



State of West Virginia
Office of the Attorney General

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Attorney General

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November 1, 2017

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

RECEIVED

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GOVERNOR'S GENERAL COUNSEL

A handwritten signature in blue ink, appearing to be "JA", is written over the "GOVERNOR'S GENERAL COUNSEL" stamp.

Re: Annual Report 2017

Dear Governor Justice:

Pursuant to West Virginia Code §5-3-4, and on behalf of Attorney General Patrick Morrissey, 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.

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

Very Truly Yours,

A large, stylized handwritten signature in blue ink, which appears to be "P. Anthony Martin", is written over the typed name.

P. Anthony Martin
Chief Deputy Attorney General

PAM/las
Enclosure

State Capitol Building 1, Room E-26, 1900 Kanawha Boulevard East, Charleston, WV 25305



Office of the
Attorney General

REPORT TO THE GOVERNOR

NOVEMBER 1, 2017

Patrick Morrissey
Attorney General

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APPELLATE DIVISION

**ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017**

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Grant, Elizabeth	APP-16-0133	16-0433	WVSCA	Jesse B. v. David Ballard, Warden (16-0433)	Habeas corpus appeal alleging involuntary plea and ineffective assistance of counsel. Briefing complete. (Ohio County)
Appellate	Grant, Elizabeth	APP-16-0225	16-0893	WVSCA	State of West Virginia v. Jason Saunders (16-0893)	Appeal challenging circuit court's ruling on motion to suppress following conditional plea to possession with intent to deliver. Memorandum Decision issued; awaiting SCAWV mandate. (Harrison County)
Appellate	Grant, Elizabeth	APP-16-0235	16-0915	WVSCA	Jasman Montgomery v. David Ballard, Warden (16-0915)	Habeas corpus appeal alleging failure to follow W.Va. R. Crim. P. Rule 7 in connection with guilty plea to first degree murder charged by information and not indictment, and ineffective assistance of counsel. Under briefing schedule. (Mercer County)
Appellate	Grant, Elizabeth	APP-16-0248	16-0990	WVSCA	State of West Virginia v. Larry M. DeFietas (16-0990)	Direct appeal alleging error in denial of motion to suppress. Memorandum Decision issued; awaiting SCAWV mandate. (Harrison County)
Appellate	Grant, Elizabeth	APP-17-0032	17-0061	WVSCA	Scott B. v. David Ballard, Warden (17-0061)	Habeas corpus appeal by sex offender alleging error in denying relief without discovery or a hearing. Briefing complete. (Jefferson County)
Appellate	Grant, Elizabeth	APP-17-0162	17-0606	WVSCA	State of West Virginia v. Elan Bell-Veney (17-0606)	Direct appeal alleging abuse in discretion in sentencing petitioner to consecutive sentences for malicious assault counts. Under briefing schedule. (Berkeley County)
Appellate	Hogan, Robert	APP-15-0214	1:14-CV-0073	U.S. Court of Appeals - 4th Circuit	Timothy O'Dell v. Marvin Plumley, Warden (15-6247)	Federal habeas corpus petition arising from murder conviction alleging violation of Fifth and Sixth Amendment rights. Pending appeal. (Berkeley County).
Appellate	Hogan, Robert	APP-15-0237	1:15-cv-5	U.S. District Court N.D of W.V.	Robert McFarland v. David Ballard (1:15-cv-5)	Federal habeas corpus petition alleging disproportionate sentence and other similar errors. Stayed pending exhaustion of state court remedies. (Ohio County)
Appellate	Hogan, Robert	APP-16-0219	1:16-cv-185	U.S. District Court N.D. of W.V.	Robert Watson, Jr. v. Pat Mirandy (1:16-cv-185)	Federal habeas corpus petitioner alleging denial of right to speedy trial and other issues. Judgment entered by District Court; awaiting appeal or expiration of appeal period. (Marshall County)
Appellate	Hogan, Robert	APP-17-0027	16-0430	WVSCA	State of West Virginia v. Eric K. (16-0430)	Direct criminal appeal from sex offense convictions alleging insufficient evidence, failure to sever counts, and error in racial composition of the jury panel. Memorandum Decision issued; awaiting SCAWV mandate. (Berkeley County)
Appellate	Hogan, Robert	APP-16-0149	16-0466	WVSCA	State of West Virginia v. Amy R. McClung (16-0466)	Direct appeal contending that failure to allow individual voir dire tainted jury, and alleging error in failure to give duty to retreat instruction. Briefing completed. (Greenbrier County)
Appellate	Hogan, Robert	APP-17-0146	16-0666	WVSCA	State of West Virginia v. Michael L. Blickenstaff (16-0666)	Direct appeal from kidnapping conviction alleging errors in admission of expert testimony and evidence of prior conviction. Memorandum Decision issued; awaiting SCAWV mandate. (Jefferson County)
Appellate	Hogan, Robert	APP-16-0182	16-0689	WVSCA	James Wilkerson v. David Ballard, Warden (16-0689)	Habeas corpus appeal alleging violation of double jeopardy principles; excessive sentence; incorrect jury instruction; sufficiency of the evidence and prosecutorial misconduct. Briefing completed. (Ohio County)
Appellate	Hogan, Robert	APP-17-0019	16-0850	WVSCA	State of West Virginia v. Jonathan W. Physioc (16-0850)	Appeal from convictions for robbery and other offenses alleging violation of double jeopardy principles, violation of confrontation clause and various other alleged errors. Oral argument completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0016	16-0888	WVSCA	State of West Virginia v. Kerri S. Reigh (16-0888)	Direct appeal from conviction for multiple robbery and other charges alleging violation of double jeopardy principles, violation of confrontation clause and various evidentiary and other errors. Oral argument held; awaiting decision. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0017	16-0914	WVSCA	State of West Virginia v. Ryan L. Henson (16-0914)	Criminal appeal from convictions for robbery and other offenses alleging violation of double jeopardy principles, insufficient evidence, failure to preserve evidence and other alleged errors. Oral argument completed. (Berkeley County)
Appellate	Hogan, Robert	APP-16-0230	16-0934	WVSCA	Jeremy Lyle Schultz v. David Ballard, Warden (16-0934)	Habeas corpus appeal alleging unconstitutional sentencing and ineffective assistance of counsel. Memorandum Decision issued; awaiting SCAWV mandate. (Kanawha County)

Appellate	Hogan, Robert	APP-16-0240	16-0947	WVSCA	In Re: D. M. (16-0947)	Direct appeal from determination of juvenile delinquency alleging insufficiency of the evidence, disproportionate sentence and failure to conduct an appropriate diagnostic evaluation. (Barbour County)
Appellate	Hogan, Robert	APP-17-0018	16-0970	WVSCA	State of West Virginia v. James H. Farris (16-0970)	Direct appeal from denial of motion to reduce sentence imposed for sex offense convictions. Memorandum Decision issued; awaiting SCAWV mandate. (Jefferson County)
Appellate	Hogan, Robert	APP-16-0251	16-0982	WVSCA	State of West Virginia v. Martin R. (16-0982)	Direct appeal arguing failure to review timely filed Rule 35(b) motion for sentence reduction. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-16-0289	16-1033	WVSCA	Jonathan Lind v. David Ballard, Warden (16-1033)	Habeas corpus appeal alleging error in effect of res judicata as well as ineffective assistance of second habeas counsel. Memorandum Decision issued; awaiting SCAWV mandate. (Kanawha County)
Appellate	Hogan, Robert	APP-17-0025	16-1034	WVSCA	State of West Virginia v. William B. Pierce, Jr. (16-1034)	Appeal by petitioner convicted of grand larceny alleging improper probation revocation, claiming the circuit court improperly considered failure to pay restitution. Memorandum Decision issued; awaiting SCAWV mandate. (Berkeley County)
Appellate	Hogan, Robert	APP-16-0270	16-1062	WVSCA	Jackie M. Martin v. Marvin Plumley, Warden (16-1062)	Habeas corpus appeal alleging ineffective assistance of prior habeas counsel; unconstitutionality of kidnapping sentencing statute and illegal sentence. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-16-0263	16-1065	WVSCA	State of West Virginia v. Christopher Nottingham (16-1065)	Appeal from circuit court's determination that magistrate court judgment addressing dismissal of charges and plea agreements was not appealable because there was no conviction. Memorandum Decision issued; awaiting SCAWV mandate. (Morgan County)
Appellate	Hogan, Robert	APP-16-0274	16-1110	WVSCA	State of West Virginia v. Jeffrey Lynn Hovatter (16-1110)	Direct appeal from murder conviction alleging ineffective assistance of counsel, failure to bifurcate issues for trial. Briefing completed. (Marion County)
Appellate	Hogan, Robert	APP-16-0267	16-1111	WVSCA	Denny Hundley v. Marvin Plumley, Warden (16-1111)	Habeas corpus appeal alleging ineffective assistance, disproportionate sentence. Briefing complete. (Greenbrier County).
Appellate	Hogan, Robert	APP-17-0026	16-1138	WVSCA	State of West Virginia v. Daniel M. Holler (16-1138)	Direct appeal from 3rd offense domestic assault and 3rd offense domestic battery convictions alleging evidentiary errors and ineffective assistance of counsel. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0005	16-1176	WVSCA	Ronald W. Holcomb v. Karen Pszczolkowski, Warden (16-1176)	Habeas corpus appeal from murder and child abuse convictions alleging errors relating to rulings regarding DNA tests and evidence and alleging selective prosecution, ineffective assistance of counsel, and lack of mental capacity. Memorandum Decision issued; awaiting SCAWV mandate. (Mercer County)
Appellate	Hogan, Robert	APP-17-0003	16-1184	WVSCA	State of West Virginia v. Rodney C. (16-1184)	Direct criminal appeal from sex offense convictions alleging insufficiency of the evidence. Briefing completed. (Cabell County)
Appellate	Hogan, Robert	APP-17-0012	16-1202	WVSCA	State of West Virginia v. Douglas Lytle (16-1202)	Appeal from conviction for sexual assault in the 1st degree based on denial of motion to stop collections of court fees and costs while incarcerated. Briefing completed. (Jackson County)
Appellate	Hogan, Robert	APP-17-0007	16-1208	WVSCA	State of West Virginia v. Carter Perry King (16-1208)	Appeal from denial of hearing on merits of defense to sex offense charges where petitioner was found not competent to stand trial. Briefing completed. (Marion County)
Appellate	Hogan, Robert	APP-17-0015	16-1222	WVSCA	Harry W. Jr. V. Marvin Plumley (16-1222)	Habeas appeal corpus appeal alleging ineffective assistance of counsel in connection with guilty plea and related convictions for multiple counts of 1st degree sexual abuse. Briefing completed. (Hampshire County)
Appellate	Hogan, Robert	APP-17-0036	17-0047	WVSCA	Robert McFarland v. David Ballard, Warden (17-0047)	Habeas corpus appeal arising from guilty plea to 1st degree robbery, alleging failure to appoint counsel and failing to conclude incomplete omnibus hearing. Effectively stayed pending resolution of separate writ of prohibition proceeding. (Ohio County)
Appellate	Hogan, Robert	APP-17-0042	17-0068	WVSCA	Dennis John Rydbom v. Marvin Plumley, Warden (17-0068)	Habeas appeal corpus proceeding addressing numerous alleged errors arising from petitioner's first degree murder conviction. Effectively stayed pending determination as to whether petitioner wishes to prosecute his appeal pro se. (Wood County)

