (4) no violation of proportionality clause. Under briefing schedule. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-21-0049	21-0113	Supreme Court - WV	Donald Medley v. Donnie Ames, Superintendent (21-0113)	Habeas appeal alleging error in finding no prejudice regarding State's failure to produce nail clippings and cellphone of victim; and error in finding no negative influence from publicity of trial. Briefing completed. (Mingo County)

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Appellate	Nease-Proper, Andrea	APP-21-0057	21-0162	Supreme Court - WV	State of West Virginia v. Shaun Richard Duke (21-0162)	Direct appeal alleging improper jury instruction, double jeopardy violation, and insufficient evidence regarding conspiracy. Briefing completed. (Nicholas County)
Appellate	Nease-Proper, Andrea	APP-21-0068	21-0201	Supreme Court - WV	State of West Virginia v. Kyle Brandon Rocha (21-0201)	Direct appeal alleging insufficient evidence to support finding that crimes were sexually motivated. Briefing completed. (Monongalia County)
Appellate	Nease-Proper, Andrea	APP-21-0093	21-0264	Supreme Court - WV	Hartzel Foster v. Donnie Ames, Superintendent (21-0264)	Habeas appeal alleging error in failing to appoint counsel and abuse of discretion in denying omnibus hearing. Briefing completed. (Barbour County)
Appellate	Nease-Proper, Andrea	APP-21-0089	21-0265	Supreme Court - WV	State of West Virginia v. Nicholas Shackelford (21-0265)	Rule 35(b) appeal alleging error in failing to consider Youthful Offender Act and breach of plea agreement. Briefing completed. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-21-0109	21-0339	Supreme Court - WV	SER Keith Lorenzo Miller v. Shelby Searls, Superintendent (21-0339)	Original Jurisdiction Habeas appeal alleging coercion of victim to pursue criminal charge and ineffective assistance of counsel. Briefing completed. (Ohio County)
Appellate	Nease-Proper, Andrea	APP-21-0128	21-0352	Supreme Court - WV	In Re: Austyn Wolfe (21-0352)	Direct appeal alleging error in placing Petitioner in roundtable program, failure of DHHR to make reasonable efforts to achieve permanency and error in not following the recommendations of the treating psychologist. Briefing completed. (Greenbrier County)
Appellate	Nease-Proper, Andrea	APP-21-0133	21-0370	Supreme Court - WV	Jordan J. Goard v. Donnie Ames, Superintendent (21-0370)	Habeas appeal alleging ineffective assistance of counsel, due process violations arising from joint trial. Briefing completed. (Fayette County)
Appellate	Nease-Proper, Andrea	APP-21-0155	21-0487	Supreme Court - WV	State of West Virginia v. William S. Thompson (21-0487)	Direct appeal alleging insufficient evidence and error in denial of juror questionnaire. Under briefing schedule. (Ohio County)
Appellate	Nease-Proper, Andrea	APP-21-0171	21-0490	Supreme Court - WV	State of West Virginia v. Emily Keefer (21-0490)	Rule 35(b) appeal alleging failure of court to consider inability to attend certain maternal programs in prison and finding that rule 35(b) motion untimely. Under briefing schedule. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-21-0174	21-0523	Supreme Court - WV	State of West Virginia v. Michael Vance (21-0523)	Direct appeal alleging element "use of firearm" not proven beyond a reasonable doubt, indeterminate sentence imposed in error, and defective indictment. Under briefing schedule. (Mingo County)
Appellate	Nease-Proper, Andrea	APP-21-0161	21-0524	Supreme Court - WV	Charles Terry v. Donnie Ames, Superintendent (21-0524)	Habeas appeal alleging error in denial of ineffective assistance of counsel, denial of insufficiency of evidence, denial of actual innocence, denial of improper jury instruction, and cumulative error. Under briefing schedule. (Fayette County)
Appellate	Nease-Proper, Andrea	APP-21-0197	21-0588	Supreme Court - WV	John David Smith v. Donnie Ames, Superintendent (21-0588)	Habeas appeal alleging failure to appeal of denied habeas due to death of counsel. Under briefing schedule. (Wood County)
Appellate	Nease-Proper, Andrea	APP-21-0208	21-0605	Supreme Court - WV	Todd Wayne Boyes v. State of West Virginia (21-0605)	Rule 35(a) appeal alleging double jeopardy violation in upholding consecutive sentencing for two like offenses occurring in same transaction. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-21-0185	21-0619	Supreme Court - WV	State of West Virginia v. Shane Peck (21-0619)	Direct appeal alleging abuse of discretion for failure to issue findings of fact and conclusions of law regarding motion to rescind/quash indictment violating petitioner's due process rights. Under briefing schedule. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-21-0184	21-0643	Supreme Court - WV	SER William Eric Coontz v. Bryan Lanham (21-0643)	Original Jurisdiction Habeas appeal alleging no notice of court hearing and missing information regarding hearing on indictment. Briefing completed. (Barbour County)
Appellate	Nease-Proper, Andrea	APP-21-0199	21-0651	Supreme Court - WV	State of West Virginia v. Robert L. Holcomb (21-0651)	Direct appeal alleging insufficient evidence and error in admitting hearsay. Under briefing schedule. (Clay County)
Appellate	Nease-Proper, Andrea	APP-21-0210	21-0664	Supreme Court - WV	State of West Virginia v. James Franklin Hall, II (21-0664)	Direct appeal alleging disproportionate sentencing. Under briefing schedule. (Jackson County)
Appellate	Nease-Proper, Andrea	APP-21-0217	21-0695	Supreme Court - WV	State of West Virginia v. Anthony William Cartagen (21-0695)	Rule 35(a) appeal alleging error in not receiving credit for time served and credit for good time after revocation of probation. Under briefing schedule. (Harrison County)
Appellate	Nease-Proper, Andrea	APP-21-0220	21-0699	Supreme Court - WV	State of West Virginia v. Caleb Tebeau (21-0699)	Direct appeal alleging error in permitting minor victim to testify via closed circuit, admission of PTSD testimony by expert, violation of Miranda rights, insufficiency of evidence, and improper statements by PA in closing. Under briefing schedule. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-21-0227	21-0769	Supreme Court - WV	State of West Virginia v. Andrew Douglas Wells (21-0769)	Direct appeal alleging cumulative error, improper jury instructions, 6th amendment violation, use of illegally obtained statement, and error in broadcasting through "live" microphone to jury sidebar discussion. Under briefing schedule. (Barbour County)
Appellate	Niday, Mary	APP-20-0051	1:19-cv-135	USDC WVND	Clarke D. Patterson v. Thomas Harlan, Interim Superintendent (1:19-cv-135)	Federal habeas appeal alleging distrust in Wheeling district court and requesting permission to file in DC Circuit. In litigation. Stayed. (Clay County)
Appellate	Niday, Mary	APP-19-0104	2:19-cv-53	USDC WVSD	Ronald E. Lambert, Jr. v. Donald Ames, Superintendent (2:19-cv-53)	Petitioner filed federal habeas corpus petition alleging violation of procedural due process in determination of competency and ineffective assistance of counsel. Petitioner pled guilty to Kidnapping and Felony Murder. In litigation. (Boone County)
Appellate	Niday, Mary	APP-20-0100	2:20-cv-386	USDC WVSD	Michael K. Merrifield v. Donnie Ames, Superintendent (2:20-cv-386)	Federal habeas petition requesting issuance of bail due to absence of available corrective process and existence of extraordinary circumstances. In litigation. (Putnam County)
Appellate	Niday, Mary	APP-21-0036	2:20-cv-43	USDC WVSD	Dennis J. Rydbom v. Donnie Ames, Superintendent (2:20-cv-43)	Habeas appeal alleging violations relating to speedy trial right, right to proceed pro se, unlawful search and seizure, 14th amendment, jurisdiction and due process. Under briefing schedule. (Wood County)
Appellate	Niday, Mary	APP-21-0065	2:21-cv-102	USDC WVSD	Quantel Saunders v. Donald Ames, Superintendent (2:21-cv-102)	Habeas appeal alleging false testimony to grand jury, violation of WV eyewitness ID Act, and double jeopardy after mistrial without manifest necessity. Under briefing schedule. (Fayette County)
Appellate	Niday, Mary	APP-20-0031	20-0010	Supreme Court - WV	State of West Virginia v. Jerome Devonte Russell (20-0010)	Direct appeal alleging incorrect sentence. Briefing completed. (Berkeley County)
Appellate	Niday, Mary	APP-20-0061	20-0143	Supreme Court - WV	Thomas E. Leftwich v. Donnie Ames, Superintendent (20-0143)	Habeas appeal alleging error in denial of petition asserting constitutional violations related to ineffective assistance of counsel, prosecutorial misconduct, defective indictment, improper jury instruction, and expert testimony. Briefing completed. (Raleigh County)
Appellate	Niday, Mary	APP-20-0055	20-0169	Supreme Court - WV	Kevin Goodman, Jr. v. Tom Harlan, Superintendent (20-0169)	Habeas appeal alleging error by circuit court in denying petition and failing to find constitutional violations arising from the failure to introduce exculpatory evidence and false testimony from State's witness. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-20-0104	20-0334	Supreme Court - WV	State of West Virginia v. Jerry Mark Moul (20-0334)	Direct appeal alleging 4th amendment violation arising from traffic stop and State's failure to present prima facie case. Under briefing schedule. (Summers County)
Appellate	Niday, Mary	APP-20-0117	20-0386	Supreme Court - WV	SER Terrance Antoine McArthur v. Honorable Louis H. Bloom (20-0386)	Writ of Mandamus alleging ineffective assistance of counsel, defective indictment, three term violation, excessive bail and irregularities impacting entry of plea. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-20-0188	20-0458	Supreme Court - WV	State of West Virginia v. Richard Owen Sample (20-0458)	Direct appeal alleging insufficiency of the evidence and inconsistent verdict. Briefing completed. (Wood County)
Appellate	Niday, Mary	APP-20-0168	20-0605	Supreme Court - WV	State of West Virginia v. Raymond Bickley (20-0605)	Appeal of probation revocation and revocation of extended supervised release alleging due process violations and where Petitioner is seeking reversal of sentence to be returned to original position to have a jury trial. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-20-0156	20-0610	Supreme Court - WV	Thaddeous Outley v. State of West Virginia (20-0610)	Appeal of denial of writ of mandamus arising from civil forfeiture alleging improper service and violation of due process. Briefing completed. (Logan County)
Appellate	Niday, Mary	APP-21-0017	20-0619	Supreme Court - WV	Matthew Gates v. Donnie Ames, Superintendent (20-0619)	Habeas appeal alleging plain error and abuse of discretion in finding no viable claim of ineffective assistance of counsel without hearing or appointment of habeas counsel. Briefing completed. (Ohio County)
Appellate	Niday, Mary	APP-20-0199	20-0662	Supreme Court - WV	Anthony Dean Brown v. R. S. Mutter, Superintendent (20-0662)	Habeas appeal alleging ineffective assistance of counsel and sentence as cruel and unusual. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-20-0196	20-0785	Supreme Court - WV	State of West Virginia v. Isaiah Barnes (20-0785)	Direct appeal of sentencing alleging abuse of discretion because court improperly disregarded potential treatment option. Briefing completed. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-20-0215	20-0856	Supreme Court - WV	Eric Holmes v. Shawn Straughn, Superintendent (20-0856)	Habeas appeal alleging abuse of discretion arising from summary dismissal of third writ. Briefing completed. (Ohio County)
Appellate	Niday, Mary	APP-20-0217	20-0895	Supreme Court - WV	Brian Wirtz v. Donnie Ames, Superintendent (20-0895)	Habeas appeal alleging abuse of discretion arising from failure to hold an omnibus hearing and appoint counsel. Briefing completed. (Marion County)
Appellate	Niday, Mary	APP-21-0004	20-0977	Supreme Court - WV	State of West Virginia v. Brian Randall Gatto (20-0977)	Direct appeal alleging speedy trial violation, false testimony to grand jury, review of evidence by jury outside of deliberations, failure to provide relevant records prior to trial and erroneous denial of records review by expert. Briefing completed. (Marion County)
Appellate	Niday, Mary	APP-21-0043	21-0076	Supreme Court - WV	State of West Virginia v. Akeem E. Ellis (21-0076)	Direct appeal alleging error in failing to grant motion for discovery and abuse of discretion in relying upon factually incorrect information for sentencing. Briefing completed. (Berkeley County)
Appellate	Niday, Mary	APP-21-0048	21-0084	Supreme Court - WV	Michael A. Brown v. Donnie Ames, Superintendent (21-0084)	Habeas appeal alleging abuse of discretion in denying ineffective assistance of counsel claim, failure to adjudicate unexhausted habeas corpus claims, failure of trial court to declare mistrial, and cumulative error. Briefing completed. (Cabell County)
Appellate	Niday, Mary	APP-21-0060	21-0122	Supreme Court - WV	State of West Virginia v. Jeffery Earnest Mollohan (21-0122)	Direct appeal alleging illegal conviction and requesting certified question regarding validity of conspiracy conviction of only one conspirator. Briefing completed. (Braxton County)
Appellate	Niday, Mary	APP-21-0072	21-0182	Supreme Court - WV	State of West Virginia v. Thelma Asbury (21-0182)	Rule 35(b) appeal alleging error in finding motion untimely. Briefing completed. (Randolph County)
Appellate	Niday, Mary	APP-21-0073	21-0202	Supreme Court - WV	State of West Virginia v. James Alan Park (21-0202)	Rule 35(b) appeal alleging abuse of discretion in denial of probation. Briefing completed. (Jackson County)
Appellate	Niday, Mary	APP-21-0076	21-0227	Supreme Court - WV	State of West Virginia v. Carli Renae Reed (21-0227)	Direct appeal alleging error regarding 404(b), improper jury instructions, insufficient evidence, granting motion to bifurcate, prosecutorial misconduct, and failure to indict timely. Briefing completed. (Barbour County)
Appellate	Niday, Mary	APP-21-0104	21-0251	Supreme Court - WV	Christopher Cox v. Donnie Ames, Superintendent (21-0251)	Habeas appeal alleging newly discovered evidence and ineffective assistance of counsel. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-21-0086	21-0256	Supreme Court - WV	Harry Reynolds v. Donnie Ames, Superintendent (21-0256)	Habeas appeal alleging due process violations and prosecutorial misconduct. Briefing completed. (Raleigh County)
Appellate	Niday, Mary	APP-21-0111	21-0376	Supreme Court - WV	State of West Virginia v. Thomas McLeod (21-0376)	Rule 35(b) appeal alleging error in denial without findings of fact and conclusions of law. Briefing completed. (Ohio County)
Appellate	Niday, Mary	APP-21-0131	21-0379	Supreme Court - WV	State of West Virginia v. Robert Rhodes (21-0379)	Habeas appeal alleging failure to address all claims raised and denial of ineffective assistance of counsel. Briefing completed. (Mineral County)
Appellate	Niday, Mary	APP-21-0112	21-0383	Supreme Court - WV	State of West Virginia v. Jimmy Ray Bonnett (21-0383)	Direct appeal alleging insufficient evidence and prejudice regarding presence of officer at counsel table with Petitioner. Under briefing schedule. (Lewis County)
Appellate	Niday, Mary	APP-21-0134	21-0395	Supreme Court - WV	Brandon Saul v. Donnie Ames, Superintendent (21-0395)	Habeas appeal alleging error in failure to hold omnibus hearing and denial of relief regarding claims raised. Under briefing schedule. (Hardy County)
Appellate	Niday, Mary	APP-21-0129	21-0403	Supreme Court - WV	Thomas White, Jr. v. Donnie Ames, Superintendent (21-0403)	Habeas appeal alleging error as a matter of law in denial of petition. Briefing completed. (Cabell County)
Appellate	Niday, Mary	APP-21-0138	21-0467	Supreme Court - WV	State of West Virginia v. Michael Coffey (21-0467)	Direct appeal alleging error in denying motion to cross and impeach mother of victim (609 and 404(b)); denial of motion in limine regarding expert testimony; and denial of motion to question mother of victim regarding calls to hospital. Under briefing schedule. (Mercer County)
Appellate	Niday, Mary	APP-21-0156	21-0472	Supreme Court - WV	State of West Virginia v. Michael White (21-0472)	Direct appeal of home confinement revocation alleging abuse of discretion in requiring drug/alcohol rehab as condition of home incarceration and revocation based on Petitioner's violation of home confinement conditions. Under briefing schedule. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-21-0175	21-0532	Supreme Court - WV	State of West Virginia v. Adonne A. Horton (21-0532)	Direct appeal alleging imposition of life sentence disproportionately severe. Under briefing schedule. (Marion County)
Appellate	Niday, Mary	APP-21-0162	21-0534	Supreme Court - WV	Jaylen Alexander v. Donnie Ames, Superintendent (21-0534)	Habeas appeal alleging due process violation based on ineffective assistance of counsel, illegal and disproportionate sentence, insufficiency of evidence, failure to provide transcripts, coerced confession and defective indictment. Briefing completed. (Raleigh County)
Appellate	Niday, Mary	APP-21-0172	21-0550	Supreme Court - WV	State of West Virginia v. James Thomas Miller (21-0550)	Direct appeal alleging insufficient evidence, involuntary confession, severe sentence imposed and violation of three term rule/right to speedy trial. Under scheduling order. (Randolph County)
Appellate	Niday, Mary	APP-21-0186	21-0598	Supreme Court - WV	State of West Virginia v. Michael Moles, Jr. (21-0598)	Direct appeal alleging error in failing to advise regarding Rule 11 plea and guilty plea made unknowingly and involuntarily/without advice of counsel. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-21-0207	21-0611	Supreme Court - WV	SER Jamie Miller v. Donnie Ames, Superintendent (21-0611)	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel, improper jury instructions, double jeopardy violation due to guilty verdict for 1st Degree Robbery only, and defective indictment. Briefing completed. (Calhoun County)
Appellate	Niday, Mary	APP-21-0193	21-0612	Supreme Court - WV	Jamie Miller v. Donnie Ames, Superintendent (21-0612)	Habeas appeal alleging defective jury instructions, double jeopardy violation, defective indictment, and ineffective assistance of counsel. Under briefing schedule. (Calhoun County)
Appellate	Niday, Mary	APP-21-0202	21-0638	Supreme Court - WV	State of West Virginia v. Carl Wayne Rich (21-0638)	Direct appeal alleging recidivist information defective and untimely filed, improper impeachment of State's witness, recusal of Judge Dent, prejudicial and violative of Petitioner's due process rights, insufficient evidence, and disproportionate sentencing. Under briefing schedule. (Greenbrier County)
Appellate	Niday, Mary	APP-21-0183	21-0650	Supreme Court - WV	SER Timothy L. Rogers v. George Trent, Superintendent (21-0650)	Original Jurisdiction Mandamus requesting dismissal of and release from Ohio detainer. Briefing completed. (Washington County, Ohio)
Appellate	Niday, Mary	APP-21-0211	21-0678	Supreme Court - WV	State of West Virginia v. Matthew S. Dixon (21-0678)	Direct appeal alleging speedy trial violation, illegal stop and other errors evidenced by the record. Under briefing schedule. (Fayette County)
Appellate	Niday, Mary	APP-21-0216	21-0689	Supreme Court - WV	State of West Virginia v. Timothy Lee Hager (21-0689)	Direct appeal alleging error in admitting Petitioner's confession obtained while in custody and hearsay testimony of State's key witness. Under briefing schedule. (Mercer County)
Appellate	Niday, Mary	APP-21-0221	21-0708	Supreme Court - WV	Roy F. Hillberry, II v. Donald Ames, Superintendent (21-0708)	Habeas appeal alleging cell-site location information (CSLI) was unconstitutionally obtained and ineffective assistance of counsel. Under briefing schedule. (Marion County)
Appellate	Niday, Mary	APP-21-0226	21-0778	Supreme Court - WV	State of West Virginia v. Rodney H. Stemple (21-0778)	Direct appeal alleging disproportionate and excessive sentence. Under briefing schedule. (Taylor County)
Appellate	Niday, Mary	APP-20-0149	5:20-cv-107	USDC WVND	Melvin G. Simms v. Donald Ames, Superintendent (5:20-cv-107)(21-6379)	Habeas appeal alleging deprivation of right to remain silent; due process violations resulting from prosecutorial misconduct; ineffective assistance of counsel; violation of 6th amendment; and error in denial of state habeas petition. In litigation. (Berkeley County)
Appellate	Niday, Mary	APP-21-0153	5:20-cv-675	USDC WVSD	Mickey Daniel, Jr. v. Karen Pazczolkowski, Superintendent (5:20-cv-675)	Federal Habeas appeal alleging ineffective assistance of counsel, coerced, involuntary plea and denial of speedy trial. Under briefing schedule. (Raleigh County)
Appellate	See, Lindsay	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden (1:15-cv-123)	Federal habeas corpus petition arising from convictions for first degree robbery and unlawful possession of firearm alleging ineffective assistance of counsel, imposition of cruel and unusual punishment and instructional error. Stayed pending resolution of state court proceedings. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	See, Lindsay	APP-16-0203	1:16-cv-178	USDC WVND	Antonio Prophet v. David Ballard, Warden (1:16-cv-178)(19-7296)	Federal habeas corpus proceeding alleging grounds based on pre-trial publicity; jury issues; prosecutorial misconduct involving post-arrest silence and other issues. In litigation. (Berkeley County)
Appellate	See, Lindsay	APP-19-0030	3:19-cv-126	USDC WVSD	Quinton Peterson v. Ralph Terry, Acting Warden (3:19-cv-126)	Petitioner was convicted of First Degree Murder without Mercy. Petitioner claims ineffective assistance of counsel and Brady violations. In litigation. (Cabell County)
Appellate	Smith, Katherine	APP-21-0154	2:20-cv-255	USDC WVSD	Edward Omarrah, Jr. v. Donnie Ames, Superintendent (2:20-cv-255)	Habeas appeal alleging involuntary plea, ineffective assistance of counsel, and diminished capacity. Under briefing schedule. (Mercer County)
Appellate	Smith, Katherine	APP-20-0067	20-0175	Supreme Court - WV	Carson Blankenship v. State of West Virginia (20-0175)	Direct appeal alleging error arising from admission of hearsay, confrontation violations, failure to provide discovery, and evidentiary errors. Briefing completed. (Fayette County)
Appellate	Smith, Katherine	APP-20-0126	20-0309	Supreme Court - WV	Mark Alan Kilmer v. Michael Martin, Superintendent (20-0309)	Habeas appeal alleging denial of habeas without evidentiary omnibus hearing regarding ineffective assistance of counsel was abuse of discretion. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0114	20-0323	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0323)	Direct appeal alleging insufficiency of evidence (Guthrie), error in not granting motion to dismiss indictment for multiplicity, and error in failing to grant motion for acquittal at close of State's case. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0115	20-0327	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0327)	Direct appeal alleging insufficiency of evidence (Guthrie), error in not granting motion to dismiss indictment for multiplicity, error in failing to grant motion for acquittal at close of State's case, and improper jury selection. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0116	20-0329	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0329)	Direct appeal alleging insufficiency of evidence (Guthrie), error in informing jury of Petitioner's bail status regarding unrelated felony, and improper jury selection. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0135	20-0495	Supreme Court - WV	State of West Virginia v. Michael Ray Moles, Jr. (20-0495)	Direct appeal alleging due process violation regarding denial of motion for appointment of counsel for direct appeal and reinstatement of time to appeal. Briefing completed. (Kanawha County)
Appellate	Smith, Katherine	APP-20-0136	20-0545	Supreme Court - WV	State of West Virginia v. Scott Kittrell (20-0545)	Direct appeal of motion to dismiss indictment with prejudice alleging deprivation of right to jury trial without knowing waiver and violation of speedy trial right (three term rule). Briefing completed. (Mineral County)
Appellate	Smith, Katherine	APP-20-0138	20-0553	Supreme Court - WV	State of West Virginia v. Taishon Johnson (20-0553)	Direct appeal alleging error in denial of motion for new trial based upon improper admission of inflammatory, prejudicial photographs. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0187	20-0743	Supreme Court - WV	State of West Virginia v. Trevor Via (20-0743)	Direct appeal alleging abuse of discretion in considering impermissible sentencing factors and resulting in disproportionate sentencing. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0191	20-0765	Supreme Court - WV	State of West Virginia v. David Riffle (20-0765)	Direct appeal of resentencing alleging greater sentence than originally imposed upon resentencing after appeal. Briefing completed. (Braxton County)
Appellate	Smith, Katherine	APP-20-0197	20-0840	Supreme Court - WV	State of West Virginia v. John Barker (20-0840)	Direct appeal alleging disproportionate sentencing and double jeopardy violation for consecutive sentences. Briefing completed. (Barbour County)
Appellate	Smith, Katherine	APP-20-0219	20-0899	Supreme Court - WV	James Carpenter v. Michael Martin, Superintendent (20-0899)	Habeas appeal alleging abuse of discretion arising from failure to hold an omnibus hearing and appoint counsel. Briefing completed. (Marion County)
Appellate	Smith, Katherine	APP-20-0228	20-0903	Supreme Court - WV	State of West Virginia v. Jon Langley (20-0903)	Direct appeal alleging ineffective assistance of counsel and jury bias/prejudice. Briefing completed. (Monongalia County)
Appellate	Smith, Katherine	APP-21-0007	20-0983	Supreme Court - WV	State of West Virginia v. David Uphold (20-0983)	Direct appeal alleging insufficiency of evidence, error in denial of post trial motions, and questionable witness testimony. Briefing completed. (Marion County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Smith, Katherine	APP-21-0003	20-1002	Supreme Court - WV	State of West Virginia v. Bryan Lynn Fishack (20-1002)	Direct appeal alleging violation of confrontation clause regarding testimony based on testimonial statements of unavailable officer by another officer; double jeopardy and disproportionate sentencing. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-21-0039	21-0034	Supreme Court - WV	State of West Virginia v. Joseph Chase Hardin (21-0034)	Rule 35(b) appeal alleging error in denial of reconsideration. Briefing completed. (Cabell County)
Appellate	Smith, Katherine	APP-21-0050	21-0115	Supreme Court - WV	State of West Virginia v. Kelly Marie Tusing (21-0115)	Direct appeal alleging illegal sentence, error in denying motion to exclude gruesome photos, failure of state to prove intent and malice, error in excluding letter from petitioner's expert witness, and cumulative error. Briefing completed. (Preston County)
Appellate	Smith, Katherine	APP-21-0061	21-0151	Supreme Court - WV	Keith Arbogast v. Karen Pszczolkowski, Superintendent (21-0151)	Habeas appeal alleging due process violations related to 403 evidence, perjured testimony, improper communications between witness and juror, and ineffective assistance of counsel. Briefing completed. (Gilmer County)
Appellate	Smith, Katherine	APP-21-0063	21-0155	Supreme Court - WV	Robert L. Paige v. Russell Maston, Superintendent (21-0155)	Habeas appeal alleging abuse of discretion in denial of habeas. Briefing completed. (Ohio County)
Appellate	Smith, Katherine	APP-21-0067	21-0223	Supreme Court - WV	William Redman, III v. Donnie Ames, Superintendent (21-0223)	Habeas appeal alleging abuse of discretion in denial of second habeas petition, failure to rule on motion re: expert on ineffective assistance of counsel, and failure to hold hearing. Briefing completed. (Ohio County)
Appellate	Smith, Katherine	APP-21-0083	21-0272	Supreme Court - WV	SER Ricky Vincent Pendleton v. Honorable Michael D. Lorensen (21-0272)	Writ alleging improper jury instructions, defective indictment, double jeopardy, and due process violations. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-21-0100	21-0324	Supreme Court - WV	Steven J. Dukes v. Donnie Ames, Superintendent (21-0324)	Habeas appeal alleging error in denial of petition after omnibus hearing. Briefing completed. (Marion County)
Appellate	Smith, Katherine	APP-21-0136	21-0384	Supreme Court - WV	State of West Virginia v. Ricky Vincent Pendleton (21-0384)	Habeas appeal alleging abuse of discretion in denial of motion for arrest of judgment (Rule 34) challenging sufficiency of indictment and failure to include findings of fact and conclusions of law. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-21-0126	21-0396	Supreme Court - WV	State of West Virginia v. Tracy Pennington (21-0396)	Direct appeal alleging error in denial of motion to suppress evidence of victim found in Petitioner's home in violation of 4th amendment. Briefing completed. (Jackson County)
Appellate	Smith, Katherine	APP-21-0122	21-0398	Supreme Court - WV	SER Jeremy Fountain v. George Trent, Superintendent (21-0398)	Original Jurisdiction Habeas appeal alleging incompetence due to PTSD, suppression of helpful evidence, ineffective assistance of counsel, and deception of plea. Briefing completed. (Summers County)
Appellate	Smith, Katherine	APP-21-0108	21-0401	Supreme Court - WV	State of West Virginia v. Honorable David W. Hummel, Jr. and Michael Bowman (21-0401)	Original Jurisdiction Prohibition alleging error in dismissal with prejudice convictions obtained by jury verdict based on alleged deficiency during grand jury proceedings. Set for Oral Argument on 11.1.21. (Ohio County)
Appellate	Smith, Katherine	APP-21-0137	21-0402	Supreme Court - WV	Donald Ames, Superintendent and State of West Virginia v. Michael Daniel Bowman (21-0402)	Protective Notice of Appeal filed in conjunction with Writ (21-0401) alleging error regarding dismissal of indictment. Case is Stayed. (Marshall County)
Appellate	Smith, Katherine	APP-21-0142	21-0465	Supreme Court - WV	Desmond Demetrius Clark v. Donnie Ames, Superintendent (21-0465)	Habeas appeal (third petition) alleging ineffective assistance of counsel. Under briefing schedule. (Kanawha County)
Appellate	Smith, Katherine	APP-21-0189	21-0491	Supreme Court - WV	State of West Virginia v. Gordon Bays, Jr. (21-0491)	Direct appeal alleging error in imposition of lifetime registration and prosecutorial misconduct leading to illegal plea bargain. Under briefing schedule. (Harrison County)
Appellate	Smith, Katherine	APP-21-0167	21-0519	Supreme Court - WV	State of West Virginia v. Andrew Wayne Miller (21-0519)	Direct appeal alleging error in denial of preliminary hearing on violation of home incarceration as condition of bond as required by Rule 32.1 (rules of criminal procedure). Under briefing schedule. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Smith, Katherine	APP-21-0192	21-0557	Supreme Court - WV	State of West Virginia v. Okey Johnson, Jr. (21-0557)	Direct appeal alleging plain error by permitting use of Petitioner's police statement in violation of prompt presentment rule and statement was not voluntary. Under briefing schedule. (Roane County)
Appellate	Smith, Katherine	APP-21-0182	21-0607	Supreme Court - WV	SER Dervell Nurse v. Donnie Ames, Superintendent (21-0607)	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel, unfulfilled plea bargain, actual innocence, and severer sentence than expected. Briefing completed. (Kanawha County)
Appellate	Smith, Katherine	APP-21-0203	21-0656	Supreme Court - WV	State of West Virginia v. James Ryan Vincent (21-0656)	Direct appeal alleging insufficient evidence, failure to establish element of premeditation and admission of prejudicial evidence of Paganism. Under briefing schedule. (Marion County)
Appellate	Smith, Katherine	APP-21-0205	21-0676	Supreme Court - WV	State of West Virginia v. Steven Wayne Funt (21-0676)	Rule 35(a) appeal alleging 2020 amendment to WV recidivist statute was procedural and therefore applicable retroactively to Petitioner. Under briefing schedule. (Morgan County)
Appellate	Smith, Katherine	APP-21-0214	21-0717	Supreme Court - WV	State of West Virginia v. Phillip N. Keener (21-0717)	Rule 35(a) appeal alleging judicial prejudice (abuse of discretion) in denial of motion. Petitioner seeking credit for time served on home confinement. Under briefing schedule. (Calhoun County)
Appellate	Smith, Katherine	APP-21-0224	21-0738	Supreme Court - WV	State of West Virginia v. Tremaine Lamar Jackson (21-0738)	Direct appeal alleging Brady violations regarding alternative shooter. Under briefing schedule. (Raleigh County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0231	19-0939	Supreme Court - WV	In Re: Ibrahim S. Abdelnour (19-0939)	Petitioner appealing fourth denial of expungement regarding felony charge of wanton endangerment and misdemeanor charge of shooting across a road or near building or crowd. Briefing completed. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0144	2:16-cv-7333	USDC WVSD	Eric Allen Foster v. Marvin Plumley, Warden (2:16-cv-7333)	Federal habeas corpus petition arising from murder convictions and claiming ineffective assistance of counsel. Stayed and held in abeyance pending exhaustion of state court remedies. (Nicholas County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0001	20-0798	Supreme Court - WV	State of West Virginia v. Dale Lee Carr (20-0798)	Direct appeal alleging abuse of discretion for denial of motion to modify sentence as court failed to credit Petitioner with time served for an unrelated charge (possession of heroin). Briefing completed. (Gilmer County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0024	20-0975	Supreme Court - WV	State of West Virginia v. Jesse Suttle (20-0975)	Direct appeal alleging error in denial of motion to adjourn payment and failure to inform Petitioner of fees owed. Briefing completed. (Raleigh County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0158	21-0498	Supreme Court - WV	Anthony D. Falls v. State of West Virginia (21-0498)	Direct appeal of sentencing alleging that Petitioner deserves probation. Under briefing schedule. (Marion County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0177	21-0529	Supreme Court - WV	State of West Virginia v. Robert Wayne Klotz, Jr. (21-0529)	Direct appeal alleging abuse of discretion in failing to consider imposing alternative sentence. Under briefing schedule. (Gilmer County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0194	21-0542	Supreme Court - WV	State of West Virginia v. Jessie Davis (21-0542)	Rule 35 appeal alleging error in denial of motion to reconsider arising from untimely filing, failure to hold a hearing, and failure to recuse judge. Under briefing schedule. (Mingo County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0170	21-0543	Supreme Court - WV	State of West Virginia v. Richard Lee Taylor (21-0543)	Direct appeal alleging abuse of discretion due to imposition of excessive sentence. Under briefing schedule. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-21-0191	21-0601	Supreme Court - WV	State of West Virginia v. Christina M. Cuddy (21-0601)	Rule 35(b) appeal alleging improper determination of timeframe to file motion to reconsider. Under briefing schedule. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard (5:15-cv-106)	Federal habeas corpus petition by petitioner convicted of abduction with intent to defile enhanced as a third-time recidivist, alleging ineffective assistance of counsel, improper basis for recidivist enhancement and denial of due process by requiring him to appear shackled before the jury. Stayed pending exhaustion of state court remedies. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-17-131	5:17-cv-3111	USDC WVSD	Norma Brown Griffin v. State of West Virginia (5:17-cv-3111)	Federal habeas corpus petition alleging extortion statute is unconstitutional, prosecutorial misconduct and ineffective assistance of counsel. In litigation. (Greenbrier County)
Appellate	Yancey, Ben	APP-20-0161	1:20-cv-498	USDC WVND	Harry A. Barron v. Donald Ames, Superintendent (1:20-cv-498)	Federal habeas appeal alleging prosecutorial misconduct, shifting of burden of proof, hearsay, ineffective assistance of counsel, and violation of confrontation clause. In litigation. (Mercer County)
Appellate	Yancey, Ben	APP-20-0211	1:20-cv-749	USDC WVSD	William Parris Skeens v. Timothy King, Superintendent (1:20-cv-749)	Federal habeas appeal alleging escape charge erroneously charged in Mercer County when Petitioner entered plea in Raleigh County. In litigation. (Mercer County)
Appellate	Yancey, Ben	APP-21-0082	1:21-cv-215	USDC WVSD	Latasha M. Kanode v. Lori Nohe, Superintendent (1:21-cv-215)	Federal petition alleging due process violation regarding ineffective assistance of counsel for failure to investigate. Under briefing schedule. (Mercer County)
Appellate	Yancey, Ben	APP-19-0121	19-0565	Supreme Court - WV	State of West Virginia v. Antonio Lee Smith (19-0565)	Direct appeal alleging error in denial of suppression motions, insufficiency of evidence, ineffective assistance of counsel, and cumulative error. Briefing completed. (Jackson County)
Appellate	Yancey, Ben	APP-19-0184	19-0864	Supreme Court - WV	State of West Virginia v. Anthony Scott Adkins (19-0864)	Appeal alleging error in admission of gruesome photographs resulting in prejudice, error in allowing correction of report by medical expert resulting in untimely production and prejudice. Briefing completed. (Cabell County)
Appellate	Yancey, Ben	APP-19-0207	19-0897	Supreme Court - WV	State of West Virginia v. Jessica N. Roberts (19-0897)	Direct appeal alleging errors regarding involuntary confession, double jeopardy violations (felony murder), color of law issues, diminished capacity, confrontation issues and prompt presentment issues. Under briefing schedule. (Wood County)
Appellate	Yancey, Ben	APP-19-0191	2:19-cv-121	USDC WVSD	Richard A. White v. Donald Ames, Superintendent (2:19-cv-121)	Federal habeas alleging ineffective assistance of counsel, cumulative evidentiary issues, insufficiency of evidence, and violations of 6th and 14th amendments arising from failure to testify on own behalf, waiver of self-defense jury instruction and failure to obtain evaluation for diminished capacity. In litigation. (Nicholas County)
Appellate	Yancey, Ben	APP-20-0182	2:20-cv-601	USDC WVSD	John Stover v. Donnie Ames, Superintendent (2:20-cv-601)	Federal habeas appeal alleging no omnibus hearing and ineffective assistance of counsel. On 09/11/20 Petitioner filed emergency motion for stay in abeyance and leave to amend petition at later date due to COVID-19 lockdown. In litigation. (Fayette County)
Appellate	Yancey, Ben	APP-21-0074	2:21-cv-190	USDC WVND	Keith Martin Molineaux v. Donnie Ames, Superintendent (2:21-cv-190)	Habeas appeal – Petitioner did not state any claims as he didn’t understand the questions and has requested appointment of counsel. Court ordered response to include analysis regarding exhaustion. Under briefing schedule. (McDowell County)
Appellate	Yancey, Ben	APP-20-0153	20-0478	Supreme Court - WV	Antwyn D. Gibbs v. Donnie Ames, Superintendent (20-0478)	Habeas appeal alleging abuse of discretion and constitutional violations in denial of all grounds raised by Petitioner. Briefing completed. (Fayette County)
Appellate	Yancey, Ben	APP-21-0021	20-0754	Supreme Court - WV	Daniel Collins v. Donnie Ames, Superintendent (20-0754)	Habeas appeal alleging error in applying Strickland test instead of test from Cuyler v. Sullivan to Petitioner’s ineffective assistance of counsel claim. Under briefing schedule. (Mercer County)
Appellate	Yancey, Ben	APP-21-0002	20-1005	Supreme Court - WV	State of West Virginia v. Darcy Millie Fisher (20-1005)	Direct appeal alleging abuse of discretion for relying on impermissible factor in sentencing. Briefing completed. (Roane County)
Appellate	Yancey, Ben	APP-21-0051	21-0080	Supreme Court - WV	State of West Virginia v. Brian Taulton (21-0080)	Direct appeal alleging error in failure to give credit for time served while awaiting extradition. Briefing completed. (Berkeley County)
Appellate	Yancey, Ben	APP-21-0084	21-0283	Supreme Court - WV	Dale Anthony Shoop v. Donnie Ames, Superintendent (21-0283)	Habeas appeal alleging error in denial of appointing counsel and failure to hold omnibus hearing. Briefing completed. (Morgan County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Yancey, Ben	APP-21-0124	21-0422	Supreme Court - WV	State of West Virginia v. Devin Jamal Logan (21-0422)	Rule 35(b) appeal alleging abuse of discretion in imposition of prison sentence after finding Petitioner absconded. Briefing completed. (Kanawha County)