Appellate	Hogan, Robert	APP-17-0040	17-0099	WVSCA	State of West Virginia v. Derrick William Adamson (17-0099)	Appeal from murder and grand larceny conviction arguing insufficient evidence, instructional error, admission of 404 (b) evidence, and admission of petitioner's statement. Briefing complete. (Randolph County)
Appellate	Hogan, Robert	APP-17-0039	17-0100	WVSCA	State of West Virginia v. Allen Garner, Jr. (17-0100)	Direct appeal from convictions for operating/attempting to operate a clandestine drug lab and conspiracy, alleging insufficient evidence, evidentiary errors and failure to grant motion to sever. Briefing completed. (Webster County)
Appellate	Hogan, Robert	APP-17-0041	17-0101	WVSCA	State of West Virginia v. Stephen Fielder (17-0101)	Direct appeal from murder conviction alleging evidentiary errors and cumulative error. Briefing complete. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0045	17-0115	WVSCA	Roynal Lee Walker v. David Ballard, Warden (17-0115)	Habeas corpus appeal alleging failure to appoint habeas counsel and hold evidentiary habeas hearing subsequent to murder conviction. Briefing complete. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0047	17-0117	WVSCA	State of West Virginia v. Rodney Carpenter (17-0117)	Appeal from conviction for operating/attempting to operate clandestine drug lab and conspiracy, alleging insufficient evidence. Briefing completed. (Webster County)
Appellate	Hogan, Robert	APP-17-0050	17-0167	WVSCA	State of West Virginia v. H.J.M.B. (17-0167)	Direct appeal from juvenile delinquency adjudication on charges of making terroristic threats, alleging disposition fails to utilize least restrictive placement consistent with the best interests of the juvenile and the public. Briefing completed. (Clay County)
Appellate	Hogan, Robert	APP-17-0052	17-0172	WVSCA	State of West Virginia v. Jeffrey Einer Lewis (17-0172)	Direct criminal appeal from conviction for embezzlement by fiduciary alleging improper exclusion of expert testimony, evidentiary error and improper restitution order. Briefing completed. (Greenbrier County)
Appellate	Hogan, Robert	APP-17-0072	17-0207	WVSCA	State of West Virginia v. William Scott Bookheimer (17-0207)	Direct criminal appeal alleging plea to firearms charge was not knowing, intelligent or voluntary, and was the product of ineffective assistance of counsel. Briefing completed. (Nicholas County)
Appellate	Hogan, Robert	APP-17-0071	17-0208	WVSCA	State of West Virginia v. Glen E. Blacka (17-0208)	Direct criminal appeal by sex offender alleging sentencing error arising from State's alleged violation of plea agreement and Court's reliance on rumors. Briefing completed. (Mineral County)
Appellate	Hogan, Robert	APP-17-0232	17-0209	WVSCA	State of West Virginia v. Thomas Ferguson (17-0209)	Appeal from robbery conviction alleging defective indictment due to purportedly false testimony before grand jury. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0054	17-0214	WVSCA	State of West Virginia ex rel., State of West Virginia v. The Honorable David J. Sims and Robert McFarland (17-0214)	Original petition for writ of prohibition by State alleging improper, untimely reduction of robbery sentence pursuant to W.Va. R. Crim. P. Rule 35(b). Writ of prohibition awarded; awaiting SCAWV mandate. (Ohio County)
Appellate	Hogan, Robert	APP-17-0077	17-0231	WVSCA	State of West Virginia v. Everett Meadows (17-0231)	Appeal from grand larceny conviction alleging excessive sentence and improper restitution order. Briefing completed. (Roane County)
Appellate	Hogan, Robert	APP-17-0079	17-0275	WVSCA	State of West Virginia v. The Honorable David J. Sims, Judge of the Circuit Court of Ohio Co., and James Wilkerson (17-0275)	Petition for writ of prohibition by State alleging improper, untimely reduction of robbery sentence purportedly pursuant to W.Va. R. Crim. P. Rule 35. Writ of prohibition awarded; awaiting SCAWV mandate. (Ohio County)
Appellate	Hogan, Robert	APP-17-0096	17-0338	WVSCA	State of West Virginia v. Jordan Bennett (17-0338)	Appeal from conviction for abduction and multiple convictions for 2nd degree sexual assault alleging error in denial of motion for sentence reduction made pursuant to W.Va. R. Crim. P. Rule 35(a). Briefing completed. (Monongalia County)
Appellate	Hogan, Robert	APP-17-0119	17-0383	WVSCA	Neil Williams v. Patrick Mirandy, Warden (17-0383)	Habeas corpus appeal by petitioner convicted of sex offenses alleging error in denial of seventh state petition finding grounds for habeas corpus relief have been adjudicated or waived. Briefing completed. (Ohio County)
Appellate	Hogan, Robert	APP-17-0125	17-0398	WVSCA	State of West Virginia v. Michael Trevor Johns (17-0398)	Appeal by drug offender from denial of W.Va. R. Crim. P. Rule 35(b) motion for sentence reduction on the basis of untimeliness. Under briefing schedule. (Wood County)
Appellate	Hogan, Robert	APP-17-0109	17-0402	WVSCA	State of West Virginia v. Jeffery Ward, II (17-0402)	Direct appeal from conviction for nighttime burglary, brandishing and battery alleging evidentiary and other errors. Under briefing schedule. (Marshall County)
Appellate	Hogan, Robert	APP-17-0114	17-0411	WVSCA	State of West Virginia v. William Jesse Seal (17-0411)	Direct appeal from murder conviction alleging insufficient evidence and disproportionate sentence. Under briefing schedule. (Mercer County)
Appellate	Hogan, Robert	APP-17-0111	17-0420	WVSCA	State of West Virginia v. Jared Michael Iseli (17-0420)	Direct appeal from denial of sex offender's W.Va. R. Crim. P. Rule 35(b) motion seeking alternative sentencing. Under briefing schedule. (Randolph County)

Appellate	Hogan, Robert	APP-17-0129	17-0472	WVSCA	State of West Virginia v. J. S. (17-0472)	Direct appeal from juvenile delinquency adjudication arising from admission to possession of deadly weapon on a school bus contending a less restrictive disposition was warranted. (Clay County)
Appellate	Hogan, Robert	APP-17-0150	17-0476	WVSCA	SER, William Allen LaRue, Jr. v. John T. Murphy, Acting Warden (17-0476)	Original habeas corpus petition alleging ineffective assistance of counsel in failing to assist petitioner in establishing petitioner's identity. Briefing completed. (Monongalia County)
Appellate	Hogan, Robert	APP-17-0158	17-0540	WVSCA	Mary M. Greene v. Anne Thomas, Warden (17-0540)	Original habeas corpus petition alleging lack of jurisdiction, insufficient evidence to support uttering convictions, failure to grant mistrial and insufficient basis for a search warrant. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-17-0190	17-0581	WVSCA	William LaRue v. Honorable Russell M. Clawges, Jr. (17-0581)	Original petition for writ of prohibition and mandamus alleging petitioner's true identity is in question and that he should be issued a birth certificate, a Social Security number and have his conviction vacated. Briefing completed. (Monongalia County)
Appellate	Hogan, Robert	APP-17-0160	17-0587	WVSCA	State of West Virginia v. William Joseph Dawson (17-0587)	Direct appeal alleging abuse of discretion in denial of Rule 35(b) motion by petitioner who pled guilty to unlawful entry. Under briefing schedule. (Wood County)
Appellate	Hogan, Robert	APP-17-0170	17-0621	WVSCA	State of West Virginia v. Jacob Russell Harper (17-0621)	Direct appeal alleging abuse of discretion in ordering a sentence purportedly not authorized by the terms of a plea agreement whereby petitioner pled guilty to possession with intent to distribute. Under briefing schedule. (Roane County)
Appellate	Hogan, Robert	APP-17-0175	17-0636	WVSCA	State of West Virginia v. Clairese S. Felipe (17-0636)	Direct criminal appeal from DUI conviction resulting in two deaths and a serious injury, alleging failure to suppress involuntary statement and insufficient evidence. Under briefing schedule. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0186	17-0667	WVSCA	State of West Virginia v. Crystal Samples (17-0667)	Direct appeal from probation revocation alleging imposition of sentence violated W.Va. Code 62-12-10, disproportionality and inaccurate sentencing order. Under briefing schedule. (Clay County)
Appellate	Hogan, Robert	APP-17-0192	17-0678	WVSCA	Danny Cook, Jr. v. The Honorable Judge Irons (17-0678)	Original petition for writ of mandamus requesting correction of sentencing order arising from convictions for attempted burglary and attempted 2nd degree sexual assault. Briefing completed. (Summers County)
Appellate	Hogan, Robert	APP-17-0194	17-0680	WVSCA	State of West Virginia v. Troy Pertuset (17-0680)	Direct appeal from denial of Rule 35(a) motion for sentence reduction claiming petitioner was not given credit for time spent in jail while awaiting conviction and sentencing. Under briefing schedule. (Kanawha County).
Appellate	Hogan, Robert	APP-17-0201	17-0754	WVSCA	State of West Virginia v. Sonja Bone (17-0754)	Direct appeal alleging evidentiary errors and insufficient evidence to support convictions of abuse/neglect of incapacitated person causing injury. Under briefing schedule. (Mercer County)
Appellate	Hogan, Robert	APP-17-0225	17-0760	WVSCA	Troy Pertuset v. Honorable Joanne Tabit, Circuit Judge (17-0760)	Petition of writ of mandamus by sex offender seeking order releasing petitioner from custody and claiming denial of credit for time served. Under briefing schedule. (Kanawha County)
Appellate	Hogan, Robert	APP-17-0207	17-0766	WVSCA	State of West Virginia v. Eyvonne Alexandria Thompson (17-0766)	Direct appeal alleging disproportionate sentence and other sentencing errors arising from guilty plea to drug offenses. Under briefing schedule. (Lewis County)
Appellate	Hogan, Robert	APP-17-0219	17-0801	WVSCA	State of West Virginia v. Monty Bone (17-0801)	Direct appeal alleging evidentiary errors and insufficient evidence to support convictions of abuse/neglect of incapacitated person causing injury. Under briefing schedule. (Mercer County)
Appellate	Hogan, Robert	APP-17-0227	17-0821	WVSCA	SER, Jesse J. Nelson v. Brad Douglas, Administrator (17-0821)	Petition for writ of habeas corpus by sex offender alleging he is entitled to release based on the discovery of DNA evidence favorable to petitioner. Under briefing schedule. (Kanawha County)
Appellate	Hogan, Robert	APP-17-0238	17-0848	WVSCA	Walter F. Agee v. Patrick Mirandy, Warden (17-0848)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel and complaining of summary dismissal of successive petition without an omnibus hearing. Under scheduling Order. (Mineral County)
Appellate	Hogan, Robert	APP-17-0235	17-0852	WVSCA	SER, Richard E. Winning v. Brad Douglas, Administrator (17-0852)	Original habeas corpus petition by sex offender complaining of revocation of supervised release. Under scheduling order. (Mingo County)
Appellate	Hogan, Robert	APP-17-0226	17-0865	WVSCA	State of West Virginia v. Ronald Steven Carson (17-0865)	Summary petition for post-conviction bond by defendant found guilty of DUI causing death. Under briefing schedule. (Cabell County)

Appellate	Hogan, Robert	APP-17-0242	17-0911	WVSCA	State of West Virginia v. Michael A. Brown, Jr. (17-0911)	Appeal of probation revocation by petitioner convicted of possession with intent to deliver oxycodone alleging evidence to support probation violation was insufficient. Under briefing schedule. (Berkeley County)
Appellate	Hogan, Robert	APP-16-0283	2:16-cv-6789	U.S. District Court S.D. of W.V.	Henry Jenkins v. David Ballard, Warden (2:16-cv-6789)	Federal habeas corpus petition alleging ineffective assistance of counsel, defective causation standard, insufficient evidence to support murder conviction and other errors. Dismissed by District Court; awaiting appeal or expiration of appeal period. (Fayette County)
Appellate	Hogan, Robert	APP-17-0065	2:17-cv-39	U.S. District Court N.D. of W.V.	Rossi Anthony Gray, Jr. v. David Ballard, Warden (2:17-cv-39)	Federal habeas corpus petition alleging instructional error, imposition of life recidivist sentence without prior violent crime convictions, and ineffective assistance of counsel. In litigation. (Ohio County)
Appellate	Hogan, Robert	APP-16-0214	3:16-cv-00448	U.S. District Court S.D. of W.V.	Terry L. Buxton v. David Ballard, Warden (3:16-cv-00448)	Federal habeas corpus petition alleging ineffective assistance of counsel. Stayed pending exhaustion of state court remedies. (Wayne County)
Appellate	Hogan, Robert	APP-08-424	5:08-cv-0215	U.S. Court of Appeals - 4th Circuit	Cornell F. Daye v. David Ballard, Warden	Federal habeas corpus proceeding by petitioner convicted of possession of crack cocaine with intent to deliver whose sentence was enhanced to life with possibility of parole, alleging instructional error, Brady violations, violation of proportionality and equal protection principles, and use of invalid predicate convictions for sentence enhancement. Under informal briefing order. (Raleigh County)
Appellate	Hogan, Robert	APP-17-0164	5:17-cv-2367	U.S. District Court N.D. of W.V.	Kennith Riley v. William J. Vest, Warden (5:17-cv-2367)	Federal habeas corpus petition alleging ineffective assistance of counsel, consecutive sentences for same transaction, unfulfilled plea agreement; and question of actual guilt. In litigation. (Randolph County)
Appellate	Johnson, Scott	APP-17-0214	1:16-cv-9244	U.S. District Court S.D. of W.V.	Timothy Stewart v. Patrick Mirandy, Warden (1:16-cv-9244)	Federal habeas corpus petition alleging conviction violated double jeopardy clause, plea was not intelligent and was product of ineffective assistance of counsel, and that acceptance of plea violated due process due to absence of factual basis. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-16-0168	16-0559	WVSCA	Rajion Alterek Mayo v. David Ballard, Warden (16-0559)	Habeas corpus appeal alleging disproportionate sentence. Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-16-0245	16-1007	WVSCA	Phillip A. Ward v. David Ballard, Warden (16-1007)	Habeas corpus appeal by State alleging abuse of discretion in granting new trial to respondent convicted of murder based on purported newly-discovered evidence. Oral argument completed. (Cabell County)
Appellate	Johnson, Scott	APP-17-0046	17-0082	WVSCA	Vernon H. Dunlap v. David Ballard, Warden (17-0082)	Habeas corpus appeal alleging ineffective assistance of counsel subsequent to murder conviction. Under briefing schedule. (Jefferson County)
Appellate	Johnson, Scott	APP-17-0058	17-0179	WVSCA	State of West Virginia v. Michael L. Calloway (17-0179)	Direct criminal appeal from first degree sexual assault conviction alleging insufficient evidence and other errors. Under briefing schedule. (Ohio County)
Appellate	Johnson, Scott	APP-17-0105	17-0352	WVSCA	State of West Virginia v. Milton Justice (17-0352)	Appeal by petitioner convicted of second degree murder from denial of W.Va. R. Crim. P. Rule 35(a) motion for sentence reduction alleging failure to give credit for time served while on a medical respite for 4 months. Under briefing schedule. (Mercer County)
Appellate	Johnson, Scott	APP-17-0100	17-0357	WVSCA	State of West Virginia v. Michael Dwayne Cooper (17-0357)	Appeal from probation revocation for first violation by petitioner convicted of third offense DUI. Under briefing schedule. (Mingo County)
Appellate	Johnson, Scott	APP-17-0128	17-0415	WVSCA	State of West Virginia v. Robert Newsome (17-0415)	Appeal from denial of motion for sentence reduction pursuant to W.Va. R. Crim. P. Rule 35(a) alleging jury panel that convicted petitioner of recidivism was from different jury panel that convicted him for possession with intent to deliver. Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-17-0137	17-0448	WVSCA	Joshua Wyrick v. Patrick Mirandy, Warden (17-0448)	Habeas corpus appeal alleging lack of notice and ineffective assistance by trial counsel in connection with probation violation. Under briefing schedule. (Cabell County)

Appellate	Johnson, Scott	APP-17-0136	17-0467	WVSCA	State of West Virginia v. Charles T. (17-0467)	Direct appeal by sex offender alleging error in excluding evidence, responding to jury question and instructions. Under briefing schedule. (Fayette County)
Appellate	Johnson, Scott	APP-17-0132	17-0487	WVSCA	State of West Virginia v. Mark Shane Adkins (17-0487)	Direct appeal alleging insufficient evidence to support voluntary manslaughter conviction. Under briefing schedule. (Summers County)
Appellate	Johnson, Scott	APP-17-0152	17-0550	WVSCA	State of West Virginia v. Robert T. (17-0550)	Direct appeal from conviction for sex offenses alleging petitioner's statement to law enforcement was inadmissible. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-17-0180	17-0566	WVSCA	Mark T. Coleman v. v. Marvin Plumley, Warden (17-0566)	Habeas appeal from murder conviction alleging ineffective assistance of counsel, improper admission of 404(b), improper testimony from psychological expert and cumulative error. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-17-0163	17-0607	WVSCA	State of West Virginia v. Michelle Ann Kitchen (17-0607)	Direct appeal by petitioner convicted of child abuse resulting in injury and delivery of controlled substance to a minor, complaining of probation revocation, and asserting circuit court erred in denying request for 60-day jail "shocker." Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-17-0173	17-0631	WVSCA	Paul Newcomb v. David Ballard, Warden (17-0631)	Habeas corpus appeal from murder conviction claiming ineffective assistance of counsel based on failure to object to opening statement and alleging error for allowing admission of evidence of prior conviction. Under briefing schedule. (Logan County)
Appellate	Johnson, Scott	APP-17-0183	17-0646	WVSCA	State of West Virginia v. Raymond Thomas McIntire (17-0646)	Direct appeal from sex offense convictions alleging improper expert testimony and various evidentiary errors. Under briefing schedule. (Harrison County)
Appellate	Johnson, Scott	APP-17-0204	17-0677	WVSCA	State of West Virginia v. Stephen D. Herto (17-0677)	Appeal contesting denial of motion for re-sentencing for purposes of appeal alleging his prior appeal without counsel was not knowing or intelligent. Under briefing schedule. (Preston County)
Appellate	Johnson, Scott	APP-17-0197	17-0723	WVSCA	State of West Virginia v. Paul Gregory Zuspan (17-0723)	Appeal from magistrate court conviction, appeal alleging evidentiary error, bias on part of magistrate, and prosecutorial misconduct. Under briefing schedule. (Mason County)
Appellate	Johnson, Scott	APP-17-0216	17-0728	WVSCA	John Chadrick Yost v. David Ballard, Warden (17-0728)	Habeas corpus appeal alleging double jeopardy violation, excessive sentence, coerced confession, ineffective assistance, and illegal search and seizure. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-17-0206	17-0738	WVSCA	Mark Yost v. John T. Murphy, Warden (17-0738)	Habeas corpus appeal alleging failure to provide appointed counsel and an evidentiary hearing in matter, and alleging failure to give credit for time served. Under briefing schedule. (Hampshire County)
Appellate	Johnson, Scott	APP-17-0212	17-0780	WVSCA	State of West Virginia v. Iran Eli Glover (17-0780)	Direct appeal by sex offender alleging ineffective assistance by stand-by counsel, error in allowing petitioner to defend pro se, prosecutorial misconduct and insufficient evidence. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-17-0188	17-0788	WVSCA	J. D. Lambert v. David Ballard, Warden (17-0788)	Warden's appeal of grant of habeas corpus relief to third-time recidivist on the grounds of constitutional disproportionality. Under briefing schedule. (Ritchie County)
Appellate	Johnson, Scott	APP-17-0221	17-0803	WVSCA	State of West Virginia v. Aaron R. Jennewein (17-0803)	Direct criminal appeal alleging error in denial of counsel's motion to withdraw and exclusion of certain evidence deemed to be inadmissible hearsay. Under briefing schedule. (Marshall County)
Appellate	Johnson, Scott	APP-17-0236	17-0824	WVSCA	Charles L. v. David Ballard, Warden (17-0824)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, erroneous jury instructions, prosecutorial misconduct and failure to disclose exculpatory evidence and other information. Under scheduling order. (Preston County)
Appellate	Johnson, Scott	APP-17-0228	17-0842	WVSCA	State of West Virginia v. Kevin Scott Ford (17-0842)	Direct appeal by DUI offender from ruling on W. Va. R. Crim. P. Rule 35(a) motion alleging he did not receive appropriate credit for time served in relation to his multiple offenses and sentences. Under briefing schedule. (Harrison County)
Appellate	Johnson, Scott	APP-17-0240	17-0904	WVSCA	State of West Virginia v. Charles Roger Baire, Jr. (17-0904)	Direct appeal from conviction for sex offenses alleging multiple errors including instructional error and evidentiary errors. Under briefing schedule. (Mercer County)

Appellate	Johnson, Scott	APP-15-0154	2:15-cv-07458	U.S. District Court N.D of W.V.	Charles Jason Lively v. David Ballard, Warden (2:15-cv-07458)	Federal habeas corpus action by petitioner convicted of murder and first degree arson alleging ineffective assistance of trial and appellate counsel as well as Brady violations and other errors. Resolving by District Court; awaiting appeal or expiration of appeal period. (McDowell County)
Appellate	Johnson, Scott	APP-17-0024	2:15-cv-11422	U.S. District Court S.D. of W.V.	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	U.S. District Court N.D. of W.V.	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, alleging violation of due process based on the testimony of Fred Zain. In litigation. (Marion County)
Appellate	Johnson, Scott	APP-12-337	5:12-cv-43	U.S. District Court S.D of W.V.	Daugherty, Tony 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	U.S. District Court N.D. of W.V.	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	Kiser, Shannon	APP-17-0231	1:14-cv-169	U.S. District Court N.D. of W.V.	Ruben Castillo v. David Ballard, Warden (1:17-cv-169)	Federal habeas corpus action by petitioner convicted of first degree sexual assault alleging ineffective assistance of counsel. In litigation. (Berkeley County)
Appellate	Kiser, Shannon	APP-15-0118	1:15-cv-47	U.S. District Court N.D of W.V.	Dale Shoop v. David Ballard (1:15-cv-47)	Federal habeas corpus petition by petitioner convicted of first degree sexual assault and alleging ineffective assistance of counsel and insufficient evidence to support convictions. In litigation. (Morgan County)
Appellate	Kiser, Shannon	APP-16-0203	1:16-cv-178	U.S. District Court N.D. of W.V.	Antonio Prophet v. David Ballard, Warden (1:16-cv-178)	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	Kiser, Shannon	APP-17-0037	1:17-v-20	U.S. District Court N.D. of W.V.	Michael K. Lanham v. Marvin Plumley, Warden (1:17-cv-20)	Federal habeas corpus petition alleging improper photo array used in identification of petitioner convicted of first degree robbery and conspiracy. In litigation. (Harrison County)
Appellate	Kiser, Shannon	APP-16-0002	15-1225	WVSCA	John R. Stover v. David Ballard (15-1225)	Habeas corpus appeal by sex offender claiming that W. Va. Code § 53-4A-4 is unconstitutional because it does not require appointment of counsel to prosecute a habeas corpus petition. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-16-0097	16-0268	WVSCA	State of West Virginia v. Larry Gale Owens (16-0268)	Direct appeal from second degree murder conviction alleging insufficient evidence, improper suppression of hearsay evidence offered by petitioner. Memorandum Decision issued; awaiting SCAWV mandate. (Wood County)
Appellate	Kiser, Shannon	APP-16-0198	16-0754	WVSCA	State of West Virginia v. Michael Taylor (16-0754)	Direct appeal by petitioner convicted of multiple counts of sexual abuse and sexual assault alleging erroneous admission of DNA evidence, erroneous admission of Rule 404(b) or res gestae evidence. Briefing completed. (Preston County)
Appellate	Kiser, Shannon	APP-16-0212	16-0791	WVSCA	State of West Virginia v. James Crabtree (16-0791)	Direct appeal alleging failure to properly follow recidivist procedures. Memorandum Decision issued; awaiting SCAWV mandate. (Cabell County)
Appellate	Kiser, Shannon	APP-16-0231	16-0860	WVSCA	Keith Allen Dement v. David Ballard, Warden (16-0860)	Habeas corpus appeal alleging improper summary dismissal. Stayed pending resolution of proceedings in circuit court. (Cabell County)
Appellate	Kiser, Shannon	APP-16-0239	16-0933	WVSCA	State of West Virginia v. Jeri L. Galloway (16-0933)	Direct appeal alleging insufficient evidence to support conviction for obtaining money by false pretenses and erroneous admission of W.V.R.E. Rule 404(b) evidence. Memorandum Decision issued; awaiting SCAWV mandate. (Tyler County)
Appellate	Kiser, Shannon	APP-16-0224	16-0945	WVSCA	Harry G. v. Patrick Mirandy, Warden (16-0945)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel and breached plea agreement. Memorandum Decision issued; awaiting SCAWV mandate. (Lewis County)
Appellate	Kiser, Shannon	APP-16-0241	16-0946	WVSCA	Larry C. v. David Ballard, Warden (16-0946)	Habeas corpus appeal complaining of summary dismissal of successive habeas petition. Under briefing schedule. (Fayette County)

Appellate	Kiser, Shannon	APP-16-0281	16-0978	WVSCA	Stanley M. v. David Ballard, Warden (16-0978)	Habeas corpus appeal challenging circuit court's finding that res judicata barred petitioner's various claims. Briefing completed. (Harrison County)
Appellate	Kiser, Shannon	APP-16-0256	16-0983	WVSCA	Keith D. v. David Ballard, Warden (16-0983)	Direct appeal by convicted recidivist challenging the use of his 1996 grand larceny conviction as grounds for enhancing later sentence. Stayed and held in abeyance pending resolution of issues by lower court. (Cabell County)
Appellate	Kiser, Shannon	APP-17-0006	16-1000	WVSCA	Hartzel Ray Foster v. David Ballard, Warden (16-1000)	Habeas corpus appeal by petitioner convicted of first degree murder complaining of summary denial without findings and conclusions, failure to appoint habeas counsel, and failure to hold evidentiary hearings. Memorandum Decision issued; awaiting SCAWV mandate. (Barbour County)
Appellate	Kiser, Shannon	APP-16-0264	16-1041	WVSCA	State of West Virginia v. Adrian Lance Morris (16-1041)	Direct appeal alleging improper denial of motion to reduce sentence for grand larceny and conspiracy. Memorandum Decision issued; awaiting SCAWV mandate. (Monongalia County)
Appellate	Kiser, Shannon	APP-16-0261	16-1066	WVSCA	State of West Virginia v. Richard Zimmerman (16-1066)	Direct appeal from sexual abuse conviction alleging error in connection with W.V.R.E. Rule 404(b) issues. Briefing completed. (Ohio County)
Appellate	Kiser, Shannon	APP-16-0275	16-1076	WVSCA	Christopher Palmer v. Marvin Plumley, Warden (16-1076)	Habeas corpus appeal alleging State and circuit court breached plea agreement whereby petitioner was convicted of grand larceny. Memorandum Decision issued; awaiting SCAWV mandate. (Summers County)
Appellate	Kiser, Shannon	APP-16-0271	16-1082	WVSCA	Darnell A. Allen, Jr. v. David Ballard, Warden (16-1082)	Habeas corpus appeal alleging "Zain III issues" associated with first degree murder conviction. Briefing completed. (Mineral County)
Appellate	Kiser, Shannon	APP-16-0272	16-1084	WVSCA	Charlton A. Horton, Jr. v. David Ballard, Warden (16-1084)	Habeas corpus appeal alleging "Zain III" issues arising from first degree murder conviction. Memorandum Decision issued; awaiting SCAWV mandate. (Mineral County)
Appellate	Kiser, Shannon	APP-16-0288	16-1121	WVSCA	Robert R. v. David Ballard, Warden (16-1121)	Habeas corpus appeal alleging ineffective assistance of counsel. Briefing completed. (Mineral County)
Appellate	Kiser, Shannon	APP-16-0287	16-1137	WVSCA	Trayvon Strange v. David Ballard, Warden (16-1137)	Habeas corpus appeal by petitioner who pled guilty to first degree murder alleging ineffective assistance of counsel and that his plea was not voluntary. Briefing complete. (Mercer County)
Appellate	Kiser, Shannon	APP-17-0010	16-1190	WVSCA	Ronald C. v. David Ballard, Warden (16-1190)	Habeas corpus appeal alleging ineffective assistance of counsel and improper evidence at sentencing. Briefing complete. (Greenbrier County)
Appellate	Kiser, Shannon	APP-17-0029	17-0058	WVSCA	State of West Virginia v. John Zsigray (17-0058)	Direct appeal of speeding conviction, alleging excessive sentence, instructional error, insufficient evidence and improper argument. Briefing complete. (Lewis County)
Appellate	Kiser, Shannon	APP-17-0033	17-0071	WVSCA	Richard A. White v. David Ballard, Warden (17-0071)	Habeas corpus appeal alleging ineffective assistance of counsel on multiple grounds associated with first degree murder conviction. Briefing completed. (Nicholas County)
Appellate	Kiser, Shannon	APP-17-0053	17-0083	WVSCA	Zachary Grove v. SER, Darrell Black (17-0083)	Appeal based on alleged failure to provide speedy trial in magistrate court. Briefing completed. (Cabell County)
Appellate	Kiser, Shannon	APP-17-0056	17-0116	WVSCA	Gary D. Martin v. David Ballard, Warden (17-0116)	Direct appeal alleging ineffective assistance of counsel and numerous errors associated with a triple murder conviction. Under briefing schedule. (Fayette County)
Appellate	Kiser, Shannon	APP-17-0049	17-0154	WVSCA	State of West Virginia v. D. K. (17-0154)	Direct appeal alleging instructional error in juvenile delinquency proceeding in which petitioner was adjudicated guilty of destruction of property and petit larceny. Briefing completed. (Greenbrier County)
Appellate	Kiser, Shannon	APP-17-0073	17-0195	WVSCA	State of West Virginia v. John W. Payne (17-0195)	Appeal of revocation of petitioner's supervised release, alleging intellectual deficiency, undue consideration of his on-line communications, and excessive sentence. Briefing completed. (Morgan County)
Appellate	Kiser, Shannon	APP-17-0080	17-0212	WVSCA	State of West Virginia v. Keith W. R. Lowe (17-0212)	Appeal by petitioner convicted of 1st degree murder arising from the denial of motion to vacate judgment alleging unethical conduct by presiding judge. Briefing completed. (Kanawha County)
Appellate	Kiser, Shannon	APP-17-0103	17-0299	WVSCA	Thomas C. Shrader v. State of West Virginia (17-0299)	Appeal from denial of petition for writ of coram nobis alleging 1975 first degree murder conviction was invalid because he was only charged with 2nd degree murder. Briefing completed. (McDowell County)