**ARTS, EDUCATION, AND BOARDS
DIVISION; DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY, AND
PUBLIC INTEGRITY, SAFETY AND
COMPLIANCE; AND NATURAL
RESOURCES DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Boothroyd, John	AEB-21-0344	1:20-bk-10394	Bankruptcy Court-US OHSD	Murray Maple Eagle Coal	Proof of claim filed against Murray Maple Eagle Coal, LLC.
Arts, Education and Boards	Boothroyd, John	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Prather, Timothy	Decertification proceeding against miner.
Arts, Education and Boards	Boothroyd, John	AEB-21-0343	2:19-bk-56885	Bankruptcy Court-US OHSD	Murray Energy Holdings	Proof of claims filed on behalf of client.
Arts, Education and Boards	Boothroyd, John	AEB-20-0074	20-AA-56	Circuit Court Kanawha County	Franklin, Ryan v. Miners' Health, Safety & Training	Administrative Appeal challenging Board of Appeals ruling that a breath test is inadmissible and seeking that suspension be dismissed.
Arts, Education and Boards	Boothroyd, John	AEB-20-0116	20-AA-62	Circuit Court Kanawha County	Beavers, Bobby v. Miners' Health, Safety & Training	Office of Miners' Health, Safety & Training appeals the Board of Appeals ruling that positive THC test was due to CBD oil and should not result in certification suspension for positive THC/marijuana test.
Arts, Education and Boards	Boothroyd, John	AEB-20-0006	20-AA-7	Circuit Court Kanawha County	Miners' Health, Safety & Training v. May, Timothy	Appeal of Board recertification.
Arts, Education and Boards	Boothroyd, John	AEB-21-0070	21-AA-8	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Albert, Anthony	Appeal of Board decision dismissing certification suspension and finding insufficient foundation for breath alcohol test results.
Arts, Education and Boards	Boothroyd, John	AEB-19-0198	3:19-bk-30292	Bankruptcy Court-US WVSD	Revelation Energy Bankruptcy	Bankruptcy proceeding, Proof of Claim filed.
Arts, Education and Boards	Eates, Anthony	AEB-15-0402	15-C-2223	Circuit Court Kanawha County	Summers, Richard v. Rehabilitation Services, Division of	Blind vendor was dismissed from the Randolph Sheppard program and owed the program approximately \$40,000.
Arts, Education and Boards	Eates, Anthony	CNB-17-0172	18-C-247	Circuit Court Kanawha County	Wendell, William v. WV State Police	Complaint for Declaratory Judgment.
Arts, Education and Boards	Eates, Anthony	AEB-19-0010	19-C-28	Circuit Court Kanawha County	Real Estate Commission v. Bell, Michael	Complaint filed to enforce Consent Decree.
Arts, Education and Boards	Eates, Anthony	AEB-19-0020	19-C-72	Circuit Court Raleigh County	Real Estate Commission v. JJM Property Management, LLC	Real Estate Commission filed complaint for injunctive relief to stop unlicensed practice of real estate.
Arts, Education and Boards	Eates, Anthony	AEB-19-0246	20-0558	Supreme Court - WV	Walker, Derek v. WV State Police	Circuit court reversed decision upholding termination. The WV State Police appealed to the WV Supreme Court of Appeals.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	AEB-21-0170	21-C-98	Circuit Court Wood County	Cunningham, William v. WV State Police	Sex offender registrant filed civil action in Wood County Circuit Court challenging requirement to register workplaces when "employed" as an independent contractor.
Arts, Education and Boards	Eates, Anthony	AEB-21-0201	21-P-148	Circuit Court Kanawha County	Gamble, Sheila v. WV State Police	Petition for Writ of Mandamus to remove petitioner from sex offender registry.
Arts, Education and Boards	Eates, Anthony	AEB-21-0317	21-P-302	Circuit Court Kanawha County	Duncan, Anthony v. Real Estate Commission	Plaintiff filed petition for writ of mandamus/declaratory judgment following REC's refusal to file injunctive complaint against targets of plaintiff's 2019 disciplinary complaint.
Arts, Education and Boards	Franklin, Katherine	DNR-19-0037	19-C-38	Circuit Court Ritchie County	Shipman, Delmas v. Term Oil and Gas Production, et al.	Complaint arising out of a right-of-way dispute/adverse possession/roadway request in Ritchie County at North Bend State Park. Proper pre-notice was not given. Motion to Dismiss in 19-C-38 has not been ruled upon. Plaintiff refiled suit with proper pre-notice. On 12/14/21 Judge granted withdrawal of counsel filed by Plaintiff's counsel (Butler) in 20-C-32. No further action on behalf of plaintiff.
Arts, Education and Boards	Franklin, Katherine	AEB-21-0355	20-C-32	Circuit Court Ritchie County	Shipman, Delmas v. DNR, et al (II)	Plaintiff's 2nd suit re: right-of-way dispute/adverse possession roadway request at North Bend SP
Arts, Education and Boards	Koerber, Barry	EA-14-206	13-AA-134	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Taggart Site Services	Appeal of mine safety violation for improperly maintaining structure that collapsed and injured two miners. Awaiting Court's decision.
Arts, Education and Boards	Koerber, Barry	AEB-15-0254	15-AA-112	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Martin, John	Appeal of Board of Appeals decision that miner did not fail drug test. Awaiting Court's decision.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0087	21-0149	Supreme Court - WV	Lowe, Keith v. Corrections, Division of	Petition for Writ of Mandamus/Habeas Corpus regarding quality of life program at Mount Olive Correctional Center.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0153	21-0257	Supreme Court - WV	Alth, Charles v. Corrections, Division of	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0164	21-0329	Supreme Court - WV	Saunders, Quantel v. Corrections, Division of	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0165	21-0333	Supreme Court - WV	Carter, Darrell v. Corrections, Division of	Petition for Writ of Mandamus and Writ of Habeas Corpus.
Arts, Education and Boards	Spatafore, Sam	AEB-21-0129	20-AA-91	Circuit Court Kanawha County	Radwan, Walid v. WVU	Grievant's contract was not renewed. Grievance was denied and appealed to circuit court.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0173	15-C-1885	Circuit Court Kanawha County	Delgado, Miguel v. Corrections, Division of	Limited appearance for purposes of injunctive relief opposition and transportation issues related to trial.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Sword, Philip	DMAPS-19-0073	18-C-103	Circuit Court Kanawha County	Catlett, Bannar C. v. Corrections, Division of	Complaint for injunctive relief re: FOIA request not answered completely.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0086	19-AA-12	Circuit Court Kanawha County	Allen, Larry v. Regional Jail Authority	Circuit court appeal by grievant of adverse decision by the WV Public Employees Grievance Board.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0174	19-C-208	Circuit Court Kanawha County	Payne, Christopher v. Corrections, Division of	Habeas Corpus case - deliberate indifference to medical needs.
Arts, Education and Boards	Sword, Philip	AEB-21-0063	2:10-cv-36	USDC WVSD	Slonaker, Daniel v. Corrections, Division of	Claim regarding security classification level, privilege programs, and work release eligibility.
Arts, Education and Boards	Sword, Philip	AEB-21-0204	2:12-cv-286	USDC WVSD	Saunders, Quantel v. Corrections, Division of	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0008	2:19-cv-00395	USDC WVSD	Flint, Maurice v. Regional Jail Authority	Alleged use of force incident involving an officer.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0043	2:19-cv-140	USDC WVSD	Hill, Jermain v. Regional Jail Authority	Inmate litigation alleging violation of constitutional rights arising from disciplinary action.
Arts, Education and Boards	Sword, Philip	AEB-21-0225	2:21-cv-00241	USDC WVSD	LaRue, William (Sunshine) v. Jividen, Betsy	Plaintiff alleges denial of sex reassignment surgery.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0045	20-0163	Supreme Court - WV	Cantrell, Larry v. Corrections, Division of	Appeal of dismissal of habeas action without evidentiary hearing on conditions of confinement.
Arts, Education and Boards	Sword, Philip	AEB-20-0243	20-0330	Supreme Court - WV	State of West Virginia v. Howell, Joseph	Motion to Intervene in attempt to standardize corrections terms statewide.
Arts, Education and Boards	Sword, Philip	AEB-20-0236	20-0709	Supreme Court - WV	Watts, Jack v. Corrections, Division of	Appeal of circuit court order denying pro se motion to cease collection of court costs; matter is confidential pursuant to Rule 40(e).
Arts, Education and Boards	Sword, Philip	AEB-20-0334	20-1023	Supreme Court - WV	Phalen, Scott v. Corrections, Division of	Petition for Writ of Habeas Corpus regarding good time exclusion for sex offenders on revocation.
Arts, Education and Boards	Sword, Philip	AEB-20-0152	20-B-111	Circuit Court Berkeley County	State of West Virginia v. Porter, Darius	Motion to quash subpoena for video and documents.
Arts, Education and Boards	Sword, Philip	AEB-21-0311	20-C-217	Circuit Court Monongalia County	Freeland, Aron v. Corrections, Division of	Civil case subpoena for policy directives.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0044	20-C-6	Circuit Court Mason County	Eads, Brittney v. Corrections, Division of	Inmate attempting to recover rent payments from Lakin Correctional Facility.
Arts, Education and Boards	Sword, Philip	AEB-21-0226	20-cv-255	USDC WVSD	Omarrah, Jr., Edward v. Corrections, Division of	Petition for Writ of Habeas Corpus.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Sword, Philip	AEB-20-0206	20-M-92	Magistrate Court Kanawha County	Cogar, Donald v. Regional Jail Authority	Petitioner seeks missing property from regional jail.
Arts, Education and Boards	Sword, Philip	AEB-20-0321	20-P-19	Circuit Court Pleasants County	Mylar, Jason v. Corrections, Division of	Petition for Writ of Prohibition regarding restitution payments by inmates.
Arts, Education and Boards	Sword, Philip	AEB-20-0159	20-P-22	Circuit Court Kanawha County	Copen, Carlos v. State of West Virginia	Habeas appeal regarding access to the courts.
Arts, Education and Boards	Sword, Philip	AEB-21-0099	20-P-285	Circuit Court Kanawha County	Freeland, Aron v. Corrections, Division of	Petition for Writ of Mandamus regarding meritorious good time and lack of legislative rules.
Arts, Education and Boards	Sword, Philip	AEB-20-0312	20-P-303	Circuit Court Kanawha County	Ancell, Jason v. Corrections, Division of	Petition for Writ of Habeas Corpus alleging double jeopardy for conviction and inmate disciplinary action.
Arts, Education and Boards	Sword, Philip	AEB-21-0055	21-0085	Supreme Court - WV	Humphrey, Dewayne v. Corrections, Division of	Petition for Writ of Mandamus regarding length of incarceration.
Arts, Education and Boards	Sword, Philip	AEB-21-0085	21-0150	Supreme Court - WV	Scites, John v. Corrections, Division of	Petition for Writ of Habeas Corpus regarding Residential Substance Abuse Treatment classes constituting cruel and unusual punishment.
Arts, Education and Boards	Sword, Philip	AEB-21-0121	21-0204	Supreme Court - WV	Alexander, Jalen v. Corrections, Division of	Petition for Writ of Mandamus/Habeas Corpus regarding quality of life and ad seg reviews.
Arts, Education and Boards	Sword, Philip	AEB-21-0163	21-0271	Supreme Court - WV	LaRue, William v. Corrections, Division of	Petition for Writ of Mandamus.
Arts, Education and Boards	Sword, Philip	AEB-21-0243	21-0341	Supreme Court - WV	Heckman, Hank v. Corrections, Division of	Petition for writ of habeas corpus.
Arts, Education and Boards	Sword, Philip	AEB-21-0206	21-0426	Supreme Court - WV	Walton, Tony v. Corrections, Division of	Appeal of circuit court denial of petition for writ of habeas corpus.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0107	21-0546	Supreme Court - WV	O'Dell, Timothy v. State of West Virginia	Petition for Writ of Habeas Corpus appealing classification preventing him from being able to be assigned to work release.
Arts, Education and Boards	Sword, Philip	AEB-21-0286	21-0679	Supreme Court - WV	Hayhurst, Travis v. Corrections, Division of	Petition for Writ of Mandamus.
Arts, Education and Boards	Sword, Philip	AEB-21-0313	21-0716	Supreme Court - WV	Holbrook, Tex G. v. Corrections, Division of	Petition for Writ of Mandamus.
Arts, Education and Boards	Sword, Philip	AEB-21-0330	21-0761	Supreme Court - WV	Bartley, Thomas v. Corrections, Division of	Petition for Writ of Mandamus regarding an additional 120 days of good time credit.
Arts, Education and Boards	Sword, Philip	AEB-21-0324	21-0771	Supreme Court - WV	Walker, James O. v. Corrections, Division of	Petition for Writ of Mandamus to provide him with 120 days of additional good time awarded him for exceptional work and performance.
Arts, Education and Boards	Sword, Philip	AEB-21-0333	21-0773	Supreme Court - WV	Holbrook, Tex v. Corrections, Division of	Petition for Writ of Prohibition.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Sword, Philip	AEB-21-0067	21-C-126	Circuit Court Kanawha County	Taft, Richard, et al. v. Corrections and Rehabilitation, Division of	Freedom of Information Act response challenge.
Arts, Education and Boards	Sword, Philip	AEB-21-0062	21-C-22	Circuit Court Kanawha County	Snodgrass, Johnny v. Corrections, Division of	Habeas appeal petition regarding crediting time served in the Residential Substance Abuse Treatment program.
Arts, Education and Boards	Sword, Philip	AEB-21-0086	21-C-48	Circuit Court Raleigh County	Saunders, Quantel v. Corrections, Division of	Petition for Writ of Habeas Corpus regarding disciplinary violation.
Arts, Education and Boards	Sword, Philip	AEB-21-0100	21-P-30	Circuit Court Kanawha County	Gearde, Nicholas v. Regional Jail Authority	Petition for Writ of Prohibition against Magistrate Linger and Commissioner Jividen regarding good time for misdemeanants.
Arts, Education and Boards	Sword, Philip	AEB-21-0331	21-P-335	Circuit Court Kanawha County	Key, Jerry Lee v. Corrections, Division of	Petition for Writ of Mandamus relating to good time credit.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0068	3:18-cv-01526	USDC WVSD	Jones, Eric v. Regional Jail Authority	Inmate litigation regarding conditions of confinement.
Arts, Education and Boards	Sword, Philip	AEB-21-0234	3:21-cv-253	USDC WVSD	Lucas, Billy Joe v. Corrections, Division of	Plaintiff alleges he was attacked by another inmate and denied medical treatment; he seeks relief from the court for psychiatric help and for assurance this will not happen to other inmates.
Arts, Education and Boards	Sword, Philip	AEB-20-0239	83-F-165	Circuit Court Kanawha County	Craig, Richard v. Corrections, Division of	Motion for sentence reduction due to COVID.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0110	19-C-375	Circuit Court Kanawha County	Kletter, Jan v. Medicine, Board of	Physician sues Board of Medicine seeking to have malpractice information expunged from his historical records.
Arts, Education and Boards	Talbott, Kelli	AEB-21-0178	2:19-cv-000736	USDC WVSD	Cleveland, Hason v. Corrections, Division of	Inmate complaint regarding placement in administrative segregation.
Arts, Education and Boards	Talbott, Kelli	AEB-21-0010	21-C-56	Circuit Court Kanawha County	WV Federation of Teachers v. Education, Department of	WV Fed. of Teachers brought declaratory judgment, injunctive action and writ against Department of Education, WV Bd. of Ed. and State Supt. seeking to stop return to in-person instruction. Case is pending the issuance of an Order by the court.
Arts, Education and Boards	Talbott, Kelli	AEB-21-0283	21-C-631	Circuit Court Kanawha County	Taylor, Todd Lewis v. City of Charleston, WV Policemen's Pension and Relief Fund	The WV Municipal Pensions Oversight Board has intervened in this civil action in which a Charleston Police Officer contests the calculation of his pension benefits.
Arts, Education and Boards	Talbott, Kelli	AEB-21-0013	21-P-15	Circuit Court Kanawha County	WV Education Association v. Education, WV Department of	Teachers' organization seeks injunctive relief in circuit court against WV Department of Education, WV Board of Education and State Superintendent of Schools to stop the requirement for in-person instruction. Case is pending the issuance of a Order by the Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Talbott, Kelli	AEB-21-0304	21-P-294	Circuit Court Kanawha County	State of WV ex rel. v. Cabell County Board of Education, et al.	Parents of disabled students seek writ of mandamus against WV Board of Education and others to compel the implementation of a COVID exposure control plan in the Cabell County school system. Case is pending the issuance of an Order by the Court.
Arts, Education and Boards	Thornton, Karen	AEB-16-0433	17-AA-8	Circuit Court Kanawha County	Milam, Jeffrey P. v. Highways and Personnel, Division of	Employee seeks to keep the position he occupies from being downwardly reallocated from Supervisor 2 to Highways Storekeeper.
Arts, Education and Boards	Vella, Joanne	AEB-18-0092	17-C-102	Circuit Court Mason County	Morgan, Elizabeth v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Vella, Joanne	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Guerrero, Modesto v. Parole, Board of	Petition for Writ of Habeas Corpus relating to Parole Board hearing; challenging denial of parole.
Arts, Education and Boards	Vella, Joanne	DMAPS-19-0185	19-P-25	Circuit Court Kanawha County	Hogan, Richard Allen v. Parole, Board of	Petition for Writ of Habeas Corpus filed challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	DMAPS-18-0012	20-0493	Supreme Court - WV	Wilson, Tammy v. Parole, Board of	Appeal of circuit court's order denying habeas corpus relief.
Arts, Education and Boards	Vella, Joanne	DMAPS-20-0091	20-C-158	Circuit Court Cabell County	Cremeans, James v. Parole, Board of	Petition for Writ of Habeas Corpus challenging parole revocation decision as abuse of discretion.
Arts, Education and Boards	Vella, Joanne	AEB-21-0169	20-C-192-1	Circuit Court Harrison County	Ashcraft, Brian v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0284	21-0653	Supreme Court - WV	Miller, Andrew v. Parole, Board of	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0336	21-0703	Supreme Court - WV	Miller, Andrew v. Parole, Board of	Petition for Writ of Mandamus challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0248	21-AA-43	Circuit Court Kanawha County	Jones, Geovoni Gail v. Professional Surveyors, Board of	Administrative appeal regarding Board's finding of no probable cause to pursue complaint against surveyor.
Arts, Education and Boards	Vella, Joanne	AEB-21-0068	21-C-18	Circuit Court Putnam County	Smith, Andrew Robert v. Parole, Board of	Petition for Writ of Habeas Corpus filed challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0314	21-C-25	Circuit Court Pocahontas County	O'Dell, Timothy v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Vella, Joanne	AEB-21-0194	21-C-67	Circuit Court Harrison County	Cunningham, Joshua v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0195	21-P-191	Circuit Court Kanawha County	McKinley, Michael v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0285	CC-41-2021-C-228	Circuit Court Raleigh County	Miller, Andrew v. Parole, Board of	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Weiler, Mark	AEB-20-0266	20-P-193	Circuit Court Kanawha County	Blackshire, Charles v. WorkForce West Virginia	Petitioner seeks Writ of Mandamus against Commissioner of WorkForce West Virginia related to unemployment compensation benefits.