Appellate	Kiser, Shannon	APP-17-0082	17-0301	WVSCA	State of West Virginia v. Michelle Eads (17-0301)	Appeal from denial of W.Va. R. Crim. P. Rule 35(b) motion seeking reduction of conspiracy sentence. Briefing completed. (Jackson County)
Appellate	Kiser, Shannon	APP-17-0101	17-0353	WVSCA	State of West Virginia v. Deborah White (17-0353)	Direct appeal from controlled substance convictions alleging prosecutorial misconduct and refusal to allow examination of magistrates who issued electronic intercept orders. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-17-0127	17-0399	WVSCA	State of West Virginia v. Robert M. (17-0399)	Direct appeal by sex offender from denial multiple W.Va. R. Crim. P. Rule 35(b) motions for sentence reduction alleging abuse of discretion and failure to make findings and conclusions. Briefing completed. (Upshur County)
Appellate	Kiser, Shannon	APP-17-0115	17-0405	WVSCA	State of West Virginia v. Adam Pauley (17-0405)	Direct criminal appeal alleging abuse of discretion in denying alternative sentencing after petitioner pled guilty to breaking and entering but was deemed unfit for youthful offender facility. Under briefing schedule. (Wood County)
Appellate	Kiser, Shannon	APP-17-0153	17-0457	WVSCA	Kenneth Eugene Carter v. David Ballard, Warden (17-0457)	Habeas corpus appeal alleging prejudicial conduct of trial judge, ineffective assistance of trial and habeas corpus counsel, arising from convictions for first degree murder and malicious assault. Under briefing schedule. (Morgan County)
Appellate	Kiser, Shannon	APP-17-0135	17-0465	WVSCA	State of West Virginia v. Gregory K. (17-0465)	Appeal from convictions for first degree sexual abuse and incest alleging trial court abused discretion in failing to allow him to withdraw his pleas and contending that pleas were not knowing, intelligent and voluntary. Under briefing schedule with petitioner's motion to voluntarily dismiss pending. (Harrison County)
Appellate	Kiser, Shannon	APP-17-0156	17-0504	WVSCA	Eric A. Foster v. John T. Murphy, Acting Warden (17-0504)	Habeas corpus appeal alleging error in denial of ineffective assistance of habeas counsel subsequent to convictions for second degree murder. Briefing completed. (Nicholas County)
Appellate	Kiser, Shannon	APP-17-0159	17-0579	WVSCA	State of West Virginia v. Samuel Tanner (17-0579)	Direct appeal alleging maximum jail sentences for misdemeanor controlled substance and firearm convictions were unconstitutionally disproportionate. Under briefing schedule. (Braxton County)
Appellate	Kiser, Shannon	APP-17-0172	17-0628	WVSCA	State of West Virginia v. John Mattingly (17-0628)	Direct appeal of restitution order alleging amount ordered exceeded amount disclosed in discovery and determined in presentence information report. Under briefing schedule. (Morgan County)
Appellate	Kiser, Shannon	APP-17-0191	17-0652	WVSCA	SER, Stephen Bowers v. Honorable James P. Mazzone (17-0652)	Original petition for writ of prohibition by petitioner convicted of sexual abuse by a custodian complaining that probation terms violate ex post facto principles. Briefing completed. (Marshall County)
Appellate	Kiser, Shannon	APP-17-0185	17-0655	WVSCA	State of West Virginia v. James C. Love (17-0655)	Direct appeal from felony murder conviction alleging insufficient evidence and evidentiary errors. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0178	17-0698	WVSCA	State of West Virginia v. Michael Bowman (17-0698)	Direct appeal from sex offense convictions alleging numerous evidentiary errors. Under briefing schedule. (Marshall County)
Appellate	Kiser, Shannon	APP-17-0195	17-0711	WVSCA	State of West Virginia v. Jeffrey A. Hazlett (17-0711)	Appeal from order revoking supervised release alleging absence of clear and convincing evidence of violation and denial of opportunity to confront accuser, a minor. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0200	17-0737	WVSCA	State of West Virginia v. Steven Kim Hatfield (17-0737)	Appeal from revocation of sex offender's supervised release alleging evidentiary error concerning probation officer's testimony and ineffective assistance of counsel. Under briefing schedule. (Jefferson County)
Appellate	Kiser, Shannon	APP-17-0203	17-0757	WVSCA	State of West Virginia v. Dion Hite (17-0757)	Direct criminal appeal alleging sentence for burglary and petit larceny fails to give petitioner credit for eight months time served. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0215	17-0759	WVSCA	State of West Virginia v. David Eugene Huskey (17-0759)	Appeal alleging imposition of unduly harsh sentence and erroneous denial of request for alternative sentencing for petitioner who pled guilty to failure to provide notice of change in sex offender registry. Under briefing schedule. (Upshur County)
Appellate	Kiser, Shannon	APP-17-0224	17-0773	WVSCA	Roy Wisotzkey v. David Ballard, Warden (17-0773)	Habeas corpus appeal by petitioner convicted of felony murder, first degree robbery, burglary and conspiracy alleging mental incompetency, denial of counsel, effective counsel and other errors. Under briefing schedule. (Berkeley County)

Appellate	Kiser, Shannon	APP-17-0220	17-0802	WVSCA	State of West Virginia v. Clayton Thomas Pruitt (17-0802)	Direct appeal alleging that petitioner's sentence for robbery is disproportionate and unconstitutional because it is three times greater than the sentence of his co-defendant. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0239	17-0850	WVSCA	State of West Virginia v. Raymond Richardson (17-0850)	Direct appeal from denial of 35(a) motion for correction of sentence made by petitioner convicted of first degree robbery. (Kanawha County)
Appellate	Kiser, Shannon	APP-17-0244	17-0913	WVSCA	State of West Virginia v. Crystal Williams (17-0913)	Direct criminal appeal by petitioner convicted of child abuse resulting in serious bodily injury alleging denial of funding to employ expert, denial of continuance to consult with expert, instructional error and error in granting "jury view." Under briefing schedule. (Greenbrier County)
Appellate	Kiser, Shannon	APP-14-0909	2:14-cv-11952	U.S. District Court S.D of W.V.	Kenneth E. Carter v. David Ballard, Warden	Federal habeas corpus petition arising from first degree murder and malicious wounding convictions alleging ineffective assistance of counsel, improper denial of request for DNA testing and various other alleged errors. Stayed pending exhaustion of state court remedies. (Kanawha County)
Appellate	Kiser, Shannon	APP-16-0102	2:15-cv-07650	U.S. District Court S.D. of W.V.	Jeffrey Wayne Stewart v. David Ballard (2:15-cv-07650)	Federal habeas corpus petition arising from second degree murder convictions alleging ineffective assistance of counsel and other grounds. In litigation. (Braxton County)
Appellate	Kiser, Shannon	APP-16-0004	2:15-cv-15636	U.S. Court of Appeals - 4th Circuit	Larry Hayes v. Marvin Plumley (2:15-cv-15636)	Federal habeas corpus action by petitioner convicted child abuse by parent, guardian or custodian resulting in death, alleging ineffective assistance of counsel and erroneous admission of coerced statement. Under appeal. (Kanawha County)
Appellate	Kiser, Shannon	APP-16-0190	2:16-cv-06669	U.S. District Court S.D of W.V.	Morgan Shepherd v. David Ballard, Warden (2:16-cv-06669)	Federal habeas corpus petition asserting multiple grounds including ineffective assistance of counsel, arising from first degree murder conviction. Stayed pending exhaustion of state remedies. (Logan County)
Appellate	Kiser, Shannon	APP-17-0144	2:16-cv-07333	U.S. District Court N.D of W.V.	Eric Allen Foster v. Marvin Plumley, Warden (2:16-cv-07333)	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	Kiser, Shannon	APP-17-0062	2:16-cv-108	U.S. District Court N.D of W.V.	Robert Joe McNemar v. David Ballard, Warden (2:16-cv-108)	Federal habeas corpus petition by sex offender alleging error associated with purported acceptance of plea without inquiry into effects of medication and mental competency. In litigation. (Upshur County)
Appellate	Kiser, Shannon	APP-15-0022	3:13-cv-29691	U.S. District Court S.D of W.V.	Joseph H. Lavigne v. David Ballard, Warden (3:13-cv-29691)	Federal habeas corpus petition claiming actual innocence and constitutional violations. Stayed pending DNA testing. (Putnam County)
Appellate	Kiser, Shannon	APP-15-0054	3:14-cv-06201	U.S. District Court S.D. of W.V.	Charles F. Plymail v. Patrick Mirandy, Warden (3:14-cv-06201)	Federal habeas corpus petition by petitioner convicted of second degree sexual assault and third-time recidivism alleging ineffective assistance of counsel, undue delay in affording petitioner the opportunity to appeal and various other errors. In litigation. (Cabell County)
Appellate	Kiser, Shannon	APP-16-0217	3:16-cv-135	U.S. District Court N.D. of W.V.	Michael Kandis v. David Ballard, Warden (3:16-cv-135)	Federal habeas corpus petition alleging ineffective assistance of counsel. Summary judgment granted by District Court; awaiting appeal or expiration of appeal period. (Marshall County)
Appellate	Kiser, Shannon	APP-17-0165	3:17-cv-22	U.S. District Court N.D of W.V.	Harold Billiter v. David Ballard, 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	Kiser, Shannon	APP-17-0145	3:17-cv-3	U.S. District Court N.D of W.V.	Tex B. Simmons v. Karen Pszczolkowski, Warden (3:17-cv-3)	Federal habeas corpus petition by petitioner convicted of murder and sexual abuse, alleging ineffective assistance of counsel; re-sentencing without due process; and denial of opportunity to examine forensic evidence. In litigation. (Morgan County)