**CIVIL RIGHTS
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Leslie, James	CIV-15-0012	06-C-230	Circuit Court Monongalia County	WVHRC v. Gary Walden	Enforcement of Consent Decree.
Civil Rights	Leslie, James	CIV-15-0007	14-C-77	Circuit Court Mingo County	SER Patrick Morrissey v. Melissa Webb, et al.	Suit filed to obtain injunctive relief against the Mingo County Board of Education, various Board employees, and two students after alleged sexual abuse suffered by students while attending Birch Middle School.
Civil Rights	Leslie, James	CIV-16-0039	16-P-41	Circuit Court Monongalia County	In Re: Gary Walden	Petition to sell real estate and transfer all real estate interests of Gary Walden to his children.
Civil Rights	Leslie, James	CIV-19-0005	19-C-89	Circuit Court Berkeley County	SER Patrick Morrissey v. Christina Lester, et al.	Suit filed to obtain injunctive relief against five educators and the Berkeley County Board of Education to stop threats of or actual physical violence directed at non-verbal elementary students by their teachers and staff members.

**CONSUMER PROTECTION
AND ANTITRUST
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Bradley, Michelle	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrisey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed in July 2018, alleging consumers purchased home improvement items and installation of items, predominately including Sundowner awnings from Defendant but the items were never purchased nor installed. Suit was served on one principal owner and the business. There have been continued attempts to serve the other owner, and the Court eventually ordered service by publication. Notice was published and Defendant Cain filed an answer. Defendant Facemire died and a Notice of Suggestion of Death has been filed. Case is ongoing.
Consumer Protection & Antitrust	Capehart, Curtis	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed in August 2003, alleges that Defendants, the manufacturers and suppliers of dust masks and respirators, marketed and sold their products to coal operators in West Virginia by falsely claiming the devices were an effective means to reduce miners' exposure to airborne coal dust, thereby decreasing the number and severity of coal-related occupational pneumoconiosis cases. The State alleges the claims were false at the time they were made. The Court entered an order bifurcating the case for trial, with the WV Consumer Credit and Protection Act (WVCCPA) claims to be tried first. Defendants filed a Writ of Prohibition with the state Supreme Court and the writ was denied. Discovery has been restarted. A Status Conference is scheduled for November 1, 2021.
Consumer Protection & Antitrust	Cunningham, Abby	CON-18-0014	18-C-274	Circuit Court Ohio County	SER Patrick Morrisey v. Adam Parson d/b/a Precision Floor and Fence	Suit filed in November 2018, alleging that the Defendant failed to perform work on contracts for which he was paid. The Court granted the State's request for a Temporary Injunction and partial Summary Judgment. On March 11, 2020, the Court revised its previous order granting additional restitution and ordering the Defendant to produce certain records to the State. The Defendant failed to comply with most of the terms of the March 11 Order so the State filed a petition for contempt. The State's petition was heard on January 13, 2021. At the hearing, the Court required the Defendant to follow a revised payment plan for paying restitution owed to consumers, to produce contact information for two additional consumer victims and to provide financial documents to the State. The case is ongoing.
Consumer Protection & Antitrust	Cunningham, Abby	CON-20-0001	CC-40-2020-C-48	Circuit Court Putnam County	SER Patrick Morrisey v. Robert E. Jones d/b/a HR Services d/b/a A Personal Service	Suit filed in March 2020, alleging that the Defendant used unfair and deceptive conduct to coerce consumers to enter into unnecessary and expensive home improvement contracts, misrepresented that he possessed various professional licenses, failed to fully perform contracts or performed them in an unworkmanlike manner, and failed to conform to requirements for written contracts. In September 2020, the Court granted the State's Motion for Temporary Injunction and Other Relief, barring the Defendant and anyone acting on his behalf from contracting during the pendency of the case and ordering the Defendant to provide certain records to the State. The Defendant failed to produce any records and the State filed a Petition for Contempt. Shortly thereafter, the Defendant was arrested on charges of fraudulent schemes in connection with his provision of home improvement and contracting services. The Defendant has remained incarcerated. The State has filed an amended petition for contempt to include allegations that the Defendant violated the temporary injunction. Counsel for the Defendant was permitted to withdraw and the Defendant has been unable to find counsel. Criminal defense counsel filed a motion to stay the State's case during the pendency of the criminal charges. The State has filed a Motion for the court to appoint a limited guardian ad litem to ensure the Defendant's due process rights are protected given his status as an incarcerated individual. These motions are pending.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0022	1:20-cv-03715	USDC DC	State of Colorado, et al. v. Google LLC	Suit filed in December 2020, by the WV Attorney General and 37 other attorneys general, alleging anticompetitive conduct in violation of federal law, for maintaining monopoly power over general search engines and related advertising markets through a series of anticompetitive exclusionary contracts and conduct. The suit seeks a court order to halt the illegal conduct and restore competition. The lawsuit alleges that Google limits the ability of rival search engines and potential rivals to reach consumers, disadvantages users of its search-advertising management tool by favoring advertising on its own platform and discriminates against specialized search sites by depriving them of access to prime real estate. The Court combined this case with the parallel case of United States et al. v. Google, LLC for pretrial purposes. Discovery and discovery issues are in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-cv-5073	USDC PAED	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., et al.	Suit filed in November 2016, by the WV Attorney General plus 40 states and the District of Columbia, against Indivior Inc. and related companies, claiming the companies monopolized or conspired to monopolize the market for co-formulated buprenorphine/naloxone, marketed as Suboxone, a prescription drug that helps individuals addicted to opioids to break the addiction. Mediation has been unsuccessful and Summary Judgment motions are pending. Trial is expected in 2022.
Consumer Protection & Antitrust	Davis, Douglas	TAX-20-0123	20-22524-rdd	Bankruptcy Court-US NYSD	In Re: Frontier West Virginia, Inc.	Proof of Claim filed on behalf of the State of West Virginia in this bankruptcy matter to recover \$4,949,200.00, which represents an equitable subrogation relative to amounts it has paid to the federal government related to civil litigation in the USDC WVSD, Citynet, LLC v. Frontier West Virginia, Inc., et al., 2:14-cv-15947.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0007	3:17-cv-01180-VAB	USDC CT	State of Arkansas, et al. v. Aurobindo Pharma USA, Inc., et al.	Suit filed in July 2017, by the WV Attorney General and several states, allege the Defendants engaged in price fixing for a number of generic drugs in the U.S. The complaint was originally filed in Connecticut but was consolidated in June 2018 in multi-district litigation in Pennsylvania. An Amended Complaint was filed September 9, 2021. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0006	3:19-cv-00710-MPS	USDC CT	State of Connecticut, et al. v. Teva Pharmaceuticals USA, Inc., et al.	Suit filed in May 2019, by the WV Attorney General and more than 45 states and territories, suing several generic drug manufacturers and officers for fixing the prices on more than 100 generic drugs. The Defendants filed motions to dismiss which remain pending. Discovery is ongoing. Suit was originally filed in federal court in Connecticut but was then transferred to multi-district litigation in Pennsylvania.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0008	3:20-cv-00802-SRU	USDC CT	The State of Connecticut, et al. v. Sandoz, Inc., et al.	Suit filed June 2020, by the WV Attorney General and 51 states and territories, against more than two dozen generic drug manufacturers and executives alleging unlawful price fixing on approximately 80 topical prescriptions. This action was originally filed in Connecticut but was transferred to the multi-district generic drug litigation pending in the Eastern District of Pennsylvania. A briefing schedule for motions to dismiss has recently been entered by the Court.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0002	CC-24-2020-C-51	Circuit Court Marion County	SER Patrick Morrissey v. Moore Legal Center, P.C., and Thomas A. Moore, individually and in his capacity as president of Moore Legal Center, P.C.	Suit filed in March 2020, alleging the defendants have unlawfully engaged in debt settlement activities. After discovery was completed, the court awarded partial summary judgment in favor of the State in July 2021. A final hearing is scheduled for February 2022 to determine consumer restitution and civil penalties.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Godfrey, Tanya	CON-20-0020	0000000	USDC DC	State of New York, et al. v. Facebook, Inc.	Suit was filed in December 2020, by the WV Attorney General and 47 other attorneys general, alleging that Facebook illegally acquired competitors in a predatory manner, deprived users of the benefits of competition and reduced privacy protections, all in an effort to boost profits through increased advertising revenue. On June 28, 2021, an order was entered dismissing the case without prejudice. On July 28, 2021, the plaintiffs filed a Notice of Appeal in the U.S. District Court for the D.C. Circuit. A briefing schedule has been set, with final briefs due by the end of the year.
Consumer Protection & Antitrust	Godfrey, Tanya	CON-19-0013	CC-02-2019-C-420	Circuit Court Berkeley County	WVAG v. Future Income Payments, LLC and Scott Alan Kohn	Suit filed in November 2019, alleging that the Defendants made consumer loans in West Virginia without required licenses and registrations and charged usurious interest rates that constitute excess charges. The suit further alleged the defendnats misled consumers to believe that they were "buying" an asset of the consumer, made "usurious" loans, misled consumers to believe it could make loans in West Virginia with interest rates higher than permitted by West Virginia law, and caused misunderstanding and confusion among consumers consumers by failing to disclose the terms and conditions of financing. In July 2019, Defendant Kohn was indicted in U.S.D.C. of South Carolina and a motion was filed to stay this proceeding during the pendency of the criminal action. The Court granted that motion and this matter is currently stayed.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0004	19-C-472	Circuit Court Kanawha County	SER Patrick Morrissey v. Ben Burns d/b/a Brenco Home Solutions	Suit filed in May 2019, alleging Brenco was performing home improvement services without a contractor's license, even after three Cease and Desist Orders from the WV Department of Labor and a Stop Work Order from the City of Hurricane. Defendant also collected money from multiple consumers and never returned to do the work. An Order Granting Temporary Injunction and Other Relief was entered July 16, 2019. The Defendants filed a motion on May 24, 2020, seeking a ruling that Burns' pressure washing business does not violate the temporary injunction previously entered by the court and a response was filed. The State filed a Motion for Summary Judgment on May 29, 2020, which was granted on Defendants filed a Motion to Reconsider. A Petition for Attorney Fees and Costs has been filed. These motions are waiting on rulings from the court.
Consumer Protection & Antitrust	Googel, Norman	CON-20-0021	20-C-367	Circuit Court Monongalia County	SER Patrick Morrissey v. Hawkins Construction, LLC, Tyson R. Hawkins, individually and as a Member of Hawkins Construction, LLC and Christy Holipsky, individually and as a Member of Hawkins Construction, LLC	Suit filed in December 2020, against a roofing contractor for failing to start or complete jobs and doing substandard work. Discovery is ongoing, with the State's motion to compel responses from the Defendants currently pending before the court.
Consumer Protection & Antitrust	Googel, Norman	CON-21-0006	21-C-109	Circuit Court Mingo County	WV ex rel. Patrick Morrissey v. Bayside Capital Services, LLC and John Max Werth	Suit was filed on September 23, 2021, against defendants, alleging improper debt collection practices. No responsive pleading has yet been filed.
Consumer Protection & Antitrust	Googel, Norman	CON-21-0004	21-C-775	Circuit Court Kanawha County	Mr. V & Sons Pre-Owned Auto Sales, Inc., a West Virginia Corporation, Sohrab Vagheei, its President and Camron Vagheei, its Vice-President	Suit was filed on September 2, 2021, alleging deceptive acts and practices in the sale of used motor vehicles. No responsive pleading has yet been filed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-20-0004	CC-40-2020-C-62	Circuit Court Putnam County	SER Patrick Morrisey v. Thomas Jones, d/b/a Precision Home Improvements and Precision Home Improvements, LLC	Suit filed in April 2020, alleging that the Defendants engaged in home improvement services without being properly licensed, that work was substandard and consumers were not provided with a three-day right to cancel. The State filed a Motion for Judgment by Default and for Summary Judgment, which was granted by the Court by a Final Order entered on January 25, 2021. The Order included a permanent injunction to prohibit the defendant from engaging in home improvement contracting, restitution of \$29,146.00, and a civil penalty of \$40,000.00. After learning that the defendant was continuing to do contracting work, the State filed a Petition for Contempt which was heard on September 24, 2021. No order has yet been entered.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1622	12-C-122N	Circuit Court Mason County	SER Patrick Morrisey v. Intersections Insurance Services, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Although a trial date was set for March 2020, that date was postponed and discovery continues.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1619	12-C-123N	Circuit Court Mason County	SER Patrick Morrisey v. Center Partners, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1618	12-C-124N	Circuit Court Mason County	SER Patrick Morrisey v. Sitel Corporations	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1620	12-C-125N	Circuit Court Mason County	SER Patrick Morrisey v. Sykes Enterprises, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1621	12-C-126N	Circuit Court Mason County	SER Patrick Morrisey v. Stonebridge	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress. During the course of discovery, Stonebridge was identified as the appropriate party in interest and was substituted as the Defendant. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Circuit Court Putnam County	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1318	12-C-294	Circuit Court Putnam County	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1320	12-C-296	Circuit Court Putnam County	SER John D. Perdue v. Lincoln National Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Case is resolved; waiting on final documents to be completed, including Dismissal Order to be entered.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1585	12-C-322	Circuit Court Putnam County	SER John D. Perdue v. American General Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1591	12-C-328	Circuit Court Putnam County	SER John D. Perdue v. United of Omaha Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress. A Scheduling Order was entered on August 17, 2021, setting a trial date of June 21, 2022.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1584	12-C-330	Circuit Court Putnam County	SER John D. Perdue v. American Income Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0015	12-C-331	Circuit Court Putnam County	SER John D. Perdue v. The Western and Southern Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before Discovery Commissioner and Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1687	12-C-355	Circuit Court Putnam County	SER John D. Perdue v. Western & Southern Life Assurance Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before a Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Circuit Court Putnam County	SER John D. Perdue v. Lincoln Benefit Life Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1710	12-C-361	Circuit Court Putnam County	SER John D. Perdue v. Transamerica Life Insurance Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1679	12-C-375	Circuit Court Putnam County	SER John D. Perdue v. Globe Life & Accident Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1680	12-C-377	Circuit Court Putnam County	SER John D. Perdue v. Riversource Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	12-C-436	Circuit Court Putnam County	SER John D. Perdue v. Colonial Penn Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order of March 14, 2018. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-277	12-C-439	Circuit Court Putnam County	SER John D. Perdue v. United American Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as the company is under audit review by the WV State Treasurer's Office.
Consumer Protection & Antitrust	Haight, Ann	AD-13-241	12-C-446	Circuit Court Putnam County	SER John D. Perdue v. Lafayette Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	CON-14-0072	13-C-1N	Circuit Court Mason County	SER Patrick Morrissey v. Pfizer, et al.	Suit filed in January 2013, alleging violations of the Antitrust Act by the use of unfair methods of competition and trade practices to the delay of entry into the market of generic versions of Lipitor. Due to Defendant's actions, generic Lipitor did not become available until November 2011, resulting in WV consumers paying more for name brand than for generic Lipitor. Discovery is in progress, including scheduling of depositions.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0009	19-C-104	Circuit Court Boone County	SER Patrick Morrissey v. Teva Pharmaceuticals USA, Inc., and Cephalon, Inc.	Suit filed in August 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. Specific discovery is ongoing on Teva International's Motion to Dismiss for lack of personal jurisdiction. General discovery is in progress, with a trial date scheduled for November 2021.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0008	19-C-105	Circuit Court Boone County	SER Patrick Morrissey v. Janssen Pharmaceuticals, Inc., and Johnson & Johnson	Suit filed in August 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. The Defendants filed a Petition for Writ of Prohibition to the state Supreme Court with respect to the State's Motion to Strike on September 25, 2020, and a briefing schedule is in place. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0015	19-C-150	Circuit Court Boone County	SER Patrick Morrissey v. Mallinckrodt LLC, a Delaware limited liability corporation, and SpecGx LLC, a Delaware limited liability corporation	Suit filed in November 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. On October 12, 2020, defendant filed bankruptcy.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0005	19-C-62	Circuit Court Boone County	SER Patrick Morrissey v. Purdue Pharma, L.P., a Delaware limited partnership, Purdue Pharma Inc., a New York corporation, and Richard Sackler, M.D.	Suit filed in May 2019, alleging defendant companies and former chief executive director Richard Sackler unlawfully marketed opioids, by engaging in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers. Defendants have filed Motions to Dismiss. The case was transferred to the Mass Litigation Panel on August 27, 2019. On September 16, 2019, Purdue filed for bankruptcy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-20-0012	CC-40-2020-C-131	Circuit Court Putnam County	SER Patrick Morrissey v. CVS Health Corporation, et al.	Suit filed August 18, 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0013	CC-40-2020-C-132	Circuit Court Putnam County	SER Patrick Morrissey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc., a Delaware corporation	Suit filed August 18, 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0007	CC-40-2020-C-82	Circuit Court Putnam County	SER Patrick Morrissey v. Walgreens Boots Alliance, Inc., a Delaware corporation; Walgreen Co., an Illinois corporation; and Walgreen Eastern Co., Inc., a New York corporation	Suit filed August 18, 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0006	CC-40-2020-C-83	Circuit Court Putnam County	SER Patrick Morrissey v. Rite Aid Corporation, a Delaware Corporation, Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, a Maryland corporation	Suit filed June 3, 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0052	15-C-958-H	Circuit Court Raleigh County	SER Patrick Morrissey v. Rock City Pharmacy, LLC	Suit filed in November 2015, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0053	15-C-959-B	Circuit Court Raleigh County	SER Patrick Morrissey v. David Pharmacy, LLC	Suit filed in November 2015, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with David Pharmacy, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0001	16-C-230	Circuit Court Raleigh County	SER Patrick Morrissey v. CureRX LLC, et al.	Suit filed in April 2016, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with CureRX LLC, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	19-C-101	Circuit Court Fayette County	SER Patrick Morrissey v. New River Firewood, LLC, et al.	Suit filed in August 2018, alleging Defendants sold gas powered log splitters to consumers using defective materials or welds causing the log splitters to malfunction shortly after consumers began using them. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. The case was originally filed in Kanawha County but was transferred to Fayette County. The Court denied Defendants' Motion to Dismiss on March 2, 2020. Discovery is ongoing, with a trial date in May 2022.
Consumer Protection & Antitrust	Sizemore, Vaughn	CON-19-0014	19-C-151	Circuit Court Boone County	SER Patrick Morrissey v. Endo Health Solutions Inc., a Delaware corporation, and Endo Pharmaceuticals Inc., a Delaware corporation, and Par Pharmaceutical, Inc., a New York corporation	Suit filed in November 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. Discovery is ongoing.

**DEPARTMENT OF HEALTH AND
HUMAN RESOURCES
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Allen	HHR-14-0123	01-F-130-H	Circuit Court Raleigh County	State v. J.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0242	07-F-49	Circuit Court Wood County	State v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-14-0124	08-CRM-571	Circuit Court Kanawha County	State v. M.P.	M.P. is a criminal defendant currently residing in a forensic group home and seeking additional release privileges.
Health, Human Resources	Campbell, Allen	HHR-15-0165	10-F-183	Circuit Court Kanawha County	State v. S.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0693	13-F-352	Circuit Court Lewis County	State v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Katherine	HHR-20-0163	20-0201	Supreme Court - WV	In Re: A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0236	20-0247	Supreme Court - WV	In Re: G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0037	20-1032	Supreme Court - WV	In Re: C.W., T.W., P.W., & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0064	21-0015	Supreme Court - WV	In Re: C.W., T.W., P.W., & I.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0158	21-0118	Supreme Court - WV	In Re: E.S., E.C., K.S., L.S., & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0194	21-0275	Supreme Court - WV	In Re: E.S., E.C., K.S., & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0196	21-0277	Supreme Court - WV	In Re: K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0195	21-0327	Supreme Court - WV	In Re: M.H., E.S., L.S., W.S., & D.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0233	21-0363	Supreme Court - WV	In Re: C.C., M.C., & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0253	21-0390	Supreme Court - WV	In Re: M.K., M.K., & M.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0252	21-0417	Supreme Court - WV	In Re: S.W., J.W., A.W., & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0273	21-0437	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0272	21-0439	Supreme Court - WV	In Re: J.S. & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0305	21-0505	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Katherine	HHR-21-0309	21-0511	Supreme Court - WV	In Re: O.P & K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0342	21-0551	Supreme Court - WV	In Re: D.L., M.L., & R.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0373	21-0600	Supreme Court - WV	In Re: A.S.-B., W.J., & P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0379	21-0623	Supreme Court - WV	In Re: B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0374	21-0629	Supreme Court - WV	In Re: B.B. & B.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0411	21-0694	Supreme Court - WV	In Re: C.S. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0420	21-0705	Supreme Court - WV	In Re: K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0449	21-0736	Supreme Court - WV	In Re: G.E., M.E., M.E., N.E., J.L., A.S., & C.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0442	21-0748	Supreme Court - WV	In Re: R.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0456	21-0789	Supreme Court - WV	In Re: R.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0463	21-0808	Supreme Court - WV	In Re: L.J. & I.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0473	21-0817	Supreme Court - WV	In Re: M.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-21-0472	21-0818	Supreme Court - WV	In Re: L.J. & I.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0210	15-JD-7	Circuit Court Doddridge County	In Re: A.C.C.	Juvenile delinquency matter regarding placement.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0490	17-AA-1	Circuit Court Hancock County	Lori DeGarmo v. WVDHHR/BOR/OIG	Appeal of Board of Review finding of Supplemental Nutrition Assistance Program (SNAP) Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0430	17-C-22	Circuit Court Pleasants County	Jason & Sherry Francis v. WVDHHR	Appeal of Office of Inspector General (OIG) finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Circuit Court Ohio County	C.S. v. WVDHHR/OIG/BOR	Appeal of Board of Review (BOR) Dismissal Order regarding a Child Protective Services (CPS) substantiation of abuse.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-19-0490	19-AA-2	Circuit Court Monongalia County	M.G. v. Bill Crouch, Secretary	The Petitioner is appealing the decision of the State Hearing Officer following a Medicaid Fair Hearing Act in Board of Review Action No. 19-BOR-1581.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	19-P-87	Circuit Court Wood County	Jessica Helmick v. Bill J. Crouch, Secretary, et al.	Jessica Wells (formerly Jessica Helmick) appeals OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0479	20-0595	Supreme Court - WV	L.M. & L.M. v. WVDHHR	Writ of Prohibition filed in WV Supreme Court of Appeals against DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0509	20-0695	Supreme Court - WV	L.M. & L.M. v. The Honorable Susan B. Tucker	Writ of Prohibition filed in WV Supreme Court of Appeals against DHHR and The Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0565	20-0979	Supreme Court - WV	In Re: B.C., S.C., & T.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0569	20-0994	Supreme Court - WV	In Re: B.C., S.C., & T.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0520	20-AA-1	Circuit Court Brooke County	Elise Carson v. DHHR/BCF	Ms. Carson appeals Board of Review decision to deny child care benefits pursuant to the Child Care Subsidy Program.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0515	20-AA-1	Circuit Court Mineral County	Jonathan Stewart v. DHHR	Circuit Court appeal of DHHR Board of Review substantiation of child abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-21-0409	21-0266	Supreme Court - WV	State of WV ex rel. P.G., et al.	Writ of Prohibition filed by Guardian ad Litem (GAL) seeking to prohibit the Circuit Court of Hancock County from granting an improvement period to respondent parent, A.G., and seeking termination of the parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Circuit Court Marion County	In Re: E.A.M.	Juvenile delinquency matter to determine criminal competency of juvenile and also determine appropriate placement.
Health, Human Resources	Compton, Steven	HHR-19-0308	2:19-cv-00397	USDC WVSD	Kenneth Richards v. WVDHHR and Bill Crouch in his official capacity	Class action complaint under the Americans With Disabilities Act (ADA) and the Rehabilitation Act of 1973 in which plaintiff claims DHHR refuses to offer reasonable accommodations in administering and implementing benefit programs.
Health, Human Resources	Compton, Steven	HHR-21-0359	2:21-cv-00450	USDC WVSD	Xavier Hersom, et al. v. Bill J. Crouch, et al.	Action filed in Southern District of WV to force DHHR/BPH Vital Registration to change a birth certificate for a transgendered person.
Health, Human Resources	Compton, Steven	HHR-20-0139	20-0112	Supreme Court - WV	In Re: A.C. & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-20-0245	20-AA-60	Circuit Court Kanawha County	Crystal Kendall, et al. v. WVDHHR	Appeal of Public Employees Grievance Board decision.
Health, Human Resources	Compton, Steven	HHR-21-0391	21-0585	Supreme Court - WV	In Re: T.W., H.W., O.W., & L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-21-0459	21-0801	Supreme Court - WV	In Re: E.B., D.B., & H.B.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Compton, Steven	HHR-19-0560	3:19-cv-00710	USDC WVSD	Jonathon R., et al. v. WVDHHR, et al.	A Better Childhood, a national child advocacy organization, Disability Rights WV and Shaffer and Shaffer filed this federal class action lawsuit claiming WVDHHR has violated the constitutional and statutory rights of children in the foster care system.
Health, Human Resources	Compton, Steven	HHR-14-0122	81-MISC-585	Circuit Court Kanawha County	E.H. v. Matin	Continuing jurisdiction over petition for writ of mandamus regarding conditions at state inpatient mental health facilities.
Health, Human Resources	Dugas, Melinda	HHR-18-0239	18-AA-1	Circuit Court Braxton County	S.W. v. WVDHHR	Administrative Appeal against the Decision of the State Hearing Officer to uphold DHHR's CPS finding of maltreatment for failing to protect a child.
Health, Human Resources	Dugas, Melinda	HHR-20-0117	20-JA-4-8	Circuit Court Braxton County	In re: Harley J. & Desiree Bess	Notice of Appearance (NOA) to challenge party structure.
Health, Human Resources	Evans, Sandra	HHR-17-0115	17-0220	Supreme Court - WV	In Re: A.W. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0465	19-0696	Supreme Court - WV	In Re: G.M. & L.V.-M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0286	20-0377	Supreme Court - WV	In Re: Z.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0351	20-0512	Supreme Court - WV	In Re: I.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0352	20-0563	Supreme Court - WV	In Re: A.U., Jr., A.U., J.F., & T.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0397	20-0631	Supreme Court - WV	In Re: D.P. & G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0398	20-0632	Supreme Court - WV	In Re: A.O., D.P., & G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0570	20-0962	Supreme Court - WV	In Re: I.D. & E.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0015	20-1000	Supreme Court - WV	In Re: S.H. & S.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0120	21-0012	Supreme Court - WV	In Re: N.Z.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0118	21-0136	Supreme Court - WV	In Re: J.T. & C.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0119	21-0139	Supreme Court - WV	In Re: K.T. & H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0145	21-0184	Supreme Court - WV	In Re: D.B. & K.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0174	21-0238	Supreme Court - WV	In Re: R.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0177	21-0279	Supreme Court - WV	In Re: J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0180	21-0286	Supreme Court - WV	In Re: S.H. & S.H.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-21-0222	21-0354	Supreme Court - WV	In Re: J.D. & S.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0231	21-0362	Supreme Court - WV	In Re: K.B.-R. & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0247	21-0392	Supreme Court - WV	In Re: A.R. & M.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0246	21-0394	Supreme Court - WV	In Re: E.K. & M.C.-W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0248	21-0405	Supreme Court - WV	In Re: K.H., S.H., & A.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0281	21-0444	Supreme Court - WV	In Re: A.S., B.M., & I.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0285	21-0452	Supreme Court - WV	In Re: K.C., H.J., U.C., C.J., & M.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0284	21-0455	Supreme Court - WV	In Re: H.J., C.J., & M.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0286	21-0459	Supreme Court - WV	In Re: C.D. & L.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-21-0307	21-0515	Supreme Court - WV	In Re: C.M., A.M., & N.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0389	20-0577	Supreme Court - WV	In Re: H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0492	20-0816	Supreme Court - WV	In Re: S.C.	Parents challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0016	20-0997	Supreme Court - WV	In Re: A.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0092	21-0053	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0090	21-0055	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0091	21-0056	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0103	21-0103	Supreme Court - WV	In Re: R.D. & C.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0156	21-0179	Supreme Court - WV	In Re: B.A. & C.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0193	21-0278	Supreme Court - WV	In Re: I.B.-L & M.B.-L	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0181	21-0302	Supreme Court - WV	In Re: O.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-21-0187	21-0318	Supreme Court - WV	In Re: A.S. & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Circuit Court Lincoln County	Gina Sowards v. WVDHHR/BOR	Appeal of BOR Order Denying Request for Consideration.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WVDHHR	Mr. Warren appeals BOR Decision upholding a DHHR WV Works repayment claim totaling \$2,620.00.
Health, Human Resources	Jackson, Michael	HHR-18-0070	18-AA-179	Circuit Court Kanawha County	T.P. v. WVDHHR/BOR	Petitioner appealed CPS finding that occurred in 2002. DHHR BOR issued a Dismissal Order stating it did not have jurisdiction to remove finding. Appeal is now filed in Kanawha County Circuit Court.
Health, Human Resources	Jackson, Michael	HHR-18-0090	18-AA-2	Circuit Court Kanawha County	Chester Mitchell v. WVDHHR/BOR	Chester Mitchell appeals BOR Order of Dismissal regarding the establishment of SNAP repayment obligation due to untimely hearing request with the BOR. (TANF)
Health, Human Resources	Jackson, Michael	HHR-20-0243	19-AA-159	Circuit Court Kanawha County	Dona Bartram v. WVDHHR	Petitioner appeals BOR denial of Temporary Assistance for Needy Families (TANF) benefits.
Health, Human Resources	Jackson, Michael	HHR-19-0458	19-AA-82	Circuit Court Kanawha County	In Re: L.B.	Petitioner appeals DHHR Board of Review decision to deny assistance.
Health, Human Resources	Jackson, Michael	HHR-19-0459	19-C-821	Circuit Court Kanawha County	Sheila A. Cunningham v. WVDHHR	Ms. Cunningham appeals DHHR Board of Review decision regarding family assistance.
Health, Human Resources	Jackson, Michael	HHR-20-0093	20-AA-24	Circuit Court Kanawha County	Sally & Billy Shaffer v. Bill J. Crouch	Petitioners appeal the determination of overpayment of SNAP benefits.
Health, Human Resources	Jackson, Michael	HHR-20-0241	20-AA-58	Circuit Court Kanawha County	L.B. v. WVDHHR	Appeal of DHHR Board of Review decision to deny DHHR BCF benefits to protected individual.
Health, Human Resources	Jackson, Michael	HHR-21-0388	21-0596	Supreme Court - WV	In Re: A.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-21-0464	21-0804	Supreme Court - WV	In Re: E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-21-0289	21-AA-1	Circuit Court Lewis County	J.H. v. DHHR	Appeal of BOR denial of benefits related to the Aged and Disabled Waiver (ADW) medicare benefit in Lewis County Circuit Court.
Health, Human Resources	Jackson, Michael	HHR-21-0279	21-AA-31	Circuit Court Kanawha County	G.L. v. DHHR	Appeal of Board of Review decision to deny SNAP benefits in Kanawha County Circuit Court.
Health, Human Resources	Jones, William	HHR-21-0327	21-G-29	Circuit Court Cabell County	In Re: C.O.	DHHR filed a petition for the Appointment of a Guardian and Conservator.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-20-0581	07-G-25	Circuit Court Wood County	In Re: D.M.	DHHR filed a Petition to Annul Marriage of a Protected Person. DHHR is guardian of individual who married without DHHR's permission or approval.
Health, Human Resources	Jones, William	HHR-19-0209	08-G-40	Circuit Court Kanawha County	In Re: L.A.B.	A Petition to Terminate, Revoke or Modify Appointment of Guardian and/or Conservator was filed.
Health, Human Resources	Jones, William	HHR-18-0445	10-F-283	Circuit Court Kanawha County	State v. S.R.	Forensic patient at a state hospital is under the court's criminal jurisdiction. Adult Protective Services was appointed guardian. Status review hearings are held by the circuit court.
Health, Human Resources	Jones, William	HHR-18-0449	13-G-2	Circuit Court Roane County	In Re: C.A.	Petition filed to remove current guardian and conservator.
Health, Human Resources	Jones, William	HHR-20-0091	15-G-37	Circuit Court Kanawha County	In Re: J.H.	Protected Person filed petition to terminate DHHR's guardianship.
Health, Human Resources	Jones, William	HHR-17-0420	16-G-5	Circuit Court Hampshire County	In Re: T.S.M.	Petition filed to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0325	16-JA-249 & 16-JA-250	Circuit Court Kanawha County	In Re: B.W. & G.W.	Contempt proceeding against DHHR for not adequately staffing CPS workers in Kanawha County.
Health, Human Resources	Jones, William	HHR-18-0444	17-G-20-33	Circuit Court Kanawha County	In Re: T.G.	Petition to appoint DHHR and Kanawha County Sheriff's Department as successor guardian/conservator.
Health, Human Resources	Jones, William	HHR-18-0610	17-G-6	Circuit Court Jackson County	In Re: K.L.	Protected person filed petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-18-0205	18-G-02	Circuit Court Hampshire County	In Re: S.P.	DHHR filed petition for guardianship.
Health, Human Resources	Jones, William	HHR-20-0202	18-G-19	Circuit Court Kanawha County	In Re: P.F.	DHHR filed a Motion for Authorization to Change Protected Person's Residence to Another State.
Health, Human Resources	Jones, William	HHR-19-0068	18-G-2	Circuit Court Jefferson County	In Re: K.A.	DHHR seeks motion to change protected person's residence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-19-0035	18-G-35	Circuit Court Raleigh County	In Re: C.J.	Petition filed to appoint WVDHHR as guardian and county sheriff as conservator.
Health, Human Resources	Jones, William	HHR-18-0469	18-G-6	Circuit Court Upshur County	In Re: M.W.	DHHR filed petition for conservatorship.
Health, Human Resources	Jones, William	HHR-19-0616	19-AA-2	Circuit Court Randolph County	Mercedes Sisler v. WVDHHR	Mercedes Sisler has appealed the Board of Review's decision.
Health, Human Resources	Jones, William	HHR-19-0354	19-C-614	Circuit Court Kanawha County	Disability Rights of WV v. WVDHHR	Petitioner, Disability Rights of WV, filed suit against WVDHHR/BCF regarding their right to access APS records.
Health, Human Resources	Jones, William	HHR-21-0263	19-G-15	Circuit Court Greenbrier County	In Re: D.P.	DHHR filed a Petition for the transfer of Jurisdiction. DHHR is guardian of individual in placement in Pennsylvania who needs a guardian in PA.
Health, Human Resources	Jones, William	HHR-20-0192	19-G-3	Circuit Court Roane County	In Re: W.J.	DHHR filed a Motion to Change Residence of Protected Person. DHHR is seeking court approval to place Protected Person in a facility in PA as all options have been exhausted in WV.
Health, Human Resources	Jones, William	HHR-19-0494	19-G-9	Circuit Court Marshall County	In Re: V.S.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-20-0560	20-0971	Supreme Court - WV	In Re: R.G.	Petitioner filed a Notice of Appeal after the Circuit Court entered an Order Denying the Respondent's Motion to Reconsider to Allow Contact with the protected person.
Health, Human Resources	Jones, William	HHR-20-0183	20-G-2	Circuit Court Barbour County	In Re: E.T.	DHHR filed a Petition for the Appointment of Temporary Guardian and Temporary Conservator.
Health, Human Resources	Jones, William	HHR-20-0476	20-G-29	Circuit Court Raleigh County	In Re: D.S.	DHHR filed a Petition for the Appointment of Guardian and Conservator.
Health, Human Resources	Jones, William	HHR-21-0389	21-0591	Supreme Court - WV	In Re: M.J., N.K., A.K., & B.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jones, William	HHR-21-0369	21-0592	Supreme Court - WV	In Re: E.B., D.B., & H.B.	Parent/grandparent challenging circuit court termination of rights and termination of legal guardianship.
Health, Human Resources	Jones, William	HHR-21-0402	21-AF-3	Circuit Court Kanawha County	In Re: S.A.	A Petition for Temporary Financial Exploitation Protective Order was filed. DHHR/APS is required to investigate and be involved in the matter.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-21-0323	21-DV-47	Magistrate Court Brooke County	C.S. v. J.S.	DHHR filed a protection order against the brother of the protected person.
Health, Human Resources	Jones, William	HHR-21-0239	21-G-13-2	Circuit Court Harrison County	In Re: C.D.-M.	DHHR filed a Petition for the Appointment of Guardianship/Conservatorship.
Health, Human Resources	Jones, William	HHR-21-0315	21-G-39	Circuit Court Cabell County	In Re: J.M.	DHHR filed a Petition for the Appointment of Guardian and Conservator.
Health, Human Resources	Jones, William	HHR-21-0320	21-G-4	Circuit Court Morgan County	In Re: R.M.	DHHR filed a Petition for the Appointment of Guardianship.
Health, Human Resources	Jones, William	HHR-21-0202	21-G-44	Circuit Court Kanawha County	In Re: T.M.	DHHR filed a Petition for the Appointment of Guardian.
Health, Human Resources	Jones, William	HHR-21-0399	21-G-70	Circuit Court Kanawha County	In Re: J.P.	DHHR filed a Petition for the Appointment of Guardianship.
Health, Human Resources	Jones, William	HHR-21-0376	21-G-8	Circuit Court Grant County	In Re: J.B.	DHHR filed a Petition for the Appointment of Guardian and Conservator.
Health, Human Resources	Jones, William	HHR-21-0439	21-G-86	Circuit Court Kanawha County	In Re: W.R.	DHHR filed a Petition for the Appointment of Guardianship and Conservatorship.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court-US WVND	Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court-US DE	Graceway Pharma	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	New England Compounding Pharm	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	Rural/Metro Corp	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	Laboratory Partners	Chapter 11 (Asset) Bankruptcy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court-US VAED	Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court-US VAED	Alpha Natural Resources, Inc., et al.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0626	15-70444 (PMB)	Bankruptcy Court-US VAWD	In Re: XINERGY LTD., et al.	Chapter 11 (Asset) Bankruptcy. Xinergy Ltd., a Tennessee-based Appalachian coal producer, and its 25 subsidiaries have filed for Chapter 11 Bankruptcy in United States Bankruptcy Court for the Western District of Virginia in Roanoke, Virginia. Xinergy maintains coal operations throughout West Virginia.
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court-US KYED	Asthma and Allergy Center LLC, Chapter 11	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0168	19-23649 (RDD)	Bankruptcy Court-US NYSD	In Re: Purdue Pharma L.P.	Chapter 11 filing in the U.S. Bankruptcy Court Southern District of NY.
Health, Human Resources	Lackey, Laurel	HHR-21-0138	20-12456 (JTD)	Bankruptcy Court-US DE	RTI Holding Company, LLC	Chapter 11 Bankruptcy filing for Ruby Tuesday Restaurants.
Health, Human Resources	Lackey, Laurel	HHR-21-0167	20-12522 (JTD)	Bankruptcy Court-US DE	In Re: Mallinckrodt, PLC	Chapter 11 filing in the U.S. Bankruptcy Court for the District of Delaware.
Health, Human Resources	Lackey, Laurel	HHR-20-0045	20-20007 (FWV)	Bankruptcy Court-US WVSD	Thomas Health System, Inc.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0166	20-33295 (DRJ)	Bankruptcy Court-US TXSD	In Re: Covia Holdings Corp.	Chapter 11 filing in U.S. Bankruptcy Court for the Southern District of Texas.
Health, Human Resources	Lackey, Laurel	HHR-21-0165	21-10461 (JTD)	Bankruptcy Court-US DE	In Re: CMC II, LLC	Chapter 11 Bankruptcy in U.S. Bankruptcy Court for the District of Delaware.
Health, Human Resources	Lackey, Laurel	HHR-20-0185	3:20-bk-01940	Bankruptcy Court-US TNMD	MBH Highland, LLC	Highland Hospital Chapter 11 Bankruptcy.
Health, Human Resources	Lampman, Thomas	HHR-21-0112	20-CIG-2	Circuit Court Webster County	In Re: G.C.	Petition on Appointment of Guardian.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0135	17-C-61	Circuit Court Marshall County	In Re: Waleah Marie Nixon	Ms. Nixon was a tenant of Moundsville Housing Authority. She sustained a fall on a set of exterior steps. DHHR has asserted a lien of \$61,035.30.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0405	21-0626	Supreme Court - WV	In Re: R.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0427	21-0701	Supreme Court - WV	In Re: T.W., H.W., M.W., & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0465	21-0798	Supreme Court - WV	In Re: D.S.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-19-0077	19-0064	Supreme Court - WV	In Re: A.B., N.B., J.B., B.B., E.B., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0516	19-0798	Supreme Court - WV	In Re: J.B. II	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0365	20-0565	Supreme Court - WV	In Re: R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0437	20-0698	Supreme Court - WV	In Re: M.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0470	20-0729	Supreme Court - WV	In Re: D.R., D.R., J.R., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0011	20-0753	Supreme Court - WV	In Re: K.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0500	20-0823	Supreme Court - WV	In Re: L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0012	20-0990	Supreme Court - WV	In Re: M.M., M.M., M.M., M.J., & M.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0032	20-1030	Supreme Court - WV	In Re: K.S., B.M., & O.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0178	21-0099	Supreme Court - WV	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0124	21-0140	Supreme Court - WV	In Re: T.G., B.G., B.G., & J.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0114	21-0147	Supreme Court - WV	In Re: B.D., L.D., N.D., M.D., & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0127	21-0148	Supreme Court - WV	In Re: S.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0116	21-0176	Supreme Court - WV	In Re: B.D., S.B., L.D., N.D., M.D., & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0143	21-0180	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0171	21-0236	Supreme Court - WV	In Re: A.F. & E.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0170	21-0241	Supreme Court - WV	In Re: L.S., S.M., L.S., & E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0169	21-0242	Supreme Court - WV	In Re: L.S., S.M., L.S., & E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0198	21-0274	Supreme Court - WV	In Re: E.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0245	21-0284	Supreme Court - WV	In Re: B.R., R.R., K.H., S.R., & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0244	21-0287	Supreme Court - WV	In Re: B.R., R.R., K.H., S.R., & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0197	21-0326	Supreme Court - WV	In Re: J.C. & N.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0230	21-0357	Supreme Court - WV	In Re: O.G. & J.C.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-21-0229	21-0358	Supreme Court - WV	In Re: L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0243	21-0381	Supreme Court - WV	In Re: H.H., J.H., & S.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0203	21-0388	Supreme Court - WV	In Re: J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0242	21-0397	Supreme Court - WV	In Re: B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0241	21-0416	Supreme Court - WV	In Re: R.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0267	21-0436	Supreme Court - WV	In Re: R.H. & J.C., IV	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0266	21-0447	Supreme Court - WV	In Re: B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0280	21-0464	Supreme Court - WV	In Re: D.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0304	21-0470	Supreme Court - WV	In Re: A.C. & C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0302	21-0497	Supreme Court - WV	In Re: B.W. & A.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0303	21-0508	Supreme Court - WV	In Re: B.L. & B.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0312	21-0525	Supreme Court - WV	In Re: R.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0319	21-0531	Supreme Court - WV	In Re: J.E. & Z.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0344	21-0547	Supreme Court - WV	In Re: T.W., H.W., O.W., & L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0339	21-0562	Supreme Court - WV	In Re: D.R., Z.R., A.S.-B., P.B., & L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0384	21-0575	Supreme Court - WV	In Re: J.F.-1 & J.F.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0383	21-0576	Supreme Court - WV	In Re: J.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0385	21-0609	Supreme Court - WV	In Re: M.M., T.M., & S.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0338	21-0624	Supreme Court - WV	In Re: H.B. & E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0393	21-0627	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0386	21-0633	Supreme Court - WV	In Re: R.A. & D.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0404	21-0667	Supreme Court - WV	In Re: J.A. & Z.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0421	21-0711	Supreme Court - WV	In Re: A.F.-1, J.F., & A.F.-2	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-21-0430	21-0712	Supreme Court - WV	In Re: A.F.-1, J.F., & A.F.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0419	21-0715	Supreme Court - WV	In Re: G.M., M.M., A.M., & F.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0434	21-0730	Supreme Court - WV	In Re: C.C. & B.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0448	21-0751	Supreme Court - WV	In Re: G.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0452	21-0767	Supreme Court - WV	In Re: P.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0453	21-0772	Supreme Court - WV	In Re: L.T., R.L., & I.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0451	21-0790	Supreme Court - WV	In Re: K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0466	21-0794	Supreme Court - WV	In Re: A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0460	21-0805	Supreme Court - WV	In Re: J.P. & J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0209	19-AA-65	Circuit Court Kanawha County	Rhonda R. Farley v. Jack Canfield, et al.	Ms. Farley appeals her denial of unemployment claim against DHHR.
Health, Human Resources	Parsley, Mindy	HHR-20-0481	20-0769	Supreme Court - WV	In Re: B.W. & R.W.	Parent challenging circuit court termination of parental rights. This matter is related to 20-0506.
Health, Human Resources	Parsley, Mindy	HHR-20-0537	20-0921	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0066	21-0019	Supreme Court - WV	In Re: A.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0139	21-0058	Supreme Court - WV	In Re: H.B., J.B., P.B., D.B., & B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0155	21-0188	Supreme Court - WV	In Re: C.M. & J.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0140	21-0194	Supreme Court - WV	In Re: P.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0172	21-0240	Supreme Court - WV	In Re: B.B. & R.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0182	21-0301	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0208	21-0345	Supreme Court - WV	In Re: A.T., M.W., A.W., & S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0206	21-0348	Supreme Court - WV	In Re: C.C. & L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0232	21-0369	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0249	21-0373	Supreme Court - WV	In Re: D.M., R.H., & K.U.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-21-0251	21-0380	Supreme Court - WV	In Re: L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0250	21-0391	Supreme Court - WV	In Re: K.E. & B.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0270	21-0434	Supreme Court - WV	In Re: C.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0268	21-0445	Supreme Court - WV	In Re: A.B.-W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0269	21-0448	Supreme Court - WV	In Re: R.W., A.B.W., W.C., C.S., D.S., & J.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0283	21-0462	Supreme Court - WV	In Re: C.H., E.H., & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0282	21-0463	Supreme Court - WV	In Re: C.H., E.H., & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0301	21-0473	Supreme Court - WV	In Re: K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0300	21-0477	Supreme Court - WV	In Re: S.W., K.W., & D.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0308	21-0520	Supreme Court - WV	In Re: B.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0318	21-0530	Supreme Court - WV	In Re: E.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0317	21-0544	Supreme Court - WV	In Re: A.T.-S. & A.T.-A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0340	21-0552	Supreme Court - WV	In Re: C.M., A.M., & N.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0392	21-0582	Supreme Court - WV	In Re: T.C., T.C., & T.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0382	21-0631	Supreme Court - WV	In Re: B.C., A.H., & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0380	21-0634	Supreme Court - WV	In Re: C.E., C.E., M.E., K.E., C.E., K.E., J.E., & J.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0381	21-0647	Supreme Court - WV	In Re: S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0403	21-0657	Supreme Court - WV	In Re: C.E., C.E., M.E., K.E., C.E., K.E., J.E., & J.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0407	21-0684	Supreme Court - WV	In Re: S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0414	21-0697	Supreme Court - WV	In Re: A.D., L.D., & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0425	21-0706	Supreme Court - WV	In Re: A.D., L.D., & K.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0428	21-0720	Supreme Court - WV	In Re: E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0445	21-0750	Supreme Court - WV	In Re: K.B.-1, K.B.-2, & K.B.-3	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-21-0446	21-0753	Supreme Court - WV	In Re: K.B.-1, K.B.-2, & K.B.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0457	21-0779	Supreme Court - WV	In Re: A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0454	21-0782	Supreme Court - WV	In Re: T.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0470	21-0819	Supreme Court - WV	In Re: C.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-21-0471	21-0821	Supreme Court - WV	In Re: C.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0343	21-0541	Supreme Court - WV	In Re: J.C. & R.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0331	21-0545	Supreme Court - WV	In Re: H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0371	21-0583	Supreme Court - WV	In Re: G.D., M.D, C.Y., & V.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0337	21-0599	Supreme Court - WV	In Re: R.A., D.A., & R.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0372	21-0652	Supreme Court - WV	In Re: N.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0394	21-0665	Supreme Court - WV	In Re: H.K., C.S., W.S., E.S., & W.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0415	21-0698	Supreme Court - WV	In Re: C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0423	21-0702	Supreme Court - WV	In Re: D.L. & M.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0424	21-0707	Supreme Court - WV	In Re: M.W., K.H., & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0429	21-0724	Supreme Court - WV	In Re: M.W., K.H., & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0447	21-0752	Supreme Court - WV	In Re: I.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0455	21-0774	Supreme Court - WV	In Re: G.G.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0458	21-0795	Supreme Court - WV	In Re: S.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0462	21-0809	Supreme Court - WV	In Re: A.P. & B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0474	21-0812	Supreme Court - WV	In Re: D.B., J.B., & P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0475	21-0823	Supreme Court - WV	In Re: T.B., S.B., B.J., & F.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-19-0112	02-C-239	Circuit Court Wood County	Jocelyn B. v. WVDHHR	Intent to file a Petition for Substitution of Trustees and for Modification of Administrative Provisions.
Health, Human Resources	Stitzinger, Kim	HHR-15-0184	07-C-45	Circuit Court Lincoln County	American Select Insurance v. Amy Woodrum and WVDHHR	Medicaid subrogation case. A settlement check was submitted to the court but Ms. Woodrum's attorney did not take the distribution. Ms. Woodrum has now retained Legal Aid.
Health, Human Resources	Stitzinger, Kim	HHR-15-0122	15-0595	Supreme Court - WV	HCR Manor v. WVDHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-21-0362	21-P-256	Circuit Court Kanawha County	Ohio Valley Physicians	Provider is suing UniCare and BMS/DHHR for refusing to allow them to perform and bill Medicaid for the most expensive drug tests.
Health, Human Resources	Stitzinger, Kim	HHR-20-0265	3:17-cv-01362	USDC WVSD	AmerisourceBergen Drug Corp., et al.	Representation of DHHR in response to third party subpoenas.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Circuit Court Wyoming County	In Re: C.P., D.P., & D.L.	Child Protective Services Contempt case. The Petitioner claims to not be receiving the monthly amount of finances to which entitled.
Health, Human Resources	Walters, Angela	HHR-16-0375	16-C-70	Circuit Court Wyoming County	Stephanie Collier v. WVDHHR	Appellant is appealing the DHHR'S decision to close the Administrative Services Organization provider record and her ability to be a provider. Reply Brief pending.
Health, Human Resources	Walters, Angela	HHR-20-0480	20-BOR-2341 & 2342	Circuit Court Fayette County	A.W & R.W. v. WVDHHR	CPS case challenging previous findings of abuse and neglect.
Health, Human Resources	Walters, Angela	HHR-21-0048	21-AA-1	Circuit Court Raleigh County	T.A. v. WVDHHR Board of Review	Appeal of OIG decision to substantiate maltreatment of neglect and educational neglect.
Health, Human Resources	Walters, Angela	HHR-21-0364	21-BOR-1680	Circuit Court Wyoming County	A.W. v WVDHHR	This is a child protective services case out of Wyoming County wherein grievant is grieving previous finding of abuse/neglect.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Wegman, Jake	HHR-19-0577	19-AA-2	Circuit Court Randolph County	M.S. v. WVDHHR	Appeal of DHHR Board of Review substantiation of CNA abuse and neglect.
Health, Human Resources	Wegman, Jake	HHR-21-0004	20-0958	Supreme Court - WV	In Re: J.M., M.M., D.M., & W.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0013	20-0992	Supreme Court - WV	In Re: J.M., M.M., & D.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0199	21-0239	Supreme Court - WV	In Re: K.R., U.C, & D.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0234	21-0361	Supreme Court - WV	In Re: C.J., C.J., C.J., & R.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0254	21-0368	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0255	21-0393	Supreme Court - WV	In Re: T.M. & S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0256	21-0411	Supreme Court - WV	In Re: H.C. & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0258	21-0420	Supreme Court - WV	In Re: H.C. & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0287	21-0451	Supreme Court - WV	In Re: D.P. & M.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0296	21-0486	Supreme Court - WV	In Re: M.S., Z.S., L.S., & L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0299	21-0494	Supreme Court - WV	In Re: L.W. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0310	21-0516	Supreme Court - WV	In Re: A.W. & S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0341	21-0553	Supreme Court - WV	In Re: A.G., D.W., L.W., & D.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0366	21-0586	Supreme Court - WV	In Re: N.G. & B.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0367	21-0646	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0426	21-0700	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0444	21-0746	Supreme Court - WV	In Re: S.P. & K.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0461	21-0810	Supreme Court - WV	In Re: J.W., G.W., J.W., & G.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-21-0469	21-0815	Supreme Court - WV	In Re: J.W., G.W., J.W., & G.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Winterholler, Claire	HHR-20-0254	2:20-cv-00450	USDC WVSD	S.U. v. WVDHHR/Vital Registration	Parent file petition alleging that DHHR/Vital Registration created the children's birth certificates under an unconstitutional state law.
Health, Human Resources	Winterholler, Claire	HHR-21-0387	21-0564	Supreme Court - WV	In Re: B.T. & J.V.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Winterholler, Claire	HHR-21-0313	21-C-73	Circuit Court Mingo County	In Re: Marilyn Irene (Blackwell) Neal	Petition to establish correct date of birth and obtain a valid West Virginia birth certificate.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	USDC WVSD	U.S. EPA, et al. v. Town of Fort Gay	Consent Decree entered in civil enforcement action primarily for violations of the Clean Water Act and the Safe Drinking Water Act. Currently under monitoring for compliance.