Appellate	Kiser, Shannon	APP-15-0235	5:15-cv-106	U.S. District Court N.D of W.V.	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	Kiser, Shannon	APP-17-0131	5:17-cv-03111	U.S. District Court S.D. of W.V.	Norma Brown Griffin v. State of West Virginia (5:17-cv-03111)	Federal habeas corpus petition alleging extortion statute is unconstitutional; prosecutorial misconduct and ineffective assistance of counsel. In litigation. (Greenbrier County)
Appellate	Massey, Sarah	APP-10-581	1:10-cv-84	U.S. District Court N.D of W.V.	William Trampas Widmyer v. David Ballard, Warden (1:10-cv-84)	Federal habeas corpus petition by petitioner convicted of first degree murder and other offenses alleging ineffective assistance of counsel, instructional error, evidentiary and other errors. In litigation. (Jefferson County)
Appellate	Massey, Sarah	APP-17-0104	1:17-cv-13	U.S. District Court N.D. of W.V.	Ferlin Heavener v. Karen Pszczolkowski, Warden (1:17-cv-13)	Federal habeas corpus petition by sex and controlled substance offender alleging improper restitution order, denial of appellate review and other errors. In litigation. (Pendleton County)
Appellate	Massey, Sarah	APP-16-0226	16-0889	WVSCA	State of West Virginia v. Loren Garcia (16-0889)	Direct appeal by petitioner convicted of child neglect resulting in bodily injury challenging revocation of supervised release and resulting sentence and additional supervised release period. Briefing completed. (Randolph County)
Appellate	Massey, Sarah	APP-16-0243	16-0984	WVSCA	State of West Virginia v. Tyler Ferrebee (16-0984)	Direct criminal appeal alleging excessive and disproportionate sentence for first degree robbery conviction. Memorandum Decision issued; awaiting SCAWV mandate. (Kanawha County)
Appellate	Massey, Sarah	APP-16-0255	16-1038	WVSCA	State of West Virginia v. Charles Gary Adams, Jr. (16-1038)	Direct appeal from conviction for malicious assault and other offenses alleging failure of State to prove malice, and failure to grant change of venue. Briefing completed. (Monroe County)
Appellate	Massey, Sarah	APP-16-0262	16-1074	WVSCA	State of West Virginia v. Steven Don Barker (16-1074)	Direct appeal challenging sufficiency of the evidence to support sexual abuse conviction. Memorandum Decision issued; awaiting SCAWV mandate. (Harrison County)
Appellate	Massey, Sarah	APP-16-0276	16-1105	WVSCA	State of West Virginia v. Scott Butler (16-1105)	Direct criminal appeal alleging insufficiency of the evidence to support burglary and conspiracy convictions. Memorandum Decision issued; awaiting SCAWV mandate. (Marshall County)
Appellate	Massey, Sarah	APP-16-0285	16-1128	WVSCA	State of West Virginia v. Michael Allman (16-1128)	Direct appeal alleging disproportionate sentence for escape conviction, denial of motion for a new trial based on subsequent discovery of exculpatory evidence and error in proceeding with escape and destruction of property charge before trial on grand larceny charge. Briefing completed. (Wood County)
Appellate	Massey, Sarah	APP-17-0008	16-1166	WVSCA	Billy Ray Lloyd, Jr. v. David Ballard (16-1166)	Habeas corpus appeal arising from robbery conviction addressing whether petitioner may withdraw from plea based on ineffective assistance of counsel, lack of mental capacity, lack of criminal responsibility. Briefing completed. (Harrison County)
Appellate	Massey, Sarah	APP-17-0009	16-1209	WVSCA	State of West Virginia v. Herbert L. Shearer (16-1209)	Appeal by petitioner convicted of battery, a lesser-included offense of first degree sexual assault, alleging error in "sexual motivation" determination made by circuit court, leading to order to register as a sex offender. Briefing completed. (Wayne County)
Appellate	Massey, Sarah	APP-17-0030	17-0043	WVSCA	Russell S. v. David Ballard, Warden (17-0043)	Habeas corpus appeal by petitioner found guilty of kidnapping, 1st degree sexual abuse and 1st degree sexual assault alleging ineffective assistance and denial of new DNA evidence. Briefing completed. (Preston County)
Appellate	Massey, Sarah	APP-17-0034	17-0075	WVSCA	Raymond Elswick v. Marvin Plumley, Warden (17-0075)	Habeas corpus appeal by petitioner convicted as third-time recidivist alleging ineffective assistance of prior habeas corpus counsel. Briefing completed. (Roane County)
Appellate	Massey, Sarah	APP-17-0043	17-0093	WVSCA	James Jones v. David Ballard, Warden (17-0093)	Habeas corpus appeal subsequent to first degree murder and malicious wounding convictions alleging ineffective assistance of counsel and failure to hold a hearing on the matter. Under briefing schedule. (Jefferson County)

Appellate	Massey, Sarah	APP-17-0035	17-0112	WVSCA	Michael M. v. David Ballard, Warden (17-0112)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, defective indictment, evidentiary and other errors. Briefing completed. (Preston County)
Appellate	Massey, Sarah	APP-17-0048	17-0155	WVSCA	State of West Virginia v. Carlos A. Tilley (17-0155)	Direct appeal by third-time recidivist and controlled substance offender alleging evidentiary errors and ineffective assistance of counsel. Briefing completed. (Marion County)
Appellate	Massey, Sarah	APP-17-0061	17-0170	WVSCA	State of West Virginia v. Wilfred H. (17-0170)	Direct appeal by sex offender alleging Brady violation, insufficient evidence and evidentiary errors. Briefing completed. (Randolph County)
Appellate	Massey, Sarah	APP-17-0070	17-0178	WVSCA	Andrew Perry v. David Ballard, Warden (17-0178)	Habeas corpus appeal alleging ineffective assistance of counsel in connection with murder conviction. Briefing completed. (Wayne County)
Appellate	Massey, Sarah	APP-17-0075	17-0210	WVSCA	State of West Virginia v. Michael Lowery (17-0210)	Criminal appeal alleging insufficiency of evidence to convict and to support self defense claim in connection with convictions for unlawful assault, battery on a police officer and obstructing a police officer. Briefing completed. (Mercer County)
Appellate	Massey, Sarah	APP-17-0076	17-0227	WVSCA	State of West Virginia v. Cortez Barefield (17-0227)	Criminal appeal by drug offender alleging failure to suppress identification and other evidence. Under briefing schedule. (Wood County)
Appellate	Massey, Sarah	APP-17-0083	17-0262	WVSCA	State of West Virginia v. Keith Owen Arbogast (17-0262)	Direct appeal by petitioner convicted of sex offenses alleging improper admission of W.V.R.E. Rule 404(b) evidence and improper admission of evidence found on electronic devices. Under briefing schedule. (Gilmer County)
Appellate	Massey, Sarah	APP-17-0081	17-0272	WVSCA	Tirrell Morton v. Karen Pszczolkowski, Warden (17-0272)	Habeas corpus appeal arising from robbery convictions alleging defective indictment, ineffective assistance of counsel, and nondisclosure of exculpatory evidence. Briefing completed. (Berkeley County)
Appellate	Massey, Sarah	APP-17-0091	17-0290	WVSCA	State of West Virginia v. James Walter Drake (17-0290)	Appeal from denial of W.Va. R. Crim. P. Rule 35(b) motion for reduction of sentence imposed on first degree murder and malicious wounding convictions. Under briefing schedule. (Mercer County)
Appellate	Massey, Sarah	APP-17-0102	17-0336	WVSCA	Clarke Patterson v. David Ballard, Warden (17-0336)	Habeas corpus appeal by sex offender alleging multiple assignments of error including ineffective assistance of counsel. Appeal delayed by withdrawal of petitioner's counsel. (Clay County)
Appellate	Massey, Sarah	APP-17-0120	17-0397	WVSCA	Christopher L. Palmer v. Marvin Plumley, Warden (17-0397)	Habeas corpus appeal from burglary and conspiracy convictions alleging ineffective assistance of counsel and other errors. Petitioner's notice of intent to dismiss appeal pending. (Fayette County)
Appellate	Massey, Sarah	APP-17-0138	17-0400	WVSCA	Jason Browning v. Karen Pszczolkowski, Warden (17-0400)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel in failing to adequately investigate and pursue grounds for relief. Briefing completed. (Mingo County)
Appellate	Massey, Sarah	APP-17-0118	17-0403	WVSCA	Danielle Hilling v. Anne Thomas, Warden (17-0403)	Habeas corpus appeal by petitioner convicted of first degree murder alleging error in denial of petition without omnibus hearing and allowing counsel to expand the record. Briefing completed. (Monongalia County)
Appellate	Massey, Sarah	APP-17-0113	17-0410	WVSCA	Edgar W. Friedrichs, Jr. v. David Ballard, Warden (17-0410)	Habeas corpus appeal alleging error in rulings on sufficiency of evidence to support first degree murder and causing death of a child by custodian, ineffective assistance of counsel, and instructional error. Under briefing schedule. (Fayette County)
Appellate	Massey, Sarah	APP-17-0130	17-0459	WVSCA	State of West Virginia v. Jeffrey S. (17-0459)	Appeal from denial of W.Va. R. Crim. P. Rule 35(b) motion for reduction of sentence for operating a clandestine drug lab complaining of lack of findings, conclusion or hearing, and alleging the motion was meritorious. Briefing completed. (Wirt County)
Appellate	Massey, Sarah	APP-17-0134	17-0466	WVSCA	State of West Virginia v. Tracy Back (17-0466)	Direct criminal appeal from conviction for threatening to commit a terrorist act contending allegations were insufficient to support statutory offense as a matter of law. Under briefing schedule. (Pocahontas County)
Appellate	Massey, Sarah	APP-17-0151	17-0491	WVSCA	Joshua Slater v. Mike Lawson, Administrator (17-0491)	Habeas corpus appeal by petitioner convicted of kidnapping, burglary and wanton endangerment alleging ineffective assistance of habeas and trial counsel, prosecutorial misconduct and other errors. Under briefing schedule. (Kanawha County)

Appellate	Massey, Sarah	APP-17-0181	17-0568	WVSCA	Jason C. Anderson v. Karen Pszczolkowski, Warden (17-0568)	Habeas corpus appeal by petitioner convicted of murder by parent, guardian or custodian alleging improper admission of W.V.R.E. Rule 404(b) evidence and related ineffective assistance of counsel. Under briefing schedule. (Marion County)
Appellate	Massey, Sarah	APP-17-0193	17-0582	WVSCA	Jessie Davis v. David Ballard, Warden (17-0582)	Appeal from dismissal of fifth successive habeas corpus petition complaining of dismissal without appointment of counsel or evidentiary hearing and alleging ineffective assistance of counsel. Under briefing schedule. (Mingo County)
Appellate	Massey, Sarah	APP-17-0167	17-0610	WVSCA	State of West Virginia v. Philip Wise (17-0610)	Direct criminal appeal alleging felony conviction was predicated on the testimony of an unreliable primary witness who purportedly committed numerous instances of perjury. Under briefing schedule. (Wood County)
Appellate	Massey, Sarah	APP-17-0171	17-0624	WVSCA	State of West Virginia v. Rafael C. Zuniga (17-0624)	Appeal of probation revocation alleging failure to disclose evidence, denial of confrontation right, and abuse of discretion. Under briefing schedule. (Berkeley County)
Appellate	Massey, Sarah	APP-17-0174	17-0632	WVSCA	State of West Virginia v. Phillip Andrew Baughman, Jr. (17-0632)	Appeal/petition for Writ of Coram Nobis alleging ineffective assistance of counsel leading to an unknowing plea; and alleging petitioner has fully served his supervised release. Under briefing schedule. (Wood County)
Appellate	Massey, Sarah	APP-17-0217	17-0729	WVSCA	State of West Virginia v. Adam Barnhart (17-0729)	Appeal from denial of W.Va. R. Crim. P. Rule 35(a) motion for sentence reduction arising from plea agreement to second degree murder and other charges in which the petitioner waived the right to parole. Under briefing schedule. (Brooke County)
Appellate	Massey, Sarah	APP-17-0205	17-0731	WVSCA	William Murray v. Karen Pszczolkowski, Warden (17-0731)	Habeas corpus appeal alleging error in determination of criminal responsibility, denial of counsel, ineffective assistance, evidence of diminished capacity defense. Under briefing schedule. (Harrison County)
Appellate	Massey, Sarah	APP-17-0208	17-0755	WVSCA	State of West Virginia v. Alfreda Coleman Jewell Steele (17-0755)	Appeal alleging W.Va. Code 61-2-5a is unconstitutional in that it does not delineate the criminal activity that may give rise to a conviction and/or who must commit the activity. Under briefing schedule. (Cabell County)
Appellate	Massey, Sarah	APP-17-0229	17-0807	WVSCA	State of West Virginia v. Brian M. Smith (17-0807)	Direct appeal by sex offender alleging insufficiency of the evidence and other errors to be determined. Found guilty by jury. Under briefing schedule. (Roane County)
Appellate	Massey, Sarah	APP-17-0243	17-0912	WVSCA	State of West Virginia v. Larry Hoke (17-0912)	Direct criminal appeal by petitioner convicted of voluntary manslaughter alleging prosecuting attorney's argument constitutes reversible error. Under briefing schedule. (Greenbrier County)
Appellate	Massey, Sarah	APP-16-0282	2:16-cv-10949	U.S. District Court S.D. of W.V.	Scott B. Burgess v. David Ballard, Warden (2:16-cv-10949)	Federal habeas corpus petition alleging ineffective assistance of counsel, irregularities in arrest, and excessive bail. In litigation. (Fayette County)
Appellate	Massey, Sarah	APP-17-0157	2:16-cv-95	U.S. District Court N.D. of W.V.	Brian Wade Renfro v. Northern Regional Jail; WVDOC-Huttonville Correctional Center (2:16-cv-92)	Federal habeas corpus petition arising from guilty plea to gross child neglect resulting in substantial risk of injury, alleging ineffective assistance of counsel. In litigation. (Hancock and Marshall Counties)
Appellate	Massey, Sarah	APP-17-0142	5:16-cv-85	U.S. District Court N.D. of W.V.	Randy S. Cooper v. Partrick Mirandy, Warden (5:16-cv-85)	Federal habeas corpus petition arising from murder conviction claiming Parole Board violated prohibition against ex post facto laws. In litigation. (Cabell County)
Appellate	Massey, Sarah	APP-17-0233	5:17-cv-96	U.S. District Court N.D. of W.V.	John Walters v. John T. Murphy, Warden (5:17-cv-96)	Federal habeas corpus action by petitioner convicted of robbery and other crimes alleging ineffective assistance of counsel based on counsel's alleged failure to communicate to petitioner a more favorable offer. In litigation. (Berkeley County)
Appellate	Mowen, Il, Gordon	APP-16-0216	1:16-cv-169	U.S. District Court N.D. of W.V.	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	Mowen, Il, Gordon	APP-17-0141	1:17-cv-95	U.S. District Court N.D. of W.V.	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)