**MAIN OFFICE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Capehart, Curtis	MO-21-0003	2:21-cv-316	USDC WVSD	B.P.J. by her next friend and mother, Heather Jackson v. WV State Board of Education, et al.	WV intervened in litigation challenging new statute relating to single-sex participation in interscholastic athletic events. Court granted preliminary injunction only as to plaintiff. Trial scheduled for summer 2022.
Main Office	Capehart, Curtis	MO-21-0005	21-0559	Supreme Court - WV	Jim Justice v. WV AFL-CIO, et al.	Challenge to new statutory amendments relating to permitted paycheck deductions for public employees. Circuit Court granted preliminary injunction; appeal of preliminary injunction is pending in WV Supreme Court of Appeals.
Main Office	Capehart, Curtis	MO-20-0007	21-1684	Supreme Court - WV	Recht, et al. v. Patrick Morrissey	Challenge to the constitutionality of W.Va. Code 47-28-1 through -5. Currently on appeal.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. EPA, et al.	Legal challenge to EPA's refusal to approve state implementation plan under the Clean Air Act; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0021	15-1399	US CADC	West Virginia v. EPA	Legal challenge to EPA's new source performance standards for new power plants; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0020	16-1204	US CADC	Michigan, et al. v. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of Mercury Air Toxics Standards rule; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0011	16-1264	US CADC	West Virginia, et al. v. EPA	Legal challenge to EPA's methane rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-20-0010	18-6465	US CA4	Dodson v. Ballard	Habeas Corpus action related to state criminal conviction. Judgment vacated and remanded.
Main Office	See, Lindsay	MO-19-0002	19-1140	US CADC	American Lung Ass'n v. EPA, et al.	WV intervened in litigation concerning the Affordable Clean Energy rule.
Main Office	See, Lindsay	MO-20-0003	19-1230	US CADC	Union of Concerned Scientists, et al. v. National Highway Traffic Safety Administration, et al.	WV intervened in this litigation concerning the Safer Affordable Fuel-Efficient Vehicles rule.
Main Office	See, Lindsay	MO-20-0016	19-6412	US CA4	Plymail v. Mirandy	Habeas Corpus action related to state criminal conviction. Judgment reversed.
Main Office	See, Lindsay	MO-20-0022	19-7238	US CA4	Samuel Anstey v. Ralph Terry	Habeas Corpus action related to state criminal conviction. Petition for writ of certiorari (following dismissal of appeal) denied.
Main Office	See, Lindsay	MO-20-0020	19-7391	US CA4	Walters v. Martin	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-19-0006	19-840 & 19-1019	Supreme Court - US	Texas v. United States (ACA)	WV joined a multi-state coalition challenging the constitutionality of the Affordable Care Act following the elimination of the individual mandate tax penalty. Reversed and remanded.
Main Office	See, Lindsay	MO-20-0006	2:20-cv-03412	USDC PAED	Delaware Riverkeeper Network v. EPA	WV intervened in this litigation concerning EPA's rules under Section 401 of the Clean Air Act. Remanded without vacatur to implement new rule.
Main Office	See, Lindsay	MO-20-0002	20-1860 & 20-1861	US CA4	Dakota Nelson v. Mac Warner	Challenge to the constitutionality of West Virginia's ballot preference law. Vacated and remanded.
Main Office	See, Lindsay	MO-20-0019	20-6811	US CA4	Smith v. Ames	Habeas Corpus action related to state criminal conviction. Case remanded to determine whether appeal was timely filed.
Main Office	See, Lindsay	MO-20-0015	20-6852	US CA4	Peterson v. Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-19-0129	20-7614	US CA4	John Rodney Johnson v. Donnie Ames, Superintendent	Habeas Corpus action related to state criminal conviction. Appeal dismissed, and petition for writ of certiorari filed.
Main Office	See, Lindsay	APP-17-0278	20-7618	US CA4	Mark Jeffrey v. Donnie Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-21-0010	21-23	Supreme Court - US	Brenda Cook v. West Virginia	Petition for writ of certiorari concerning alleged juror bias in state criminal trial.
Main Office	See, Lindsay	MO-19-0005	21-40680	US CA5	Texas v. United States (DACA)	WV joined a multi-state coalition challenging former President Obama's authority to establish deferred immigration priorities for children who are unlawfully present in the United States after being brought to the country as children. Currently on appeal.
Main Office	See, Lindsay	MO-19-0004	220145	Supreme Court - US	Delaware v. Arkansas, et al.	Original action in US Supreme Court regarding state entitlement to unclaimed MoneyGram checks.
Main Office	See, Lindsay	MO-20-0001	3:20-cv-03005	USDC CAND	California, et al. v. Wheeler, et al.	WV intervened in litigation concerning the Navigable Waters Protection rule.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-20-0004	4:19-cv-06812	USDC CAND	Animal Legal Defense Fund, et al. v. David Bernhardt, et al.	WV intervened in this litigation concerning federal agencies' rules designating critical habitat.
Main Office	See, Lindsay	MO-20-0005	C20-04636	USDC CAND	In Re: Clean Water Act Rulemaking	WV intervened in this litigation concerning EPA's rules under Section 401 of the Clean Air Act.
Main Office	See, Lindsay		3:21-cv-00308	USDC TNED	Tennessee, et al. v. United States Department of Education, et al.	WV joined several other states in suing to enjoin enforcement of certain Department of Education and EEOC guidance documents related to Title IX.
Main Office	See, Lindsay		5:21-cv-00104	USDC KYED	Oklahoma, et al. v. United States, et al.	WV and the WV Racing Commission joined several states in suing to invalidate the Horseracing Integrity and Safety Act of 2020.
Main Office	See, Lindsay		15-1166	US CADC	Walter Coke Inc., et al. v. EPA	WV joined several other states in petitioning for review of a final rule under the Clean Air Act requiring several states to submit revised "state implementation plans" for emission limits as to periods of "startup, shutdown, and malfunction."
Main Office	See, Lindsay		16-1242	US CADC	North Dakota, et al. v. EPA	Legal challenge to EPA's methane emissions rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay		4:19-cv-06013	USDC CAND	California, et al. v. Bernhardt, et al.	WV intervened in this litigation concerning federal agencies' rules related to the Endangered Species Act.
Main Office	See, Lindsay		1:21-cv-00536	USDC NYSD	New York, et al. v. Department of Labor, et al.	WV intervened in this litigation concerning a DOL regulation expanding the religious exemption for federal contractors and undertaking certain other labor reforms; case is stayed.
Main Office	See, Lindsay		19-6334; 21-2561	USDC ILND; US CA7	Cook County, et al. v. Pecoske, et al.	WV intervened in this litigation concerning the "public charge" rule. Case is currently pending on appeal.
Main Office	See, Lindsay		2:21-cv-00778	USDC LAWD	Louisiana, et al. v. Biden, et al.	Multi-state legal challenge to Executive Order imposing a moratorium on all oil and natural gas leasing activities on public lands and offshore waters.
Main Office	See, Lindsay		21-cv-01074	USDC LAWD	Louisiana, et al. v. Biden, et al.	Multi-state legal challenge to federal taskforce determinations of social costs of greenhouse gases, which are in turn used to conduct cost/benefit analyses for every regulatory action.
Main Office	See, Lindsay		3:21-cv-00065	USDC TXSD	Texas, et al. v. Biden, et al.	Multi-state legal challenge to Executive Order revoking Keystone XL pipeline permit.
Main Office	See, Lindsay		7:21-cv-00465	USDC ALND	West Virginia, et al. v. Department of Treasury	WV is leading a multi-state action challenging an American Rescue Plan Act provision barring use of ARPA funds to offset a tax revenue reduction.
Main Office	See, Lindsay		5:21-cv-11111	USDC WVND	West Virginia v. U.S. Department of Homeland Security, et al.	Challenge to suspension of the Migrant Protection Protocols without appropriate consideration of the impact of the termination on trafficking of fentanyl into our country.
Main Office	See, Lindsay		21-23	Supreme Court - US	Brenda Cook v. West Virginia	Petition for writ of certiorari concerning alleged juror bias in state criminal trial.
Main Office	See, Lindsay		16-1242	US CADC	North Dakota, et al. v. EPA	Legal challenge to EPA's methane emissions rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay		4:19-cv-06013	USDC CAND	California, et al. v. Bernhardt, et al.	WV intervened in this litigation concerning federal agencies' rules related to the Endangered Species Act.
Main Office	See, Lindsay		20-1530	Supreme Court-US	West Virginia v. EPA	Challenge to EPA's "Clean Power Plan," which purports to decide whether and how to decarbonize almost any sector of the economy.
Main Office	See, Lindsay		1:21-tc-05000	USDC GASD	Georgia, et al. v. Biden, et al.	Multistate legal challenge to vaccination mandate for federal contractors.
Main Office	See, Lindsay		1:21-cv-00675	USDC OHSD	Ohio, et al. v. Becerra, et al.	Multistate legal challenge to Department of Health and Human Services rule purporting to rescind certain aspects of regulations implementing Title X restrictions on abortion spending.
Main Office	Sizemore, Vaughn	MO-17-0010	16-C-54	Circuit Court Hardy County	West Virginia v. Judy's Drug Store	Action against suppliers of opioid pain medication for resulting controlled substance addiction.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Sizemore, Vaughn	MO-17-0007	19-0482	Supreme Court - WV	Crystal Mountain & Steven Minard v. Ohio County Commission, et al.	Breach of contract claim regarding development of a theme park in Wheeling, WV. The WV Supreme Court of Appeals issued a Mandate on July 21, 2020, affirming the Ohio County Circuit Court's order dismissing the claim.
Main Office	Whelan, Sean	MO-21-0006	21-P-340	Circuit Court Kanawha County	Sam Brunett & Robert McCloud v. Craig Blair, President of WV Senate, Roger Hanshaw, Speaker of WV House of Delegates, and Jim Justice, Governor of WV	On September 29, 2021, two non-charter public school teachers filed a Petition for Mandamus and Injunctive Relief against the President of the Senate, Speaker of the House, and Governor to prevent the authorization of public charter schools by the West Virginia Public Charter School Board. The State's answer/response is not yet due.
Main Office	Wolfigbarger, Brentton	MO-21-0007	2:21-cv-22	USDC WVND	WV v. U.S. Dept. of Homeland Security & Alejandro Mayorkas	Challenge to USDHS termination of Return to Mexico border security policy.
Main Office	Wolfigbarger, Brentton	MO-21-0004	21-0681	Supreme Court - WV	Rebecca L. Urie & Kimberly Griffith v. Scott Adkins, Commissioner of WorkForce West Virginia	Unemployment benefits claimants filed a Petition for Writ of Mandamus challenging the legality of State's decision to terminate participation in federal programs created by the CARES Act through which eligible claimants could receive payment of additional benefits. Kanawha County Circuit Court upheld the legality of State's decision and denied Petitioners' request for relief. Petitioners appealed that decision to the WV Supreme Court of Appeals, which has set a briefing schedule in the appeal.
Main Office	Wolfigbarger, Brentton	MO-21-0009	21-P-198	Circuit Court Kanawha County	Robert King v. WV House of Delegates, et al.	Owner of a luxury limousine company challenged the Legislature's passage of House Bill 2890, alleging that technical difficulties hindered his ability to listen to the online audio stream of a House Committee meeting on March 23, 2021, in violation of W.Va. Code 6-9A-3(a). Case is pending the Court's ruling on a motion to dismiss the complaint filed by the Respondents on August 10, 2021.
Main Office	Wolfigbarger, Brentton	MO-21-0008	21-P-294	Circuit Court Kanawha County	State of WV ex rel. J.A., et al. v. Cabell County Board of Education, et al.	Complaint and Petition for Writ of Mandamus re: 9/2/21 Revised ECP pertaining to face coverings and PPE related to in-person teaching.

MEDICAID FRAUD CONTROL UNIT

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0002	19-B-129	Circuit Court Randolph County	State of West Virginia v. Veronica Myles	Defendant plead guilty to one felony count of Medicaid Fraud in violation of W.Va. Code 9-7-5.
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0003	19-F-127	Circuit Court Lincoln County	State of West Virginia v. Joseph Peterson	Deferred Adjudication Plea entered into, then revoked due to Defendant's failure to successfully complete. Charge reverted back to Medicaid Fraud as laid out in the Deferred Adjudication Agreement.
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0004	19-F-28	Circuit Court Lincoln County	State of West Virginia v. Robert Peterson	Plea entered.
Medicaid Fraud Control Unit	Blair, John	MFCU-20-0001	20-M03F-00178	Magistrate Court Boone County	State of West Virginia v. Lorissa Cook	Defendant pled guilty to False Pretenses and restitution of \$8,832.00 regarding caregiver fraud.
Medicaid Fraud Control Unit	Blair, John	MFCU-20-0002	20-M22F-00012	Magistrate Court Lincoln County	State of West Virginia v. Tania Dawn Tackett	Plea accepted. Order issued March 29, 2021.

**TAX, REVENUE, LEGISLATIVE CLAIMS
COMMISSION, AND TRANSPORTATION
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER

November 1, 2021

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-14-680	14-C-883-K	Circuit Court Raleigh County	Lin Qin d/b/a China One Buffet v. Matthew R. Irby, State Tax Commissioner	The taxpayer appealed the decision from the Office of Tax Appeals (OTA) which dismissed this matter. A motion to dismiss was filed on behalf of the Tax Department due to the taxpayer's failure to file the mandatory appeal bond. This motion remains pending while the Taxpayer attempts to work out a settlement with the Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0022	19-12771	Bankruptcy Court-US PAED	In re: Herz, Herz & Reichle	Three entities that operated Timberline Ski Resort filed Chapter 11 Bankruptcy. The primary case is Herz, Herz and Reichle, Inc., Case No. 19-12771 which has Long Run Realty Inc. and Timberline Four Seasons as associated cases. Collectively they owe a total of \$705,825.37 to the State Tax Department. Timberline sold its assets and the cases later converted to Chapter 7. The proposed distribution schedule indicates that the Tax Department will be paid in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0001	19-AA-1	Circuit Court Upshur County	Virgil D. Miller and Susan K. Miller v. Matthew R. Irby, State Tax Commissioner	Virgil and Susan Miller are appealing the decision of the OTA which affirmed the Tax Department's denial of an exemption relieving them of paying personal income taxes. The Petitioners argue that Mr. Miller's income as a retired Sheriff's Deputy should be entirely exempt pursuant to W.Va. Code 11-21-12(c)(6). However, the Tax Department denied that exemption because Mr. Miller is enrolled in the Public Employees Retirement System (PERS) which is not entitled to a full exemption. The appeal briefs are currently pending before the circuit court and awaiting a decision from the Judge or an order scheduling oral argument.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0102	19-P-183-3	Circuit Court Harrison County	Grand China Buffet & Grill, Inc., Qi Fen & Hui Chen v. Matthew R. Irby, State Tax Commissioner	Grand China Buffet filed a petition to appeal an OTA decision. The Petitioners are alleging that OTA erred in affirming the Tax Department's consumer sales tax assessment. The Petitioners allege that OTA erred when it affirmed the Tax Department's calculation because it failed to use the best information available and instead assumed every customer ordered a full buffet, ignoring the customers that might have purchased menu items. The circuit court issued a decision affirming the OTA decision. This case remains open due to collection efforts on the appeal bond.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0139	20-0488	Supreme Court - WV	Mountaineer Inspection Services, LLC v. Matthew R. Irby, State Tax Commissioner	Taxpayer Mountaineer Inspection Services, LLC is challenging a determination by the Tax Department that services it provided as a home inspector do not qualify as "professional services" as defined under West Virginia law. The Tax Department prevailed below. The taxpayer appealed to the WV Supreme Court of Appeals. Oral argument in this matter was heard on September 15, 2021. The parties await a decision from the Court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0017	20-14692	Bankruptcy Court-US PAED	In re: Camp Rim Rock, LLC	Camp Rim Rock, LLC, filed a Subchapter S Chapter 11 Bankruptcy on December 9, 2020, in the Eastern District of PA. The Camp was forced to cancel the 2020 season due to COVID; it retained the tuition paid for the 2020 season with the intention of honoring it as a prepayment for the 2021 season. The Debtor's intention was to find an investment partner and provide the estimated \$1,128,500 it would need to survive the 2021 season (through August 2021). Alternatively, the Debtor will liquidate its assets, including the WV real estate associated with the camp (the "WV Real Estate"), which is valued at \$2.6 million. The Schedules list the WV State Tax Department's claims as undisputed secured claims by WV Real Estate, as follows: <ul style="list-style-type: none"> •Secured Claim 2.6, \$1,164.12 secured by WV Real Estate, •Secured Claim 2.7, \$323,040.05 secured by WV Real Estate, •Secured Claim 2.8, \$8,345.35 secured by WV Real Estate, •Secured Claim 2.9, \$116,931.25 secured by WV Real Estate.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0083	20-22476	Bankruptcy Court-US NYSD	In re: Frontier Communications Corporation	The State of West Virginia has moved to intervene in a qui tam action pending in the United States District Court Southern District of West Virginia in which CityNet is the plaintiff and Frontier is a defendant. The civil action was stayed following Frontier's filing a bankruptcy petition in the Southern District of New York in April 2020. The Attorney General is monitoring the Frontier bankruptcy case for objections to the State's claims, or the possible removal of the CityNet lawsuit to the Frontier bankruptcy case. Pursuant to the Bankruptcy Court's Order entered August 3, 2021, Frontier has until January 10, 2022, in which to remove civil cases to the Frontier bankruptcy case.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0054	20-AA-4	Circuit Court Hardy County	Fortitude Ranch, LLC, v. Matthew R. Irby, State Tax Commissioner	Taxpayer filed an appeal of the Order of Dismissal from the OTA. This case stems from an assessment of the Sales and Use Tax the Tax Department issued against a limited liability company operated in Hardy County. The Tax Department conducted an audit and found income that the LLC received. The LLC refuses to pay this assessment and appealed to OTA. It was dismissed because the LLC did not obtain counsel to represent it. The circuit court has also ordered that this case be dismissed for the Taxpayer's failure to obtain counsel. A proposed order dismissing this case is pending with the Judge.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0158	20-AA-88	Circuit Court Kanawha County	Jackson National Life Insurance Company v. WV Offices of the Insurance Commissioner	Jackson National Life Insurance Company filed an appeal of a decision of the Offices of the Insurance Commissioner (OIC) which denied its request for refund of overpayment of annuity taxes. All briefing has been completed and the parties are awaiting a decision from the Judge or an order scheduling oral argument.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0089	20-P-62	Circuit Court Harrison County	City of Clarksburg v. Matthew R. Irby, State Tax Commissioner, and Joseph Romano, Assessor	The City of Clarksburg filed a Petition to Appeal a Property Tax Ruling which determined that the Robinson Grand Theatre owned by the City of Clarksburg is not exempt from ad valorem taxes pursuant to W.Va. Code 11-3-9(a)(3). A response was timely filed defending the Property Tax Ruling (PTR). This matter is related to City of Clarksburg v. Irby, 21-P-54.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0014	21-AA-11	Circuit Court Kanawha County	Equinor USA Onshore Properties, Inc., f/k/a StatOil USA Onshore Properties, Inc. v. Matthew R. Irby, State Tax Commissioner	Equinor filed a petition for administrative appeal from the OTA decision that granted the Tax Commissioner's motion to dismiss for lack of jurisdiction in the administrative proceedings. Equinor alleges that the order denies it of its right to challenge an inaccurate denial of refund and is violative of its due process rights.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0050	21-AA-38	Circuit Court Kanawha County	Shenandoah Personal Communications, LLC v. Matthew R. Irby, State Tax Commissioner	Shenandoah Personal Communications, LLC filed a Petition for Administrative Appeal from Decision of West Virginia Office of Tax Appeals stating that OTA erred when it ruled that Shentel's purchases of phones were not exempt from use tax pursuant to W.Va. Code 11-15-9(a)(9) and 9(b)(2); that OTA erred when failed to give proper weight to the facts set forth at the administrative hearing; and other factual and legal errors. The appeal briefs are currently pending before the circuit court and awaiting a decision from the Judge or an order scheduling oral argument.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0020	21-P-54	Circuit Court Harrison County	City of Clarksburg v. Matthew Irby, State of West Virginia Tax Commissioner, et al.	This is a Petition for Appeal of a Ruling of the WV State Tax Commissioner. The City of Clarksburg is requesting an Order reversing Property Tax Ruling 21-36; exempting and exonerating the City's interest in the Robinson Grand from ad valorem property taxation. This matter is related to City of Clarksburg v. Irby, 20-P-62.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0045	6:19-bk-06589	Bankruptcy Court-US FLMD	In Re: Via Airlines, Inc.	Via Airlines has a pending bankruptcy in Florida. The Auditor's Office has filed a claim against Via Airlines for unpaid public utility taxes. The plan was confirmed and proposed to pay priority tax claims in full. The Debtor has agreed to pay the taxes due according to the court's order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0084	In re: Just Energy Group, Inc.	Supreme Court - Ontario	In re: Just Energy Bankruptcy	As part of collection efforts for the Board of Public Works, this is being monitored to file a claim for debts owed by various entities related to this bankruptcy. The entities owe \$25,033.40 for delinquent ad valorem taxes for tax years 2014-2019.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-18-0098	19-AA-79	Circuit Court Kanawha County	Offices of the Insurance Commissioner v. Andrew B. Jensen	The Offices of the Insurance Commissioner (OIC) dismissed Mr. Jensen, Grievant, from employment due to Grievant being absent from work for more than three consecutive workdays without providing notice. An Administrative Law Judge ruled in favor of Grievant, and OIC has appealed the ruling to Circuit Court. The Grievant was temporarily restored pending the decision in the appeal by the Circuit Court. The briefing schedule is complete.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0018	20-AA-3	Circuit Court Hardy County	Richard J. Lehman v. Matthew R. Irby, State Tax Commissioner	Taxpayer, Mr. Lehman, has appealed a decision by the Office of Tax Appeals which upheld the State Tax Department's assessment of income tax relating to retirement proceeds the Taxpayer received. The Taxpayer alleges he is entitled to exclude from tax all of the retirement proceeds he received because he is a law enforcement officer. The State Tax Department, consistent with statutory authority, maintains that the majority of the Taxpayer's retirement proceeds do not fall within the explicit statutory exemptions. The matter has been fully briefed and is ripe for decision by the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0150	20-C-226	Circuit Court Mercer County	Deutsche Bank National Trust Company v. Isabelita DeMesa and State Tax Department	Deutsche Bank filed a Petition to Reform Deed of Trust to correct a property description that it intended to encumber owned by Isabelita DeMesa. To the extent there are any outstanding state tax liens that encumber the subject property, a responsive pleading protecting the WV State Tax Department's lien position has been filed.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0033	20-C-282	Circuit Court Kanawha County	Harold Ward, Director of Division of Mining and Reclamation v. ERP Environmental Fund, Inc.	Mr. Ward, Director of Division of Mining and Reclamation, filed a civil suit against ERP Environmental Fund regarding a particular coal mine it owns in West Virginia. The State Tax Department has low-priority liens against ERP Environmental Funds and requested the Office of the Attorney General to monitor this lawsuit to ensure its tax liens remain intact.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0062	20-C-284	Circuit Court Cabell County	Linda Morgan v. John Frederick Miller, the Unknown Heirs of Thomas David Miller, the State Tax Department, the Internal Revenue Service, and CitiBank, N.A.	Linda Morgan filed a complaint to quiet title to real estate she acquired at a Tax Lien Sale for the nonpayment of ad valorem taxes in Cabell County. The Tax Department has tax liens against a previous owner of the real estate. The complaint seeks to have the real estate title quieted in favor of Ms. Morgan. However, a motion to dismiss was filed due to the failure of the Plaintiff to file presuit notification on the Tax Department and the Office of the West Virginia Attorney General according to W.Va. Code 55-17-3.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0027	20-C-8	Circuit Court Hancock County	TriState River Products, Inc. v. Joseph Alongi, Hancock County Assessor, and Matthew R. Irby, State Tax Commissioner	TriState River Products filed a petition to appeal a Property Tax Ruling (PTR) issued by the Tax Commissioner. The Petitioner alleges that the Tax Department erroneously determined that certain tangible personal property owned by Petitioner is subject to ad valorem taxation. An answer was filed on behalf of the State Tax Department defending the PTR. The appeal is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0043	20-P-159	Circuit Court Kanawha County	Board of Education of Kanawha County v. David C. Burdette, State Tax Department, MH Equipment-Ohio, City of Charleston, State Department of Transportation, Division of Highways and Michael J. Rutherford, Sheriff of Kanawha County	The Kanawha County Board of Education intends to condemn property in Kanawha County that may be encumbered by State Tax Liens. A response was filed protecting the interests of the State Tax Department and seeking payment of any outstanding tax liens.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0046	20-P-90	Circuit Court Kanawha County	Appalachian Power Company v. William G. Ashley, Frontier West Virginia, Inc., State Tax Department, Unknown Persons/Owners and Michael Y. Rutherford, Sheriff of Kanawha County, WV	Appalachian Power Company filed a condemnation action on property owned by William G. Ashley in South Charleston, WV. The State Tax Department was named as a party because it has an interest in the subject property via tax liens against an owner. A response was filed protecting the interest of the State Tax Department and seeking payment of any outstanding tax liens in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0021	21-0521	Supreme Court - WV	Beta Theta Pi Fraternity of WVU, Inc. v. Mark Musick, Monongalia County Assessor, and Dale W. Steager, State Tax Commissioner	Taxpayer Beta Theta Pi Fraternity of WVU, Inc. appealed Property Tax Ruling 20-36 to the Monongalia Circuit Court alleging that the Tax Department erroneously determined that the subject property does not meet the requirements set forth in W.Va. Code 11-3-9(a)(15) and therefore does not qualify for an exemption of ad valorem property taxes. The Tax Department based its decision on the fact that Beta Theta Pi no longer has a national charter and therefore has no members at West Virginia University. The circuit court entered an order reversing the Property Tax Ruling. The Tax Department appealed the decision to the West Virginia Supreme Court of Appeals. The briefing schedule is ongoing with the Tax Department's brief due on November 15, 2021.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-21-0062	21-C-193	Circuit Court Kanawha County	Katie L. Monroe and James M. Davis, in their capacity of Successor Trustees v. Danielle C. Decker, West Virginia State Tax Department, USA, Department of the Treasury and IRS, and The Sanitary Board of Charleston	The Successor Trustees filed a Complaint for Interpleader for a judgment on the disbursement of excess funds that it received in a foreclosure sale of property that was encumbered by a Deed of Trust. The IRS, West Virginia State Tax Department and The Charleston Sanitary Board all have liens against the property. An Answer was filed which properly protects the Tax Department's lien position and interests.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-21-0096	21-C-27	Circuit Court Wood County	The Urban Renewal Authority v. Eric Whitlock et al.	The Urban Renewal Authority of The City of Parkersburg filed a Complaint to condemn Barker, Ernest's land for public purposes. The City offered \$1,500.00 for said property and the owner, Barker Ernest, does not approve the amount.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-21-0097	21-C-276	Circuit Court Wood County	The Urban Renewal Authority of The City of Parkersburg v. Eric Whitlock	The Urban Renewal Authority of The City of Parkersburg Filed a Complaint to condemn Eric Whitlock's land for public purposes. The City offered \$1000.00 for said property the owner, ERIC Whitlock, does not agree on the amount.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-21-0016	21-P-58	Circuit Court Kanawha County	Garnett D. Brown v. Benjamin B. Brown III, State of West Virginia Department of Tax and Revenue, United States Department of the Treasury, and Internal Revenue Service	Garnett D. Brown filed a Petition Seeking Partition and Allotment of Undivided Interests in unimproved real estate in Kanawha County, West Virginia to establish title and ownership interests, and then to partition the land accordingly. The West Virginia State Tax Department has liens against the various property owners. An answer has been filed protecting its lien position and seeking recovery of outstanding liens.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0236	19-AA-14	Circuit Court Raleigh County	Jeremy Vaughn v. Everett Frazier, DMV Commissioner	Jeremy Vaughn filed a petition to appeal the decision of the Office of Administrative Hearings (OAH) which affirmed the Division of Motor Vehicles (DMV) Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it found that there was sufficient evidence proving that Petitioner was operating a motor vehicle under the influence and that OAH erred when it found that Mr. Vaughn's license must be revoked pursuant to W.Va. Code 17C-5A-2(j).