Appellate	Mowen, II, Gordon	APP-16-0132	16-0437	WVSCA	State of West Virginia v. Michael S. Sites (16-0437)	Direct appeal from conviction for felony murder, delivery of controlled substance, abduction with intent to defile, alleging insufficiency of the evidence and improper jury communications outside the petitioner's presence. Under briefing schedule. (Grant County)
Appellate	Mowen, II, Gordon	APP-16-0184	16-0693	WVSCA	State of West Virginia v. D. S. (16-0693)	Direct appeal from convictions for numerous sex offenses alleging improper denial of request for change of venue and various evidentiary, instructional and other issues. Briefing completed. (Randolph County)
Appellate	Mowen, II, Gordon	APP-16-0196	16-0740	WVSCA	State of West Virginia v. Donald Sidney Bailey (16-0740)	Direct appeal from murder convictions alleging insufficiency of the evidence, police misconduct and other issues. Briefing completed. (McDowell County)
Appellate	Mowen, II, Gordon	APP-16-0195	16-0751	WVSCA	State of West Virginia v. Gary Ferrell (16-0751)	Appeal from order denying motion to withdraw plea to failure to re-register as sex offender. Memorandum Decision issued; awaiting WVSCA mandate. (Gilmer County)
Appellate	Mowen, II, Gordon	APP-16-0200	16-0775	WVSCA	State of West Virginia v. Frank Gene Thompson (16-0775)	Direct appeal from conviction for multiple counts of DUI causing death alleging insufficiency of the evidence, denial of right to impartial jury; denial of motion to suppress toxicology results; cruel and unusual punishment as to recidivist sentence. Briefing completed. (Boone County)
Appellate	Mowen, II, Gordon	APP-16-0250	16-0941	WVSCA	State of West Virginia v. Letcher M. (16-0941)	Direct appeal by sex offender from denial of W.Va. R. Crim. P. Rule 35(a) motion to correct or reduce sentence. Briefing completed. (Barbour County)
Appellate	Mowen, II, Gordon	APP-16-0246	16-0986	WVSCA	State of West Virginia v. William Ballenger (16-0986)	Direct appeal from conviction for second degree robbery and other offenses alleging violation of right to speedy trial. Briefing completed. (Cabell County)
Appellate	Mowen, II, Gordon	APP-16-0277	16-1029	WVSCA	Kevin Chapman v. David Ballard, Warden (16-1029)	Habeas corpus appeal by petitioner convicted of numerous counts of first degree sexual assault alleging ineffective assistance of trial counsel. Briefing completed. (Fayette County)
Appellate	Mowen, II, Gordon	APP-16-0265	16-1064	WVSCA	State of West Virginia v. Amber Richardson (16-1064)	Direct appeal from conviction as accessory before the fact to first degree murder and conspiracy, alleging evidentiary and instructional error and improper failure to continue trial. Briefing completed. (Monroe County)
Appellate	Mowen, II, Gordon	APP-17-0002	16-1169	WVSCA	State of West Virginia v. Steven W. Funt (16-1169)	Direct criminal appeal from convictions for burglary, petit larceny, and recidivism, and alleging adequacy of prior felony to support recidivist conviction and challenging whether violence standard violates due process. Memorandum Decision issued; awaiting WVSCA mandate. (Morgan County)
Appellate	Mowen, II, Gordon	APP-17-0004	16-1193	WVSCA	State of West Virginia v. Tanya Jean Parker-Boling (16-1193)	Direct criminal appeal from convictions for first degree sexual assault and sexual abuse, asserting that sentence constitutes cruel and unusual punishment and violates proportionality principles. Briefing completed. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-17-0031	17-0014	WVSCA	Jack Jones v. Karen Pszczolowski, Warden (17-0014)	Habeas corpus appeal by sex offender alleging failure to allow deposition of child victim and complaining of excessive sentence. Under briefing schedule. (Ohio County)
Appellate	Mowen, II, Gordon	APP-17-0022	17-0029	WVSCA	State of West Virginia v. Jonathan Means (17-0029)	Direct criminal appeal from first degree robbery conviction alleging abuse of discretion and disproportionality in sentencing. Memorandum Decision issued; awaiting WVSCA mandate. (Logan County)
Appellate	Mowen, II, Gordon	APP-17-0044	17-0078	WVSCA	Yassar Abdelhaq v. David Ballard, Warden (17-0078)	Habeas corpus appeal alleging ineffective assistance of counsel by petitioner convicted of first degree murder. Under briefing schedule. (Ohio County)
Appellate	Mowen, II, Gordon	APP-17-0069	17-0085	WVSCA	Monique Nicole Weldon v. Lori Nohe, Warden (17-0085)	Habeas appeal alleging exclusion of African-Americans from jury pool, ineffective assistance of counsel and several other errors. Under briefing schedule. (Kanawha County)
Appellate	Mowen, II, Gordon	APP-17-0038	17-0092	WVSCA	State of West Virginia v. Jimmy Bonnett, Jr. (17-0092)	Appeal from domestic assault conviction alleging error in allowing amendment to complaint, instructions to jury, and verdict form. Briefing completed. (Lewis County)
Appellate	Mowen, II, Gordon	APP-17-0085	17-0129	WVSCA	Joshua J. v. David Ballard, Warden (17-0129)	Habeas appeal by petitioner convicted of second degree sexual assault alleging denial without omnibus hearing of petition, ineffective assistance, invalid plea agreement, and invalid statement. Briefing complete. (Randolph County)
Appellate	Mowen, II, Gordon	APP-17-0051	17-0171	WVSCA	State of West Virginia v. Zachary Wamsley (17-0171)	Appeal from probation revocation after grand larceny conviction alleging abuse of discretion in sentencing. Briefing complete. (Wood County)

Appellate	Mowen, II, Gordon	APP-17-0064	17-0185	WVSCA	Brian W. v. Marvin Plumley, Warden (17-0185)	Habeas corpus appeal by convicted sex offender alleging ineffective assistance of counsel and prosecutorial misconduct. Briefing complete. (Randolph County)
Appellate	Mowen, II, Gordon	APP-17-0086	17-0230	WVSCA	William Mark Johnson v. David Ballard, Warden (17-0230)	Habeas corpus appeal by petitioner convicted of kidnapping and sex offenses alleging summary dismissal of Zain-based petition was improper. Under briefing schedule. (Preston County)
Appellate	Mowen, II, Gordon	APP-17-0088	17-0273	WVSCA	Thomas Talbert v. Marvin Plumley, Warden (17-0273)	Habeas corpus appeal alleging newly discovered evidence associated with DUI 3rd Offense arrest leading to life recidivist sentence. Briefing complete. (Cabell County)
Appellate	Mowen, II, Gordon	APP-17-0092	17-0276	WVSCA	State of West Virginia v. Donald P. Cookman (17-0276)	Direct appeal from probation revocation for intoxication and violation of criminal laws, alleging probation sentence for petit larceny conviction was incorrect. Briefing complete. (Hampshire County)
Appellate	Mowen, II, Gordon	APP-17-0090	17-0304	WVSCA	State of West Virginia v. Rossi A. Gray, Jr. (17-0304)	Direct appeal by petitioner convicted of sex offenses and third-time recidivism from denial of Rule 35(a) motion claiming petitioner's underlying argument was based on instructional error. Briefing complete. (Ohio County)
Appellate	Mowen, II, Gordon	APP-17-0098	17-0337	WVSCA	Gregory I. Settle v. David Ballard, Warden (17-0337)	Habeas corpus appeal arising from burglary and sexual assault convictions alleging error on trial judge's failure to disqualify herself and inadequate consideration of ineffective assistance of counsel issue. Briefing complete. (Kanawha County)
Appellate	Mowen, II, Gordon	APP-17-0099	17-0339	WVSCA	Gerald R. v. David Ballard, Warden (17-0339)	Habeas corpus appeal by sex offender alleging multiple assignments of error including ineffective assistance, judicial conflict and other errors. Under briefing schedule. (Webster County)
Appellate	Mowen, II, Gordon	APP-17-0107	17-0365	WVSCA	State of West Virginia v. Brenda Jeffrey (17-0365)	Direct appeal from order concluding circuit court lacked jurisdiction to order destruction of dog that was the subject of conviction for harboring a vicious animal. Under briefing schedule. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-17-0108	17-0395	WVSCA	State of West Virginia v. Daniel Baumgardner (17-0395)	Direct appeal from first degree sexual abuse conviction alleging jury misconduct, improper admission of W.V.R.E. Rule 404(b) evidence and improper exclusion of petitioner's Rule 404(b) evidence. Under briefing schedule. (Cabell County)
Appellate	Mowen, II, Gordon	APP-17-0116	17-0401	WVSCA	State of West Virginia v. Marcus Stephen Sanders (17-0401)	Direct appeal from convictions for first degree robbery, attempted murder and wanton endangerment with assignment of errors to be determined. Under briefing schedule. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-17-0139	17-0434	WVSCA	Raymond Allen v. John Murphy, Acting Warden (17-0434)	Habeas corpus appeal by sex offender complaining of denial of hearing or appointed counsel and alleging improper denial of parole. Briefing complete. (Fayette County)
Appellate	Mowen, II, Gordon	APP-17-0126	17-0446	WVSCA	State of West Virginia v. Kenneth Bookheimer (17-0446)	Direct appeal alleging error in failure to suppress evidence obtained in allegedly improper search of petitioner's residence in connection with conviction for unlawful possession of firearm. Briefing complete. (Braxton County)
Appellate	Mowen, II, Gordon	APP-17-0154	17-0490	WVSCA	Keith R. Jeffers v. David Ballard, Warden (17-0490)	Habeas corpus appeal by convicted murderer complaining of denial of petition without hearing where he alleges ineffective assistance of counsel and other errors. Briefing complete. (Kanawha County)
Appellate	Mowen, II, Gordon	APP-17-0148	17-0549	WVSCA	State of West Virginia v. Samir Tallozi (17-0549)	Direct appeal from denial of W.Va. R. Crim. P. Rule 35(b) motion for sentence reduction alleging W.Va. Code 61-13-3(a) is unconstitutionally vague and ambiguous, refusal to grant alternative sentence was abuse of discretion following conviction for benefitting from fraud. Under briefing schedule. (Cabell County)
Appellate	Mowen, II, Gordon	APP-17-0161	17-0588	WVSCA	State of West Virginia v. Alexander Hicks (17-0588)	Direct appeal alleging errors in exclusion of evidence purporting to show guilt of third party, depriving petitioner of right to testify and present defense, and double jeopardy violation. Under briefing schedule. (Berkeley County)
Appellate	Mowen, II, Gordon	APP-17-0169	17-0621	WVSCA	State of West Virginia v. Howard Dotson (17-0621)	Direct appeal by sex offender alleging improper admission of W.V.R.E. Rule 404(b) evidence, prejudicial pre-indictment delay, prejudicial post-indictment delay and insufficiency of the evidence. Under briefing schedule. (Boone County)
Appellate	Mowen, II, Gordon	APP-17-0182	17-0629	WVSCA	Charles N. Brannon v. Karen Pszczolkowski, Warden (17-0629)	Habeas corpus appeal from robbery conviction alleging ineffective assistance of counsel on multiple grounds. Under briefing schedule. (Wood County)