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0230	19-AA-2	Circuit Court McDowell County	Raymond Justice v. Everett Frazier, DMV Commissioner	Raymond Justice filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it determined that Mr. Justice showed signs of impairment, that Mr. Justice "continually harangued" the law enforcement officer at the hearing, and that Mr. Justice's testimony was self-serving. The petition alleges that OAH abused its discretion when it found that Mr. Justice drove while under the influence of alcohol.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0248	19-AA-3	Circuit Court McDowell County	William Welch v. Everett Frazier, DMV Commissioner	William Welch filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation. The petition alleges that the evidence presented at the OAH is false despite the Administrative Law Judge's finding that the officer's testimony was credible and that the Officer had reasonable grounds for the stop.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0188	19-C-95	Circuit Court Wyoming County	Clark Smith v. Everett Frazier, DMV Commissioner	Clark Smith filed a petition for judicial review of an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Smith's driver's license. The Petitioner alleges that OAH erred when it concluded that DMV had satisfied its burden of proof, relying almost exclusively on a field sobriety test and ignoring the blood test results submitted by the Petitioner. The DMV prevailed at the circuit court. However, the appeal period has not expired.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-20-0115	20-AA-13	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Traci Levine	DMV Commissioner filed a petition to appeal the decision of the OAH, which rescinded DMV Commissioner's order of revocation of Ms. Levine's drivers license. OAH hearing examiner reversed the DMV revocation because even though the investigating officer testified that he stopped Levine's car for having no headlights while driving at night, the bodycam footage that was submitted shows Levine's headlights as turned on. Ruled to be an unlawful stop, therefore an unlawful arrest. However, the bodycam footage does not begin until after Levine's vehicle has already been stopped and the officer is exiting his cruiser.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0021	16-AA-1	Circuit Court Wirt County	Everett Frazier, DMV Commissioner v. Mark Murphy	Mark Murphy filed a petition to appeal the decision of the OAH which affirmed the revocation of his driver's license for driving under the influence on the grounds that there was no reasonable suspicion to stop his car and the delay in issuing a final order which is alleged to have caused him actual and substantial prejudice.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0015	17-P-179	Circuit Court Wood County	George Stewart, Jr. v. Everett Frazier, DMV Commissioner	George Stewart appealed an OAH order which upheld the DMV Commissioner's revocation of his driver's license for driving under the influence. The Petitioner failed to file a Designation of Record with the Court. The Petitioner argues that he did not refuse the secondary chemical test of the breath. The DMV filed a motion to dismiss alleging that the Petitioner, who lives in Ohio, neither resides nor does business in Wood County thereby depriving that court of jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0072	18-AA-219	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Robert Hayes	The DMV Commissioner filed a petition to appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Hayes' driver's license. The DMV Commissioner asserts that the OAH erred in concluding the driver was denied his due process rights and ignored evidence that he was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0125	19-1022	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Justin Hensley	The DMV Commissioner appealed this case to the West Virginia Supreme Court of Appeals alleging that the circuit court erred when it found that the driver was prejudiced by the delay of OAH in issuing its decision, which resulted in the dismissal of the revocation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0094	19-AA-108	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Lindsey Earl	The DMV Commissioner filed a petition to appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Ms. Earl's driver's license. The petition alleges that OAH erred when it exceeded its statutory authority. The petition further alleges that OAH erred when it disregarded substantive evidence presented by the investigating officer and then determined the driver was more credible.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0068	19-AA-176	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. David Gaither, Jr.	The DMV Commissioner filed a petition to appeal the final decision of the OAH which reversed the DMV Commissioner's order of revocation. The DMV asserts that the OAH erred in misinterpreting the evidence in the record.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0163	19-AA-53	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Robert V. Waugh	The DMV Commissioner filed a petition to appeal the decision of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Waugh's driver's license. The petition states that OAH erred when it excluded the blood test results from the evidence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0146	19-AA-60	Circuit Court Kanawha County	Gregory Dotson v. Everett Frazier, DMV Commissioner	Gregory Dotson filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Dotson's driver's license. Mr. Dotson alleges that he was substantially prejudiced due to OAH's delay in the issuance of its decision.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0147	19-C-289	Circuit Court Ohio County	David Kline v. Everett Frazier, DMV Commissioner	David Kline filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Kline alleges that OAH erred when it went against the weight of the evidence because the blood test results were not provided, no standard field sobriety tests were performed, and the officer could not recall specific facts and was not credible. However, the Petitioner failed to serve the petition for appeal to the DMV Commissioner via certified mail. A motion to dismiss was filed regarding Petitioner's failure to properly serve the Commissioner and the Ohio County Circuit Court granted the motion. The Petitioner then filed a Petition under the Savings Statute asserting the same arguments that were contained in his initial Petition. A motion to dismiss was filed on behalf of the DMV Commissioner alleging that the Savings Statute did not apply, but the Circuit Court denied the Commissioner's motion. The new Petition is currently pending before the circuit court awaiting the setting of a briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0128	19-P-12	Circuit Court Pleasants County	Diana Farson v. Everett Frazier, DMV Commissioner	Diana Farson filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. Ms. Farson alleges that OAH's decision was against the weight of the evidence because the field sobriety tests and the secondary chemical test of the breath were improperly administered.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0092	19-P-353	Circuit Court Berkeley County	Cheryl Yoder v. Everett Frazier, DMV Commissioner	Cheryl Yoder filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. Ms. Yoder alleges that the OAH erred when it allowed the DMV to proceed based upon paperwork without obtaining testimony from the officer and the fact that the driver requested blood draw and did not get one, but obtained one of her own 10 hours later.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0156	20-0103	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Brian Lee Raschella	DMV Commissioner filed a petition to appeal a decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Raschella's driver's license. The petition alleges that OAH erred when it reversed the revocation based on the sole fact that the blood test was lost, and completely excluded all other evidence presented.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0143	20-0199	Supreme Court - WV	Herman Warner v. Everett Frazier, DMV Commissioner	Herman Warner filed an appeal of the final order from the Kanawha Circuit Court to the West Virginia Supreme Court of Appeals. Mr. Warner alleges that the circuit court erred when it acknowledged that a blood sample was taken, but determined that the destruction of the blood sample did not warrant reversal of the revocation of his driver's license.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0140	20-0313	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Joshua Simpkins	The DMV Commissioner appealed this case to the West Virginia Supreme Court of Appeals alleging that the circuit court erred when it affirmed the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Simpkins' driver's license because the blood test results were not produced. Both tribunals found a due process violation.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0127	20-0364	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Robert Howie	The DMV Commissioner appealed this case to the West Virginia Supreme Court of Appeals alleging that the circuit court erred when it affirmed the decision of the OAH, which reversed the DMV Commissioner's order of revocation of Mr. Howie's driver's license. The tribunal held that although the Respondent was driving under the influence, the failure to provide blood test results violated the driver's due process rights.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0106	20-0482	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Nicholas Deems	The DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the circuit court erred in reversing the revocation of the driver's license on the basis that the driver was not given a 15 minute period in which to recant his initial refusal of the designated test of the breath.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0091	20-AA-5	Circuit Court Kanawha County	James Parker v. Everett Frazier, DMV Commissioner	James Parker filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Mr. Parker's driver's license. Mr. Parker alleges that he was substantially prejudiced by the delay of the OAH of in issuing a decision which affirmed the DMV Commissioner's order of revocation for driving under the influence. The driver alleges he was not impaired, that he was asleep in his car after a 16 hour shift, he has bad knees and was groggy as reasons for failing his field sobriety test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0075	20-AA-51	Circuit Court Kanawha County	Kevin Parsons v. Everett Frazier, DMV Commissioner	Kevin Parsons appealed the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license for being under the influence of alcohol and drugs. Mr. Parsons also alleges the delay of OAH in issuing its decision violated Mr. Parson's constitutional right to due process.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0141	20-C-8	Circuit Court Wyoming County	Andrew Toler v. Everett Frazier, DMV Commissioner	Andrew Toler filed a petition appealing the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Toler alleges that OAH erred when it concluded that DMV satisfied its burden of proof, by relying exclusively on a document, completed by a witness who failed to testify or subject himself to cross examination. And because the driver does not reside or do business in Wyoming County, the Court has no jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0078	20-C-8	Circuit Court Mineral County	Linda Taylor v. Everett Frazier, DMV Commissioner	Linda Taylor filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of her drivers license. The petition was filed in 2019. In 2021 a motion to dismiss was filed based on Rule 41 of the West Virginia Rules of Civil Procedure for failure to prosecute. That motion remains pending.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0063	21-0347	Supreme Court - WV	Richard Hillberry, II v. Everett Frazier, DMV Commissioner	Richard Hillberry filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license to the Ohio County Circuit Court. The Petition alleges that the OAH erred when it relied on the fact that he refused the designated secondary chemical test because the arrest was improper; therefore, his refusal should not be considered. The Court entered a Final Order in Hillberry's favor. The DMV filed a Petition to the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0070	21-0371	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Clint Casto	The DMV Commissioner filed a petition to appeal an order of the OAH decision which reversed the DMV Commissioner's order of revocation of his driver's license. The Commissioner asserts that the OAH erred when it failed to consider the grounds, weight of the evidence and credibility.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0143	21-0438	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Raymond Burcker	The DMV Commissioner appealed the decision of the OAH which affirmed the DMV Commissioner's order of revocation, but reversed the aggravated charge of driving under the influence over the legal limit. The petition states that even though the diagnostic results of the blood test were admitted into evidence at the administrative hearing, the hearing examiner failed to give the results prima facie weight.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0202	21-0568	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Cheryl Yoder	The DMV Commissioner appealed the circuit court's decision to the West Virginia Supreme Court of Appeals. The DMV asserts that the circuit court erred when it held that the driver's rights were implicated due to the Investigating Officer's failure to appear at the hearing and further because she did not receive a blood test despite her request.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0136	21-0686	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Aaron Powers	The DMV Commissioner filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Mr. Powers' driver's license. The Petition states that OAH erred when it reversed the enhancement of the revocation period for driving with a blood alcohol concentration level in excess of 0.15 because if found that the evidence presented at the administrative hearing did not show that the proper protocols were followed to administer the tests to determine driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0068	21-AA-1	Circuit Court Berkeley County	Benson Boyd v. Everett Frazier, DMV Commissioner	Benson Boyd filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Boyd alleges that OAH erred when it failed to consider that he requested a blood test and that the OAH failed to consider the five panel drug screen.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0029	21-AA-2	Circuit Court Jefferson County	Everett Frazier, DMV Commissioner v. Dino Carson	Dino Carson filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of the driver's license. The petition alleges that OAH erred when it did not find any discrepancy in officer's documents and testimony.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0039	21-AA-24	Circuit Court Kanawha County	David Bauguess v. Everett Frazier, DMV Commissioner	David Bauguess filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr Bauguess alleged that OAH erred when it failed to consider the totality of the evidence presented.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0035	21-AA-27	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Michael Moore	The DMV Commissioner filed an appeal of the decision of the OAH which reversed its order of revocation of Mr. Moore's driver's license. The DMV alleges that OAH erred when it discounted the evidence of impairment and blood test results.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0069	21-AA-3	Circuit Court Jefferson County	Dino Carson v. Everett Frazier, DMV Commissioner	Dino Carson filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation. The petition alleges that OAH erred when it found that she was driving under the influence without a reasonable suspicion and without sufficient evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0032	21-AA-3	Circuit Court Berkeley County	Robert Kroner v. Everett Frazier, DMV Commissioner	Robert Kroner filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Kroner alleges that the credibility of the officer is in question.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0073	21-AA-32	Circuit Court Kanawha County	James Juba v. Everett Frazier, DMV Commissioner	James Juba filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Juba alleges that the decision of the OAH was wrong on the weight of evidence. Also, a designation of record was not filed with the court per the rules.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0071	21-AA-4	Circuit Court Berkeley County	Benjamin Fisher v. Everett Frazier, DMV Commissioner	Benjamin Fisher filed an appeal of the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Ms. Fisher alleges that the Drug Recognition Expert's (DRE) report should not have been relied upon.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0079	21-AA-40	Circuit Court Kanawha County	Chadwick West v. Everett Frazier, DMV Commissioner	Chadwick West filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. West alleges that the officer never saw him driving, despite the undisputed evidence that the driver wrecked his vehicle into a ditch and sat in his wrecked vehicle drinking.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0074	21-AA-5	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Jennifer Leaming	The DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Leaming's driver's license. The DMV Commissioner alleges that OAH erred by failing to give the properly admitted hospital blood test results the appropriate weight.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0075	21-AA-5	Circuit Court Jefferson County	Shaun McGillick v. Everett Frazier, DMV Commissioner	Shaun McGillick filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. McGillick asserts that he believed the vehicle's ball joint had something wrong, and was swerving to test it out. However, the Investigating Officer observed the driver swerving while driving and found drug paraphernalia in the vehicle which the driver states was for work, and not recreational drug use.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-21-0077	21-C-56	Circuit Court Ohio County	Holluruth Rogalski-Anderson v. Everett Frazier, DMV Commissioner	Holluruth Rogalski-Anderson filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of driver's license. The Petitioner alleges that there was insufficient evidence presented to prove driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-12-441	10-C-388	Circuit Court Ohio County	David O'Brien v. Charles "Randy" Dye, Director, WV Division of Forestry, et al.	Mr. O'Brien filed the ad valorem property tax return claiming that his real property should be valued as managed timberland property for the 2009, 2010 and 2011 tax years. The Tax Department filed an answer to dismiss all three years as being untimely appealed or prematurely appealed. Mr. O'Brien filed a motion for summary judgment. A response to the motion was timely filed. The parties await a decision from the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-11-1132	11-C-171-P	Circuit Court Logan County	Dale and James H. Wiley v. State Tax Department	Dale and James Wiley have judgments against Ersel Prince for assault with a deadly weapon. Mr. Prince is currently in federal penitentiary on drug related charges. The Wiley's have sued to seize Mr. Prince's real property and sell the property at public auction. The Tax Department is a defendant in the lawsuit since it has several tax liens against Mr. Prince. An Answer was filed on behalf of the State Tax Department preserving its lien status and seeking payment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-13-1068	13-C-51	Circuit Court Summers County	Michael D. Skinner v. State Tax Department	Michael Skinner filed a Complaint naming Richard McFall and the Tax Department as Defendants. In his prayer for relief, Mr. Skinner requested that two parcels of land owned by Mr. McFall be sold by a Special Commissioner to satisfy the judgment lien in favor of Mr. Skinner and to satisfy any other liens which may be filed against Mr. McFall. An Answer was filed on behalf of the Tax Department defending its lien position in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-14-723	14-C-776-K	Circuit Court Raleigh County	Green Tree Servicing, LLC v. William F. Mullins, et al.	The original deed of trust which encumbers real property owned by William and Toni Mullins was not recorded properly. Green Tree, the current mortgage holder, has requested that the Court correct the error and award Green Tree a first lien priority. The Tax Department has a lien on this property and filed an answer protecting its lien position. Subsequently, the Tax Department withdrew its lien recorded against Respondent Mullins. The parent company of Green Tree filed bankruptcy in the Southern District of New York in February, 2019. The case is still pending in circuit court.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-16-0033	16-AA-2W	Circuit Court Hancock County	Arcelormittal Weirton v. Matthew R. Irby, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor	Arcelormittal is appealing a Property Tax Ruling. The taxpayers argue the steel scrap produced at their facility is subject to the Freeport Exemption. An Answer was filed on behalf of the Tax Department defending the PTR. The Hancock County Assessor filed a Motion to Intervene, which was granted. This case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-17-0141	17-P-404	Circuit Court Kanawha County	Freedom Mortgage Corporation v. Melvin E. Bailey, Jr., et al.	Freedom Mortgage filed a Petition to correct the legal description of two tracts of land that a deed of trust encumbers along with adjacent property. The Tax Department has a lien against Melvin Bailey. The Tax Department filed an Answer to protect and preserve its lien position. The Plaintiff recently filed an affidavit of service by publication and order of publication to achieve service on the Baileys. Petitioner filed a Motion for Default Judgment on the Defendants who have not answered the Complaint. Counsel for Petitioner recently filed a Request for a Hearing on the Motions for Default Judgment. No hearing has been set in this matter.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-18-0037	18-AA-1	Circuit Court Raleigh County	Beaver Coal Company, Limited v. Division of Forestry, Matthew R. Irby, State Tax Commissioner, and Raleigh County Assessor	Beaver Coal filed a Petition for Review of a Property Tax Ruling issued by the Tax Department which stated that property owned by Beaver Coal is not eligible for managed timberland valuation. The Tax Department denied Beaver Coal Company's request for valuation as Managed Timberland. This matter should be resolved by the WV Supreme Court of Appeals decision in Penn Virginia Operating Co., LLC v. Yokum, 242 W.Va. 116, 829 S.E.2d 747 (2019). This case was remanded to the Division of Forestry so that the Petitioner can pursue an agency appeal.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-19-0002	18-AA-2	Circuit Court Doddridge County	EQT Production Company v. Matthew R. Irby, State Tax Commissioner, David Sponaule, Assessor, and Doddridge County Commission	EQT Production appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of EQT's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An agreed order has been circulated. The Agreed Final Order was signed by Craig Griffith, but not Jonathan Nicol.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-19-0001	18-C-281	Circuit Court Ohio County	SWN Production Company v. Matthew R. Irby, State Tax Commissioner, Tiffany Hoffman, Assessor, and Ohio County Commission	SWN appealed the Ohio County Board of Assessment and Appeals order which upheld the State Tax Department's valuations for the 2018 tax year of SWN's natural gas wells in the county. The Tax Commissioner filed an answer defending the valuations. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). In May 2020, an agreed order was circulated to Craig Griffith and Don Tennant Counsel for Ohio County Commission. Craig Griffith signed it and it was sent to Don Tennant for signature and then forwarded to the Court for entry. Don Tennant followed up recently and indicated he would resolve this matter.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0008	19-C-62	Circuit Court Wyoming County	Charles W. Schollar, Jr. v. Matthew R. Irby, State Tax Commissioner	Mr. Schollar filed a petition to appeal the administrative decision issued by OTA which determined that Mr. Schollar was not entitled to exempt his pension from personal income taxes. OTA's decision modified the Tax Department's original assessment to remove the penalties. A motion to dismiss was filed on behalf of the Tax Department for failure to perfect the appeal. The Petitioner was granted time to respond to the motion. However, before the deadline to file, he circulated a proposed agreed order dismissing the appeal. The parties await the Judge's signature on that order.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0039	20-C-77	Circuit Court Putnam County	Frye, LLC v. Earl Davis, West Virginia State Tax Dept., et al.	Frye, LLC filed a complaint to quiet title of property it acquired at a tax lien sale in Putnam County, WV. The Complaint sought to ascertain the exact boundary lines of the property and have the property declared free and clear of all liens and encumbrances. The Tax Department was not named as a party but was notified of the litigation as a potential interested party. An answer was filed on behalf of the State Tax Department not opposing the requested relief.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0060	21-C-102	Circuit Court Harrison County	American Pride Properties v. Estate of James D. LaRosa, West Virginia State Tax Dept., et al.	American Pride Properties filed an Amended Complaint for Quiet Title and Ejectment naming the State Tax Department among others as Defendants. American Pride Properties owns real estate in Harrison County, West Virginia. The previous property owners had State Tax liens against them, and accordingly against the real estate. The Tax Department will protect its lien priority.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0047	21-C-36	Circuit Court Nicholas County	The Bank of NY Mellon v. Michael J. McQuerry, West Virginia State Tax Department, et al.	Petition for Declaratory Judgment Quieting Title in Real Estate and Reforming Deed of Trust Legal Description. An Answer was filed on behalf of the West Virginia Tax Department protecting its lien position and seeking payment in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0061	21-P-103	Circuit Court Preston County	Lorn Martin, Co Administrator, Estate of Cloyd W. Martin, et al. v. Amanda Powell, West Virginia State Tax Dept., et al.	Lorn Martin, Co-Administrator, filed a Petition to sell real estate that the minor heirs of Cloyd W. Martin have acquired. A Guardian ad Litem has been appointed and a hearing has been set. However, the Petitioner did not properly serve the West Virginia State Tax Department or the Office of the West Virginia Attorney General with presuit notice pursuant to W.Va. Code 55-17-3. A motion to dismiss for lack of jurisdiction for failure to send presuit notification was filed.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0054	18-C-899	Circuit Court Kanawha County	NR Deed, LLC v. Charles A. White, and Matthew R. Irby, WV State Tax Commissioner	NR Deed served the Attorney General and the Tax Commissioner with a Complaint to Quiet Title. The motion to dismiss for failure to provide presuit notice was filed and remains pending with the court.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0003	20-AA-90	Circuit Court Kanawha County	Todd M. Elliott, Mary U. Elliott, and TME Enterprises, LLC v. Matthew R. Irby, Tax Commissioner	The Petitioners filed a Petition to Appeal the OTA Decision that affirmed the State Tax Commissioner's Assessments for combined sales and use and personal income tax. Following a motion filed by the Tax Commissioner, the Circuit Court dismissed this matter based upon the Petitioners' failure to file the mandatory appeal bond. The Petitioners have until November 1, 2021, to file a Notice of Appeal with the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0007	20-C-64	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Harold Daniel Toney, et al.	AEP filed a Notice of Condemnation for the Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The Tax Department has a valid lien for unpaid personal income tax recorded against one of the Respondents. The Tax Department has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0005	20-C-65	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Randy Lee Toney, et al.	AEP filed a Notice of Condemnation for the Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The Tax Department has valid liens for unpaid personal income tax recorded against one of the Respondents. The Tax Department has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0006	20-C-80	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Kenneth L. Donahue, et al.	AEP filed a Notice of Condemnation for the Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Court.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0001	20-P-31	Circuit Court Pocahontas County	The Silver Creek Association, Inc., et al. v. Matthew R. Irby, State Tax Commissioner and Tom Lane, Assessor of Pocahontas County	The Silver Creek Associatio, along with several condo owners, filed an appeal of Property Tax Ruling 21-16, which ruled in part that the Assessor cannot issue split tax tickets to the owners for their ownership of their individual condos and the common elements. The parties have filed dispositive motions and supporting briefs. The dispositive motions remain pending before the Court.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0023	21-AA-20	Circuit Court Kanawha County	Karen's Cookie Carnival, Inc. v. West Virginia Lottery Commission	Karen's Cookie Carnival, Inc., filed a Petition for Review of Administrative Decision appealing the decision of the Lottery Commissioner, which imposed a civil penalty in the amount of \$92,100.00 and revoked the Appellant's license and permit to operate limited video lottery machines. The administrative decision held that the license was being revoked because the licensee accepted and held personal and payroll checks from customers to allow them to play the video lottery terminals. This is a violation of W.Va. Code 29-22B-702(10) and W.Va. Code R. 179-5-35. Following the submission of briefs and proposed findings by the parties, the Circuit Court affirmed the Lottery's administrative decision. Thereafter, the Appellant requested and was denied a stay of enforcement pending appeal. The Appellant has until November 5, 2021, to file an appeal with the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0100	21-AA-62	Circuit Court Kanawha County	In re: IJS, INC DBA High St. Annex	IJS, Inc., filed a petition to appeal the decision of the ABCA which denied the Class A - Private Club Bar License. The petition alleges that ABCA failed to follow its own rules when issuing its denial and the standard of review in denying the application is misstated.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0086	21-C-110	Circuit Court Jefferson County	U.S. Bank Trust, N.A. as Trustee for LSF10 Master Participation Trust v. Edward J. Walsh, Jr., et al.	US Bank filed an Amended Complaint requesting an order from the Court for a Special Commissioner to sell and convey property owned by the defendants as a result of an improvement which encroached upon defendant's property. The West Virginia State Tax Department has a tax lien against one of the defendant property owners. An answer was filed defending its lien position and seeking payment of the outstanding lien in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0055	21-C-173	Circuit Court Harrison County	Heritage Cooperative, Inc. v. Katherine Poling, Kenneth Poling, West Virginia State Tax Department, IRS, and First Financial Bank	Heritage Cooperative obtained a judgment against Defendants in Ohio. Petitioner domesticated its judgment in West Virginia and now seeks to sell the real estate owned by the Defendants to satisfy its judgment liens. The Tax Department may have tax liens against the Defendants. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0042	21-C-31	Circuit Court Brooke County	Brian Corwin v. Michael S. Riggle, et al.	Plaintiff bought real estate at delinquent tax auction. Subsequently, SWN Production Company, who had an interest in the land pursuant to the lease of oil and gas that encumbers the real estate, redeemed the property. Plaintiff contends that the redemption should be null and void. The Tax Department was named as a party because it holds a lien against the property owner. A motion to dismiss for failure to provide presuit notice was filed and granted by the Court. Following service of an amended complaint, the Tax Department has agreed to be re-added as a party to this matter.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0056	21-C-32	Circuit Court Lewis County	The Huntington National Bank, N.A. v. Samuel J. Smith and Amie N. Radcliff, State of West Virginia, Discover Bank, a Delaware corporation, and Midland Funding, LLC, a Delaware corporation	The Huntington National Bank filed a Complaint against Samuel J. Smith and Amie N. Radcliff to reform a Deed of Trust to correct the legal description of property owned by Samuel J. Smith and Amie N. Radcliff. The Tax Department filed a Motion to Dismiss based upon the failure to state a claim against the Tax Department. Specifically, the Complaint inaccurately asserts the presence of tax liens. Rather, there exist judgments against Defendant Samuel J. Smith stemming from criminal matters which fall outside the purview of the Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0063	3:17-cv-01362	USDC WVSD	City of Huntington/Cabell County Commission v. AmerisourceBergen, et al.	McKesson Corporation issued a subpoena duces tecum to the Offices of the Insurance Commissioner to appear and present documents that it believed to be under its control and custody. A production was made and no objections were made. This matter was since tried and is now being monitored for a bench trial verdict.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-21-0081	20-AA-1	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Kenny Nuce	DMV Commissioner filed a petition to appeal the OAH decision which reversed the DMV Commissioner's Order of Revocation of Mr. Nuce's driver's license. The DMV alleges that OAH erred when it ruled that Mr. Nuce was not impaired while operating a motor vehicle, because there was no mention in the record of an individual disposal mouthpiece being used for the secondary chemical test. Additionally, the only issue that was raised by Mr. Nuce at the OAH hearing was whether there was reasonable suspicion for the traffic stop.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-20-0070	20-AA-23	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. William Selby	DMV Commissioner filed a petition to appeal the OAH decision which reversed the DMV Commissioner's Order of Revocation of Mr. Selby's driver's license. The DMV alleges that OAH erred when it ruled that Mr. Selby did not refuse to take the secondary chemical test of his breath. Additionally, Mr. Selby filed a cross appeal alleging that OAH erred when it ruled that Mr. Selby was impaired while operating a motor vehicle.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0132	15-C-914	Circuit Court Kanawha County	A-1 Amusement, Inc., et al. v. West Virginia Lottery, et al.	Plaintiffs allege that Lottery and IGT, an independent vendor, have required them to make changes to their Limited Video Lottery terminals. The Plaintiffs' chief complaint is that IGT, a Nevada corporation, no longer supports the ICIS protocol which was the computer language used by their machines when permits were awarded. Dismissal of the Due Process and Civil Conspiracy Claims are sought based upon qualified immunity. Dismissal of the Regulatory Taking Claim is sought based upon the fact that the Lottery's decisions reflected changes in the marketplace that it could not control. Judge Ballard has not ruled on the motions which were filed prior to his appointment.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-19-0251	19-AA-169	Circuit Court Kanawha County	Air Evac EMS v. Cheatham, et al.	Air Evac filed a petition to appeal the order from Public Employees Insurance Agency (PEIA) which denied Air Evac's demand for proceedings pursuant to W.Va. Code R. 151-3-1, et seq. The petition alleges that PEIA's denial of proceedings is "arbitrary and capricious" and "clearly wrong" in light of W.Va. Code 29A-5-4(g). The petition seeks reimbursement in full from PEIA for disputed air ambulance transports provided to PEIA insureds during and after the related litigation in the Fourth Circuit Court of Appeals. A Motion to Dismiss has been filed alleging Air Evac's claims for reimbursement are barred by sovereign immunity and issue preclusion.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-21-0041	2:21-CV-00310	USDC WVSD	Air Evac EMS, Inc. d/b/a Air Evac Lifeteam and AirMedCare Network v. Allen McVey, Commissioner of the West Virginia Insurance Commission	Air Evac filed a petition to prevent the Insurance Commissioner from enforcing HB 2776, to be codified at W.Va. Code 33-3-1 and W.Va. Code 33-44-1. HB 2776 declared that the membership agreements Air Evac offers and sells to West Virginia residents are insurance products and, therefore, can be regulated by the Insurance Commissioner. Air Evac alleges that its membership agreements relate to its price for an emergency transport. As a result, Air Evac alleges that the Airline Deregulation Act prevents the Insurance Commissioner from requiring that it comply with West Virginia laws regarding insurance. The Insurance Commissioner is vigorously defending this case because 15 USCA 1012, otherwise known as the McCarren Ferguson Act, provides broad authority to the State for the purpose of regulating the business of insurance.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-21-0090	2:21-cv-7	USDC WVND	The Phoenix Insurance Company, The Travelers Indemnity Company of America, The Travelers Indemnity Company and Travelers Property Casualty Company of America v. March Westin Company, Inc., and West Virginia Army National Guard	Plaintiffs filed a Complaint for Declaratory Relief seeking a determination of the scope of coverage afforded under policies of insurance they have issued to March Westin Company, Inc., for allegations contained in a Counterclaim by the West Virginia Army National Guard in the Legislative Claims Commission. The West Virginia Army National Guard is named as an interested party only. The Plaintiff asserts no claim for recovery against it. A motion to dismiss the West Virginia Army National Guard based upon the 11th Amendment of the United States Constitution has been filed but remains pending at this time.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0025	20-C-271	Circuit Court Kanawha County	Kayla Brown Giordano v. WV Lottery, WV Lottery Commission, John A. Myers, Director, and Dave Hardy, Secretary of Dept. of Revenue	Kayla Brown Giordano, a former employee of the West Virginia Lottery, filed a complaint against Lottery and John Myers, Director, asserting the following violations: (1) violation of the Human Rights Act by allowing a hostile work environment to exist and subjecting her to unlawful discrimination, (2) a violation of public policy by depriving her of equal employment opportunities, (3) violating the Human Rights Act by not accommodating her because of her disability which eventually resulted in her termination and, (4) a violation of the Wage and Payment Protection Act when Lottery failed to pay all alleged wages due to her by the next pay period. The discovery period has closed and mediation was completed, but unsuccessful. A motion for summary judgment was filed on behalf of the Lottery and Director Myers seeking dismissal of Ms. Giordano's entire case. Dismissal is sought because her treating physician acknowledged that she does not have a disability, therefore no accommodation is needed. Additionally, discovery reflects that no lost wages are owed.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0064	20-C-97	Circuit Court Monongalia County	Mu Mu Chapter of the Sigma Chi Fraternity v. Matthew R. Irby, State Tax Commissioner and Mark Musick, Assessor	Mu Mu Chapter of the Sigma Chi Fraternity filed a petition appealing a property tax ruling which determined that it was not exempt from ad valorem property taxes on real estate it owns in Morgantown, WV. The fraternity is no longer affiliated with West Virginia University and, as a result, is no longer entitled to the exemption under W.Va. Code 11-3-9(a)(15). This litigation is ongoing and additional discovery is anticipated. This matter is related to Alpha Rho v. Matthew Irby, 20-C-99 pending in Monongalia County Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0065	20-C-99	Circuit Court Monongalia County	Alpha Rho Chapter of the Kappa Alpha Order v. Matthew R. Irby, State Tax Commissioner, and Mark Musick, Assessor	The Alpha Rho Chapter of Kappa Alpha Order filed a petition to appeal a property tax ruling which determined that the fraternity was not eligible for exemption from ad valorem property taxes on real estate it owns in Morgantown, WV because the Chapter is no longer affiliated with the University pursuant to W.Va. Code 11-3-9(a)(15). This litigation is ongoing and additional discovery is anticipated. This matter is related to Mu Mu v. Matthew Irby, 20-C-97 pending in Monongalia County Circuit Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0006	21-0046	Supreme Court - WV	Stephen Settimi v. Matthew R. Irby, State Tax Commissioner	Stephen Settimi filed a Petition to Appeal a Property Tax Ruling which denied Mr. Settimi's request for his property to receive farm use valuation. The Property Tax Ruling determined that there were no signs of farming. The Circuit Court granted the West Virginia State Tax Department's Motion for Summary Judgment. The Petitioner appealed the circuit court's decision to the West Virginia Supreme Court of Appeals. The Tax Commissioner timely filed a response brief. The briefing schedule is complete. The parties await a memorandum decision or an order scheduling this matter for oral argument.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-19-0237	21-0367	Supreme Court - WV	The Silver Creek Association, Inc. v. Matthew R. Irby, State Tax Commissioner	The Silver Creek Association filed a petition to appeal the decision of OTA which affirmed the Tax Department's denial of its request for the net operating loss carry-forward credit from tax year 2013. The circuit court affirmed the denial of the net operating loss because Silver Creek failed to perfect its appeal. A second independent basis for dismissal was ordered because Silver Creek raised new issues on appeal not properly raised at the administrative tribunal.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-21-0009	21-1301	US CA4	Air Evac EMS, Inc., d/b/a Air Evac Lifeteam and AirMedCare Network v. James A. Dodrill, West Virginia Insurance Commissioner	Air Evac filed a Complaint for Declaratory, Injunctive Relief and Emergency Relief requesting that the District Court issue a temporary restraining order and a preliminary injunction barring Commissioner Dodrill from enforcing W.Va. Code 33-1-1 and 33-44-1; issue a judgment declaring that the Airline Deregulation Act preempts W.Va. Code 33-1-1 and 33-44-1 as well as an injunction preventing the Insurance Commissioner's enforcement of statutes against air ambulance providers. This complaint stems from the Offices of the Insurance Commissioner's administrative complaint against Air Evac seeking penalties and a cease and desist order for Air Evac's transaction of its membership program, claiming it is providing insurance without a license. The District Court granted the injunction and subsequently stayed all proceedings while the Insurance Commissioner pursued an appeal to the Fourth Circuit Court of Appeals. The appeal asserts that the District Court erred in failing to dismiss the matter pursuant to Younger abstention and further erred in finding that the elements for a preliminary injunction were satisfied. The parties have briefed the legal issues raised in the appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0063	18-0702	Supreme Court - WV	Joshua Feagley v. Everett Frazier, DMV Commissioner	Joshua Feagley filed a Petition for Writ of Prohibition in the Circuit Court of Monongalia County alleging that the DMV Commissioner should be prohibited from conducting an administrative hearing. Mr. Feagley should have named the OAH. The DMV moved to dismiss for lack of jurisdiction and failure to name an indispensable party. The Circuit Court granted the writ against the wrong agency, and the DMV filed an appeal with the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0185	19-0755	Supreme Court - WV	State ex rel. Everett Frazier, DMV Commissioner v. Honorable William S. Thompson, Boone County Circuit Judge and Nicholas Blankenship	This is the driver's appeal claiming that there was insufficient evidence of DUI
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0169	19-AA-1-K	Circuit Court Raleigh County	Michael Kelly v. Everett Frazier, DMV Commissioner	Michael Kelly filed a petition for judicial review of the decision issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Ms. Kelly alleges that OAH erred when it ruled that DMV satisfied its burden of proof and relied almost exclusively on one officer's testimony with little corroboration of the allegations and did not afford proper weight to petitioner's witness.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0238	19-AA-162	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. James Lowe, Jr.	DMV Commissioner appealed the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Lowe's driver's license. The petition alleges that OAH erred when it found that DMV did not prove that Mr. Lowe was impaired while driving, despite Mr. Lowe admitting that he was smoking synthetic marijuana just prior to driving and the paraphernalia was in the vehicle at the time of the stop.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0214	19-AA-3	Circuit Court Monongalia County	Jad Ramadan v. Everett Frazier, DMV Commissioner	Jad Ramadan filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that OAH erred when it considered Mr. Ramadan's manner of driving in concluding that he was impaired despite the alleged lack of testimony or evidence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0170	19-AA-67	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Melody Lasure	DMV Commissioner filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Ms. Lasure's driver's license. The Commissioner alleges that OAH committed clear error of law by requiring additional evidence of a causal connection between Ms. Lasure's routine ingestion of her medications and her wreck.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0075	19-AA-88	Circuit Court Kanawha County	Dinos Smith v. Everett Frazier, DMV Commissioner	Dinos Smith filed a petition for judicial review of the order issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges three legal errors: reliance on hearsay testimony of the law enforcement officer, constitutional due process violation due to delay of issuance of order by OAH, and the lack of evidence that Petitioner had driven a vehicle on public property.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0182	20-0192	Supreme Court - WV	Joshua Derechin v. Everett Frazier, DMV Commissioner	Joshua Derechin filed an appeal of the final order issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. He is alleging that he was actually and substantially prejudiced by the almost four (4) year delay of the OAH issuance of its final order. The DMV filed a cross-petition alleging that it was actually and substantially prejudiced by the OAH delay because the DMV cannot fulfill its legislative mandate to get impaired drivers off the road as quickly as possible. The circuit court denied the appeal. The DMV Commissioner appealed the decision to the West Virginia Supreme Court of Appeals. Oral Argument was held on October 6, 2021. The parties await a decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0085	20-0225	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Douglas Null	DMV Commissioner filed a petition to appeal the decision of the circuit court when it affirmed the OAH decision that reversed the DMV Commissioner's order of revocation of Mr. Null's driver's license. The DMV Commissioner alleges that the circuit court erred when it substituted its judgment for that of the fact finder and improperly demonstrated a preference for testimonial evidence over documentary evidence and that the West Virginia Supreme Court of Appeal's judicially created remedy for violation of W.Va. Code 17C-5-9 (2013) in Reed v. Hall and Reed v. Divita should be reversed. The crux of this petition is that despite the blood test being destroyed when the companion criminal case was terminated, there was other clear evidence that Mr. Null was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0078	20-0726	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Taylor Braley	DMV Commissioner filed a notice of appeal of the circuit court decision stating that the circuit court erred when it found that the OAH's delay in entering final orders was egregious and when it found that Mr. Braley was actually and substantially prejudiced by the delay in the OAH entering its final order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0097	20-0746	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Joseph Slye	DMV Commissioner filed a notice of appeal of the circuit court decision which upheld the OAH decision reversing the DMV Commissioner's order of revocation of Mr. Slye's driver's license. The Commissioner alleges that the circuit court erred when it misinterpreted W.Va. Code 17C-5-7.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0095	20-0896	Supreme Court - WV	Courtney Rhodenizer v. Everett Frazier, DMV Commissioner	Courtney Rhodenizer filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that she was prejudiced due to the delay of 6 years in issuing its order which violates her constitutional rights. The circuit court issued a decision reversing the OAH decision. The DMV Commissioner appealed this matter to the West Virginia Supreme Court of Appeals. The DMV alleges that the circuit court erred in finding actual and substantial prejudice as a result of the delay in the Office of Administrative Hearings issuing its final order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0120	20-0901	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Harry Ickes	DMV Commissioner filed a petition to appeal the decision of the circuit court when it affirmed the OAH decision that reversed the DMV Commissioner's order of revocation of Mr. Ickes' driver's license. The DMV alleges that the circuit court erred when it ignored the substantial evidence of driving under the influence when it relied on its judicially created remedy for violations of W.Va. Code 17C-5-9 (2013) in Reed v. Hall and Reed v. Divita. In this case, the paramedic who drew the blood only made one attempt to do so, was unsuccessful, and terminated further efforts. The DMV argues that the WV Supreme Court of Appeals' decisions in Hall and Divita are inapplicable because the driver did not demand the test and the driver admitted to being under the influence of his medication. Oral argument has been scheduled for November 2, 2021.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0091	20-AA-1	Circuit Court Putnam County	Lindsay Kent v. Everett Frazier, DMV Commissioner	Lindsay Kent filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it relied on the arresting officer who found her in the driver's seat with car running during a domestic dispute in a parking lot. The Petitioner alleges she was not driving. However, she admits to being under the influence of methamphetamine, marijuana & heroin.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0088	20-AA-3	Circuit Court McDowell County	Terry Finley v. Everett Frazier, DMV Commissioner	Terry Finley filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. Ms. Finley alleges that OAH erred when it withheld evidence in custody of the Welch Police Department.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0066	20-AA-4	Circuit Court Kanawha County	Lucas Shaffer v. Everett Frazier, DMV Commissioner	Lucas Shafer appealed the decision of the OAH which upheld the DMV Commissioner's order of revocation. Mr. Shafer alleges that there were no indicators of impairment despite the evidence in the record that reflects the driver was impaired.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0091	21-0775	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Larry E. Glassburn, Jr.	DMV Commissioner filed a petition to appeal the OAH decision that reversed the DMV Commissioner's order of revocation of Mr. Glassburn's driver's license. The DMV alleges that OAH erred when it: (1) made a ruling that excluded evidence not heard at the hearing; (2) abused its discretion and committed error of law by its exclusion of evidence specifically permitted by statute; and (3) failed to afford the Investigating Officer's sworn statement a rebuttable presumption of accuracy.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0034	21-AA-1	Circuit Court Logan County	Brian McDevitt v. Everett Frazier, DMV Commissioner	Brian McDevitt filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. McDevitt alleges that the OAH erred in finding that the signs of intoxication were due to alcohol, drugs, and/or a controlled substance instead of due to the residual effects of a stroke that he had.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0028	21-AA-1	Circuit Court Putnam County	Steve Briscoe v. Everett Frazier, DMV Commissioner	Steve Briscoe filed an appeal of the order of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Briscoe alleges that OAH erred when it found he was lawfully arrested for driving under the influence. On August 30, 2021, the circuit court orally ruled from the bench that Mr. Briscoe was not lawfully arrested, and therefore, the matter must be reversed. The circuit court has not yet entered a written order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0033	21-AA-21	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Kenneth Lawson	DMV Commissioner filed a petition to appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Lawson's driver's license. The Commissioner alleges that OAH erred when it determined that the information on the DUI Information Sheet was hearsay and could not be relied upon. The DUI Information Sheet was admitted into evidence at the tribunal below and was rebutted at the evidentiary hearing.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0037	21-AA-22	Circuit Court Kanawha County	Whitney Webb v. Everett Frazier, DMV Commissioner	Whitney Webb filed an appeal of the order of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license for driving under the influence of drugs. Ms. Webb alleges that the OAH erred in finding that there was sufficient evidence of driving impaired.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0064	21-AA-30	Circuit Court Kanawha County	Michael Durkee v. Everett Frazier, DMV Commissioner	Michael Durkee filed a petition to appeal the decision of OAH alleging that it erred as a matter of law when it determined that he caused the death of his wife while driving under the influence. Mr. Durkee alleges that the DMV did not prove that his drinking was a proximate cause of his wife's death.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0065	21-AA-36	Circuit Court Kanawha County	Corey Ellis v. Everett Frazier, DMV Commissioner	Corey Ellis filed a petition to appeal a decision of the OAH which affirmed the DMV Commissioner's order of revocation. Mr. Ellis alleges that OAH erred when it found that he was driving under the influence. He further alleges that the evidence was insufficient to uphold the license revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0067	21-C-331	Circuit Court Cabell County	Richard Mount v. Everett Frazier, DMV Commissioner	Richard Mount filed two separate administrative appeals of his license revocation both alleging that the OAH erred in upholding the DMV Commissioner's order of revocation for driving under the influence. The judge dismissed Mr. Mount's petition in 21-C-252 and put in the order that Mr. Mount could refile if he complied with the rules regarding filing of appeals. Mr. Mount refiled in Civil Action Number 21-C-331. Again, he failed to comply with the service rules or the rules regarding filing a civil case information statement and an administrative appeals docketing statement. On September 13, 2021, the DMV filed a motion to dismiss for lack of jurisdiction alleging that the filing is out of time and that the savings statute does not apply to administrative appeals.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0066	21-C-7	Circuit Court Wyoming County	Kenneth Miller v. Everett Frazier, DMV Commissioner	Kenneth Miller filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Mr. Miller's driver's license. Mr. Miller alleges that there was insufficient evidence of driving under the influence to uphold the revocation.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0147	18-AA-1	Circuit Court Ritchie County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Assessor Arlene Mossor, Assessor of Ritchie County, and Ritchie County Commission	Antero Resources filed a Petition in Ritchie County seeking reversal of the Ritchie County Board of Assessment Appeals decision which affirmed the Tax Department's valuation of producing oil and gas wells in the county. Antero Resources owns 75 Marcellus Shale wells in Ritchie County and believes the Tax Department is over-valuing these wells and seeks a correction. This appeal is for the 2018 tax year. It is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0003	18-AA-1	Circuit Court Doddridge County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	Antero Resources appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the county. This is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0135	18-AA-1	Circuit Court Tyler County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Lisa Jackson, Assessor, and Tyler County Commission	Antero Resources appealed the Tyler County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the county. This is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0004	18-P-235	Circuit Court Harrison County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources appealed the Harrison County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0244	19-AA-1	Circuit Court Doddridge County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	Antero Resources Corporation filed a petition to appeal the decision of the Doddridge County Commission, sitting as the Board of Assessment Appeals, which upheld the Tax Department's valuation of its oil and gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An answer has been filed.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0094	20-0530, 20-0531, 20-0579	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, West Virginia State Tax Commissioner, David Sponaugle, Assessor of Doddridge County, Arlene Mossor, Assessor of Ritchie County, Doddridge County Commission and Ritchie County Commission	<p>Antero filed a petition to appeal the Business Court's decision which affirmed the Tax Commissioner's use of a prorated deduction for wells that produce both oil and gas in Doddridge and Ritchie Counties for the 2016 and 2017 tax years, respectively. This matter is related to Steager v. Consol Energy, Inc., 242 W.Va. 209, 832 S.E.2d 135 (2019) which was previously decided by the West Virginia Supreme Court of Appeals. In that case, the Supreme Court ruled that the Tax Commissioner must use a single monetary average as opposed to a 20% deduction sought by the taxpayer when valuing its oil and gas wells and remanded the case back to the Business Court for calculation consistent with its order.</p> <p>The Tax Commissioner recalculated the wells and presented it to Antero. Antero then brought up, for the first time, that the use of a prorated deduction for wells that produce both oil and gas is also impermissible and to try and raise, for the second time, the exclusion of the post-production expenses, which was litigated previously and decided in Steager v. Consol. The Business Court agreed with the Tax Commissioner, Antero appealed. The briefing schedule is complete, we are awaiting a memorandum decision from the Court or an order scheduling oral argument.</p>
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0034	20-C-83	Circuit Court Harrison County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources filed a petition to appeal the decision of the Hancock County Commission, sitting as the Board of Assessment Appeals, which affirmed the Tax Department's allegedly overstated valuation of Antero's oil and gas wells in the County. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0095	21-0119, 21-0121	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, West Virginia State Tax Commissioner, David Sponaugle, Assessor of Doddridge County, and Doddridge County Commission	<p>Antero Resources filed a Motion for Relief in the Business Court seeking that former Tax Commissioner 2020 Notice be applied retroactively to the 2016 and 2017 tax year calculations for Doddridge County, despite its withdrawal in October of 2020. The Business Court found that it could not hear its motion for relief, because Antero's earlier appeal in Antero Resources Corp. v. Irby, et al., 20-0530, 20-0531, 20-0579, divested the Business Court of jurisdiction.</p> <p>Antero appealed that order to the West Virginia Supreme Court of Appeals. Antero asserts that the Business Court erred when it (1) found that it lacked jurisdiction; (2) did not apply the 2020 Notice retroactively; (3) did not find that the Tax Commissioner's refusal to apply the notice retroactively was arbitrary and capricious; and (4) did not find that the exclusion of its post-production expenses violated due process, the commerce clause and equal protection. The briefing schedule is complete. The parties await a memorandum decision or an order scheduling oral argument from the Court.</p>