Appellate	Mowen, II, Gordon	APP-17-0196	17-0712	WVSCA	State of West Virginia v. Jordan Goard (17-0712)	Direct appeal from robbery conviction alleging improper denial of motion to sever, various evidentiary and instructional errors, and prosecutorial misconduct. Under briefing schedule. (Fayette County)
Appellate	Mowen, II, Gordon	APP-17-0202	17-0713	WVSCA	State of West Virginia v. J. C. (17-0713)	Direct appeal from commitment of incompetent juvenile charged with first degree sexual assault to mental health facility, alleging error in committing juvenile for maximum sentence of 35 instead of 21 years. Under briefing schedule. (Berkeley County)
Appellate	Mowen, II, Gordon	APP-17-0198	17-0714	WVSCA	State of West Virginia v. Daniel Mankel (17-0714)	Direct appeal from conviction from child abuse resulting in injury, alleging evidentiary errors and insufficient evidence. Under briefing schedule. (Berkeley County)
Appellate	Mowen, II, Gordon	APP-17-0218	17-0730	WVSCA	Jason M. Payne v. David Ballard, Warden (17-0730)	Habeas corpus appeal by convicted murderer complaining of denial without appointment of counsel and holding a hearing to address newly discovered evidence. Under briefing schedule. (Morgan County)
Appellate	Mowen, II, Gordon	APP-17-0223	17-0776	WVSCA	Randy F. v. David Ballard, Warden (17-0776)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, improper grand jury procedures and denial of evidentiary hearing. Under briefing schedule. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-17-0241	17-0905	WVSCA	State of West Virginia v. Matthew Gates (17-0905)	Direct appeal from sex offense convictions alleging insufficient evidence and denying petitioner is a "custodian". Under briefing schedule. (Ohio County)
Appellate	Mowen, II, Gordon	APP-16-0109	2:15-cv-12744	U.S. District Court N.D of W.V.	James Whitlow v. David Ballard, Warden (2:15-cv-12744)	Federal habeas corpus action by petitioner convicted of multiple counts of first degree sexual assault, sexual abuse by a parent, guardian or custodian and incest, alleging ineffective assistance of counsel, cruel and unusual punishment, prosecutorial misconduct, evidentiary and other violations. In litigation. (Fayette County)
Appellate	Mowen, II, Gordon	APP-17-0213	2:16-cv-01853	U.S. District Court S.D. of W.V.	Steven Lee Mahood v. David Ballard, Warden (2:16-cv-01853)	Federal habeas corpus petition alleging denial of impartial jury, ineffective assistance, 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	Mowen, II, Gordon	APP-16-0145	2:16-cv-04905	U.S. District Court S.D. of W.V.	Mark A. Pifer v. State of West Virginia (2:16-cv-04905)	Federal habeas corpus action by petitioner convicted of sex offenses alleging ineffective assistance of counsel and disproportionate sentence. In litigation. (Marion County)
Appellate	Mowen, II, Gordon	APP-16-0269	2:16-cv-11303	U.S. District Court N.D of W.V.	Glen R. Meade v. David Ballard, Warden (2:16-cv-11303)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel. Awaiting appeal to Fourth Circuit or expiration of appeal period. (Mingo County)
Appellate	Mowen, II, Gordon	APP-17-0234	2:17-cv-126	U.S. District Court N.D of W.V.	Jason M. Payne v. David Ballard, Warden (2:17-cv-126)	Federal habeas corpus action by petitioner convicted of breaking and entering and other crimes alleging ineffective assistance of counsel and erroneous admission of statements. In litigation. (Morgan County)
Appellate	Mowen, II, Gordon	APP-17-0055	5:16-cv-150	U.S. District Court N.D of W.V.	Shane Monroe Dodson v. David Ballard, Warden (5:16-cv-150)	Federal habeas corpus petitioner alleging ineffective assistance of counsel in connection with plea bargaining leading to daytime burglary and domestic battery convictions. In litigation. (Jefferson County)
Appellate	Peterson, Erica	APP-16-0221	16-0873	WVSCA	State of West Virginia v. Jeremy Marcum (16-0873)	Direct appeal from murder conviction alleging errors associated with denial of motion to suppress confession, admission of statement without redaction, and witnesses' invocation of right to remain silent before the jury. Memorandum Decision issued; awaiting WVSCA mandate. (Wayne County)
Appellate	Viglianco, Zachary	APP-15-0219	1:15-cv-123	U.S. District Court S.D. of W.V.	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)
Appellate	Viglianco, Zachary	APP-16-0060	16-0165	WVSCA	William J. Harrison v. David Ballard, Warden (16-0165)	Habeas corpus appeal arising from convictions for murder, kidnapping, breaking and entering and larceny alleging issues pertaining to suppression of evidence; venue; improper joinder; improper search warrant; prosecutorial misconduct; instructional error; prejudicial pretrial publicity. Briefing complete. (Webster County)

Appellate	Viglianco, Zachary	APP-16-0125	16-0431	WVSCA	State of West Virginia v. Ryan Christopher Bowen (16-0431)	Direct appeal from grand larceny conviction alleging instructional error. Memorandum Decision issued; awaiting WVSCA mandate. (Mingo County)
Appellate	Viglianco, Zachary	APP-16-0158	16-0541	WVSCA	State of West Virginia v. John Michael Howell (16-0541)	Direct appeal from kidnapping conviction raising issues concerning parole eligibility and sentencing. Memorandum Decision issued; awaiting WVSCA mandate. (Wetzel County)
Appellate	Viglianco, Zachary	APP-16-0252	16-0565	WVSCA	Ronnie R. v. David Ballard, Warden (16-0565)	Habeas corpus appeal complaining of the summary dismissal of a successive petition. Memorandum Decision issued; awaiting WVSCA mandate. (Mercer County)
Appellate	Viglianco, Zachary	APP-16-0183	16-0692	WVSCA	State of West Virginia v. Todd Booth (16-0692)	Direct appeal from convictions for first degree robbery, malicious assault and conspiracy alleging error in admitting deposition testimony and denial of motion to sever and denial of credit for time served. Briefing complete. (Fayette County)
Appellate	Viglianco, Zachary	APP-16-0220	16-0887	WVSCA	In Re: T. R. W. (16-0887)	Direct appeal from the denial of request for expungement of sexual misdemeanor offenses from record. Briefing complete. (Upshur County)
Appellate	Viglianco, Zachary	APP-16-0247	16-0956	WVSCA	State of West Virginia v. Clyde Richey (16-0956)	Appeal from denial of sex offender's motion for new trial based on newly discovered evidence. Memorandum Decision issued; awaiting WVSCA mandate. (Kanawha County)
Appellate	Viglianco, Zachary	APP-16-0254	16-1039	WVSCA	State of West Virginia v. John Strawser, Jr. (16-1039)	Direct appeal from first degree murder conviction alleging error in denial of motion for change of venue, denial of motion to suppress contents of cell phone, and instructional error. Briefing complete. (Preston County)
Appellate	Viglianco, Zachary	APP-16-0266	16-1094	WVSCA	Ray P. v. David Ballard, Warden (16-1094)	Habeas corpus appeal by convicted sex offender alleging ineffective assistance of counsel associated with failure to file direct appeal and involuntary guilty plea. Memorandum Decision issued; awaiting WVSCA mandate. (Putnam County)
Appellate	Viglianco, Zachary	APP-17-0140	17-0439	WVSCA	Timothy P. Shafer v. Karen Pszczolkowski, Warden (17-0439)	Habeas corpus appeal from felony murder, burglary, grand larceny and conspiracy convictions alleging ineffective assistance of counsel and that State violated plea agreement by arguing against mercy during direct appeal. Under briefing schedule. (Kanawha County).
Appellate	Viglianco, Zachary	APP-17-0147	17-0526	WVSCA	State of West Virginia v. Larry E. Scott (17-0526)	Direct appeal alleging circuit court exceeded statutory authority in ordering supervised release following incarceration for first degree attempted sexual abuse. Under briefing schedule. (Greenbrier County)
Appellate	Viglianco, Zachary	APP-15-0185	2:15-cv-11423	U.S. District Court S.D. of W.V.	Tony J. Walton v. David Ballard, Warden (2:15-cv-11423)	Federal habeas corpus action by petitioner convicted of first degree robbery and malicious assault alleging ineffective assistance of counsel, denial of right to impartial jury, actual innocence and other errors. In litigation. (Fayette County)
Appellate	Viglianco, Zachary	APP-17-0166	2:17-cv-3462	U.S. District Court S.D. of W.V.	Samuel Ansty v. David Ballard, Warden (2:17-cv-3462)	Federal habeas corpus petition alleging actual innocence; ineffective assistance of counsel; false testimony and invalid fire investigation techniques relating to felony murder conviction. In litigation. (Fayette County)
Appellate	Viglianco, Zachary	APP-16-0103	3:16-cv-29	U.S. Court of Appeals - 4th Circuit	Richard Hunt, Jr. v. David Ballard (3:16-cv-29)	Federal habeas corpus action by petitioner convicted of sex offenses alleging denial of due process resulting from references to him as a pedophile during his trial and denial of equal protection associated with denial of new trial after determination that State's expert witness testimony was inadmissible. Resolved by District Court; appeal to Fourth Circuit initiated by petitioner. (Calhoun County)
Appellate	Yancey, Ben	APP-16-0178	16-0663	WVSCA	State of West Virginia v. S. S. (16-0663)	Direct appeal from denial of request to release petitioner from mental health facility subsequent to commitment after finding of not guilty of attempted kidnapping and battery on a police officer, alleging petitioner was not given credit for time served prior to commitment. Memorandum Decision issued; awaiting SCAWV mandate. (Kanawha County)
Appellate	Yancey, Ben	APP-16-0222	16-0857	WVSCA	Dennis K. v. David Ballard, Warden (16-0857)	Habeas corpus appeal by convicted sex offender alleging illegal sentence; biased jury; ineffective assistance of counsel and other errors. Briefing complete. (Mason County)
Appellate	Yancey, Ben	APP-16-0260	16-1067	WVSCA	State of West Virginia v. Jedediah C. (16-1067)	Direct appeal from conviction for sexual abuse by parent complaining of failure to give credit for time served and abuse of discretion in sentencing. Briefing complete. (Jackson County)

Appellate	Yancey, Ben	APP-16-0279	16-1095	WVSCA	Landrum R. v. David Ballard, Warden (16-1095)	Habeas corpus appeal of summary dismissal of petition. Briefing completed. (Marshall County)
Appellate	Yancey, Ben	APP-16-0284	16-1129	WVSCA	State of West Virginia v. Anthony Slater (16-1129)	Direct appeal alleging abuse of discretion in sentencing after plea of guilty to attempt to commit a felony. Memorandum Decision issued; awaiting SCAWV mandate. (Jackson County)
Appellate	Yancey, Ben	APP-17-0001	16-1199	WVSCA	State of West Virginia v. Johnnie Franklin Wills (16-1199)	Direct appeal by petitioner convicted of grand larceny and conspiracy and found to be third-time recidivist alleging sentence constitutes cruel and unusual punishment. Briefing completed. (Hampshire County)
Appellate	Yancey, Ben	APP-17-0023	17-0030	WVSCA	State of West Virginia v. Delbert D. (17-0030)	Direct criminal appeal by convicted sex offender challenging admissibility of confession. Under briefing schedule. (Nicholas County)
Appellate	Yancey, Ben	APP-17-0074	17-0084	WVSCA	Jeffrey L. Finley v. David Ballard, Warden (17-0084)	Habeas corpus appeal alleging ineffective assistance of counsel, double jeopardy, and improper DNA procedures associated with convictions for first degree murder and second degree sexual assault. Briefing completed. (Cabell County)
Appellate	Yancey, Ben	APP-17-0057	17-0216	WVSCA	Joey K. Jeffery v. David Ballard, Warden (17-0216)	Habeas corpus appeal by petitioner convicted of kidnapping, malicious wounding, second degree robbery, and assault alleging ineffective assistance of counsel, ex parte communication by judge and juror and plain error. Briefing completed. (Kanawha County)
Appellate	Yancey, Ben	APP-17-0084	17-0229	WVSCA	State of West Virginia v. Kenneth Ray Buskirk (17-0229)	Direct appeal from convictions for malicious assault of government official, destruction of property, transfer of stolen property and breaking and entering alleging error in denial of W.Va. R. Crim. P. Rule 35(b) motion for sentence reduction. Under briefing order. (Cabell County)
Appellate	Yancey, Ben	APP-17-0087	17-0261	WVSCA	Ronald Davis v. David Ballard, Warden (17-0261)	Habeas corpus appeal arising from first degree murder and arson convictions alleging ineffective assistance of counsel, insufficient evidence, and excessive sentence. Under briefing schedule. (Jackson County)
Appellate	Yancey, Ben	APP-17-0095	17-0318	WVSCA	In Re: W.P. (17-0318)	Appeal of denial of expungement of 2011 assault and battery convictions. Briefing completed. (Kanawha County)
Appellate	Yancey, Ben	APP-17-0094	17-0343	WVSCA	Scotty E. Boothe v. David Ballard, Warden (17-0343)	Habeas corpus appeal by convicted sex offender alleging error in denying second habeas petition without hearing and ineffective assistance of counsel. Briefing completed. (Fayette County)
Appellate	Yancey, Ben	APP-17-0106	17-0391	WVSCA	State of West Virginia v. Jimmy Mullins (17-0391)	Direct appeal from drug convictions alleging error in admitting recorded jail calls and contending jury foreman should have been disqualified. Under briefing schedule. (Wyoming County)
Appellate	Yancey, Ben	APP-17-0122	17-0418	WVSCA	Terry Allen Blevins v. David Ballard, Warden (17-0418)	Habeas corpus appeal by petitioner convicted of two first degree murders and first degree arson alleging ineffective assistance of counsel. Under briefing schedule. (Mercer County)
Appellate	Yancey, Ben	APP-17-0133	17-0488	WVSCA	State of West Virginia v. Howard Clarence Jenner (17-0488)	Direct appeal from convictions for first degree murder, attempted murder and malicious assault alleging error in finding pertaining to alleged juror misconduct. Under briefing schedule. (Upshur County)
Appellate	Yancey, Ben	APP-17-0155	17-0522	WVSCA	Stevie Wayne Bailey v. David Ballard, Warden (17-0522)	Habeas corpus appeal by convicted murderer complaining of instructional error, failure to apply marital privilege, and ineffective assistance of trial and habeas counsel. Under briefing schedule. (Wyoming County)
Appellate	Yancey, Ben	APP-17-0168	17-0611	WVSCA	State of West Virginia v. James Green (17-0611)	Direct appeal from murder conviction alleging failure to suppress evidence, insufficiency of the evidence, instructional error and improper contact between prosecutor and juror. Under briefing schedule. (Wyoming County)
Appellate	Yancey, Ben	APP-17-0184	17-0653	WVSCA	State of West Virginia v. James A. Prater (17-0653)	Direct appeal by petitioner convicted of breaking and entering from denial of W.Va. R. Crim. P. Rule 35(b) motion seeking corrected sentencing order granting him credit for pre-sentence incarceration. Under briefing schedule. (Fayette County)
Appellate	Yancey, Ben	APP-17-0199	17-0726	WVSCA	Brandon Sherrod v. David Ballard, Warden (17-0726)	Habeas corpus appeal alleging failure to give limiting instruction, ineffective assistance of counsel, and cumulative trial error. Under briefing schedule. (Kanawha County)