OUTSIDE COUNSEL

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2021

Pursuant to W. Va. Code 5-3-4(a)(2), the following cases have outside counsel appointed and are subject to a contingency fee arrangement.

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Consumer	Haight, Ann	19-C-104	Circuit Court Boone County	SER Patrick Morrisey v. Teva Pharmaceuticals USA, Inc., and Cephlon, Inc.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Consumer	Haight, Ann	19-C-05	Circuit Court Boone County	SER Patrick Morrisey v. Janssen Pharmaceuticals, Inc., and Johnson and Johnson	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Consumer	Haight, Ann	CC-40-2020-C-131	Circuit Court Putnam County	SER Patrick Morrisey v. CVS Health Corporation, et al.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Consumer	Haight, Ann	CC-40-2020-C-132	Circuit Court Putnam County	SER Patrick Morrisey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc., a Delaware Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Consumer	Haight, Ann	CC-40-2020-C-82	Circuit Court Putnam County	SER Patrick Morrisey v. Walgreens Boots Alliance, Inc., a Delaware corporation; Walgreens Co., an Illinois corporation; and Walgreen Eastern Co., Inc., a New York corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Consumer	Haight, Ann	CC-40-2020-C-83	Circuit Court Putnam County	SER Patrick Morrisey v. Rite Aid Corporation, a Delaware Corporation, Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, a Maryland Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.
Main Office	Capehart, Curtis	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Robert M. Bastress III of DiPiero Simmons McGinley & Bastress, PLLC	None to date. Case is still ongoing.