Appellate	Yancey, Ben	APP-17-0209	17-0779	WVSCA	State of West Virginia v. Tyler Broc Thomas (17-0779)	Direct appeal alleging petitioner's guilty pleas to burglary and unlawful possession of firearm were not intelligent or voluntary and complaining of denial of alternative sentencing. Under briefing schedule. (Wood County)
Appellate	Yancey, Ben	APP-17-0237	17-0792	WVSCA	Gary W. Jeffrey v. Marvin Plumley, Warden (17-0792)	Habeas corpus appeal by petitioner who pled guilty to first degree robbery alleging ineffective assistance of counsel and excessive/disproportionate sentence. Under scheduling order. (Kanawha County)
Appellate	Yancey, Ben	APP-17-0230	17-0868	WVSCA	State of West Virginia v. Paige Manriquez (17-0868)	Direct appeal by petitioner convicted of forgery and delivery of heroin alleging abuse of discretion in denial of W. Va. R. Crim. R. Crim. P. Rule 35 (b) motion for sentence reduction. Under briefing schedule. (Berkeley County)

ARTS, EDUCATION, AND BOARDS DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Arts, Education and Boards	Campbell, Katherine	EA-04-1005	03-CA-354	Kanawha County Circuit Court	Dentistry, WV Board of v. James Bryant	Appeal of revocation of dentist's license for causing death of patient due to negligently administered anesthesia.
Arts, Education and Boards	Campbell, Katherine	EA-08-895	09-CAP-9	McDowell County Circuit Court	Avery Ray Bailey v. McDowell County Bd of Education	Appeal of grievance regarding non-selection for position.
Arts, Education and Boards	Campbell, Katherine	AEB-15-0402	15-C-2223	Kanawha County Circuit Court	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	Campbell, Katherine	EA-14-021	16-AA-9	Kanawha County Circuit Court	Professional Surveyors, Board of v. James E. Huffman	Licensee failed to perform proper survey pursuant to minimum standards and has appealed from Board's administrative findings.
Arts, Education and Boards	Campbell, Katherine	AEB-15-0299	16-C-504	Cabell County Circuit Court	Dentistry, WV Board of v. Murphy, R. Scott	Disciplinary action against dentist for verbal abuse of patient.
Arts, Education and Boards	Campbell, Katherine	AEB-15-0505	17-0279	WV Supreme Court of Appeals	Medicine, Board of v. Iyer, Shivkumar L.	Appeal by physician of revocation of license for overprescribing medications.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0221	17-AA-39	Kanawha County Circuit Court	Ball, Michelle v. Department of Education	Appealing recommended decision of the Board of Education.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0315	2016-C-640	Berkeley County Circuit Court	Britner, Ricky v. WV Choice	Motion to Quash filed on September 11, 2017, for a subpoena requesting records.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0019	CC-16-0955	Court of Claims	Russell Nesbitt, Inc. v. Rehabilitation Services	Claim filed for an outstanding invoice on services rendered.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0078	CC-17-0060	Court of Claims	Micropact Global, Inc. v. Rehabilitation Services, Division of	Notice of Claim filed for services from October 15, 2015 to April 14, 2016.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0278	CC-17-0436	Court of Claims	Ricoh v. OT	Ricoh seeks \$95,021.30.
Arts, Education and Boards	Campbell, Katherine	AEB-17-0303	CC-17-0459	Court of Claims	WV Assc of Rehab Facilities v. Rehabilitation Services, Division of	Notice of Claim in the amount of \$3,207.35 filed with Court of Claims.
Arts, Education and Boards	Farber, Elizabeth	AEB-15-0507	15-M-3965	Kanawha County Magistrate Court	Labor, Division of v. Harkins, Greg	Proceeding against person for operating amusement device without a permit.
Arts, Education and Boards	Farber, Elizabeth	AEB-16-0410	16-AA-27	Kanawha County Circuit Court	Fluor Constructors v. Division of Labor	Fluor filed a petition for appeal of a wage bond cease and desist order.
Arts, Education and Boards	Foster, Greg	AEB-16-0427	17-AA-53	Kanawha County Circuit Court	O.H., M.D. v. Bd. of Medicine	Administrative Appeal of Board decision taking action against physician for alleged inappropriate relationship with patient.
Arts, Education and Boards	Foster, Greg	AEB-17-0279	CC-16-0855	Court of Claims	Ricoh v. Office of Technology	Notice of claim filed for \$40,763.04
Arts, Education and Boards	Foster, Greg	AEB-17-0277	CC-16-0931	Court of Claims	WEX Bank v. Office of Technology	WEX Bank seeks \$1704.36.

Arts, Education and Boards	Foster, Greg	AEB-17-0276	CC-17-0233	Court of Claims	Verizon v. Office of Technology	Verizon seeking \$36,460
Arts, Education and Boards	George, Dawn	AEB-16-0256	16-AA-14	Kanawha County Circuit Court	McPeak, Pamela v. Concord University	Unemployment claim was denied and has been appealed to circuit court.
Arts, Education and Boards	George, Dawn	AEB-17-0098	17-0630	WV Supreme Court of Appeals	Hansen v. Fairmont State BOG	Plaintiffs are seeking an injunction and declaratory judgment regarding the presidential search process under the Open Government Meetings Act.
Arts, Education and Boards	George, Dawn	AEB-17-0339	17-C-142	Jefferson County Circuit Court	Buracker v. Shepherd University	Declaratory judgment suit to force Shepherd College to charge its police officer employment policies.
Arts, Education and Boards	George, Dawn	AEB-15-0021	CC-14-1405	Court of Claims	SciQuest v. WVNET	Cancellation of SciQuest's contract gives rise to breach of contract claim against WVNET.
Arts, Education and Boards	George, Dawn	AEB-17-0144	CC-17-0134	WV Court of Claims	Alessio, Francis v. Marshall BO	Claimant is seeking recovery for injuries incurred during an intramural activity at the university.
Arts, Education and Boards	Koerber, Barry	EA-07-663	07-P-59	Nicholas County Circuit Court	In Re: Teddy E. Sharp, Appealed decision of the Coal Mine Safety Board	Appeal of decision of the Coal Mine Safety Board in which miner was fined for improperly moving mining equipment.
Arts, Education and Boards	Koerber, Barry	EA-14-206	13-AA-134	Kanawha County Circuit Court	Miners' Health, Safety & Training v. Taggart Site Services	Appeal of mine safety violation for improperly maintaining structure that collapsed and injured two miners.
Arts, Education and Boards	Koerber, Barry	EA-14-472	14-AA-105	Kanawha County Circuit Court	Miners' Health, Safety & Training v. Matthew Colegrove	Appeal of Board of Appeals decision that miner did not refuse drug test.
Arts, Education and Boards	Koerber, Barry	EA-14-471	14-AA-105	Kanawha County Circuit Court	Miners' Health, Safety and Training v. Colegrove, Danny	Appeal of Board of Appeals decision finding that miner did not refuse drug test.
Arts, Education and Boards	Koerber, Barry	AEB-15-0254	15-AA-112	Kanawha County Circuit Court	Miners' Health, Safety & Training v. John Martin	Appeal of Board of Appeals decision that miner did not fail drug test.
Arts, Education and Boards	Rife, Jack	AEB-15-0322	15-33896	Bankruptcy Court-U.S.	Alpha NR Bankruptcy	Proof of claim filed by Miners' Health, Safety and Training for delinquent assessments.
Arts, Education and Boards	Rife, Jack	AEB-16-0159	16-40120-705	Bankruptcy Court-U.S.	Arch Coal Chapter 11 Bankruptcy	Proof of claim filed by Miners' Health Safety and Training for delinquent assessments.
Arts, Education and Boards	Spatafore, Sam	AEB-17-0316	17-AA-11	Kanawha County Circuit Court	Subramani, K. v. WVU	Administrative appeal filed by grievant regarding a decision that denied him a promotion to full professor.
Arts, Education and Boards	Talbott, Kelli	EA-14-085	13-P-672	Kanawha County Circuit Court	Massey, Rebecca v. Registered Professional Nurses, WV Board of	Writ of prohibition re: alleged unauthorized disclosure of records by LPN Board to RN Board.
Arts, Education and Boards	Talbott, Kelli	EA-02-157	02-C-22	Kanawha County Circuit Court	Eula M. Thacker v. AC&S, Inc, et al.	Plaintiff claims injury from asbestos exposure.
Arts, Education and Boards	Talbott, Kelli	EA-14-089	14-P-62	Kanawha County Circuit Court	Massey, Rebecca v. RN Board and LPN Board	Writ of Prohibition filed against LPN Board related to alleged unauthorized disclosure of records to RN Board.

Arts, Education and Boards	Talbott, Kelli	AEB-15-0400	16-AA-1	Jefferson County Circuit Court	Rao, Lester v. Racing Commission (Fine appeal)	Permit holder appeal of Racing Commission decision to impose a \$500.00 fine for an altercation on the racetrack.
Arts, Education and Boards	Talbott, Kelli	AEB-17-0342	16-JA-249	Kanawha County Circuit Court	In the interest of B.W.	Contempt proceeding in Kanawha County Circuit Court against DHHR in which it is alleged that the state has failed to adequately staff and manage child abuse and neglect cases. Division of Personnel is expected to be joined as a party to the case. 16-JA-249 and 16-JA-250.
Arts, Education and Boards	Talbott, Kelli	AEB-16-0473	16-P-609	Kanawha County Circuit Court	Scurlock, Donald v. Board of Trustees of Nitro Policemen Pension and Relief Fund	Suit filed by Nitro policeman seeking to obtain retirement benefits. Motion to Intervene filed on behalf of Municipal Pensions Oversight Board.
Arts, Education and Boards	Talbott, Kelli	EA-14-585	17-0555	WV Supreme Court of Appeals	Speech-Language Pathology & Audiology, WV Board of v. Lindsay, Elissa G.	Disciplinary proceeding
Arts, Education and Boards	Talbott, Kelli	AEB-17-0231	17-0767	WV Supreme Court of Appeals	Nicholas County Board of Education v. WVBE	Nicholas County Board of Education brings a writ of mandamus and request for injunctive relief against WV Board of Education and State Superintendent of Schools to compel them to approve a school consolidation plan.
Arts, Education and Boards	Talbott, Kelli	AEB-17-0223	17-C-706	Kanawha County Circuit Court	Radcliff, Wendy v. Environmental Protection, Dept. of	Alleging violation of wage payment and collection act.
Arts, Education and Boards	Talbott, Kelli	AEB-17-0338	na	Court of Claims	Pocahontas Co Bd of Ed, et al. v. Department of Education	Claims filed in Court of Claims for school funding formula funds allegedly owed to county boards of education.
Arts, Education and Boards	Thornton, Karen	EA-12-086	14-AA-107	Kanawha County Circuit Court	Barry Blair, et al. v. PSC and DOP	Ten employees filed grievances against the PSC seeking a 10% discretionary increase in pay to match that which was given to other employees.
Arts, Education and Boards	Thornton, Karen	EA-14-636	15-AA-115	Kanawha County Circuit Court	Robert Wayne Lilly v. Public Service Commission and Division of Personnel	Employee claims he is misclassified and makes 22% less than another supervisor who performs the same job.
Arts, Education and Boards	Thornton, Karen	EA-10-488	16-0527	WV Supreme Court of Appeals	Brett Cabell, et al. v. DOT/DOH and DOP	Seven employees filed grievances generally claiming that their positions should be reallocated from the classification of Investigator 2 to Investigator 3 and that they should receive pay commensurate with other Investigators.
Arts, Education and Boards	Thornton, Karen	AEB-15-0305	16-AA-73	Kanawha County Circuit Court	Newhouse, Carmelia Ernestine v. Insurance Commissioner and Division of Personnel	Employee currently in position of Paralegal seeks reallocation to classification of Claims Deputy.
Arts, Education and Boards	Thornton, Karen	AEB-16-0433	17-AA-8	Kanawha County Circuit Court	Milam, Jeffrey P. v. Highways and Division of Personnel	Employee seeks to keep the position he occupies from being downwardly reallocated from Supervisor 2 to Highways Storekeeper.
Arts, Education and Boards	Valentino, William	AEB-16-0545	16-AA-2	Raleigh County Circuit Court	Kostenko, Michael v. WV Board of Osteopathic Medicine	Injunction seeking to stop Board of Osteopathic Medicine from suspending license.
Arts, Education and Boards	Valentino, William	AEB-16-0546	16-AA-3-H	Raleigh County Circuit Court	Kostenko, Michael v. WV Board of Osteopathic Medicine	Appeal of Board's suspension of license for overprescribing pain medications.
Arts, Education and Boards	Webb-Barber, Celeste	EA-14-564	15-1014	WVSCA	Registered Professional Nurses v. Johnathan McClanahan	Disciplinary matter against nurse due to positive drug test for marijuana.
Arts, Education and Boards	Webb-Barber, Celeste	EA-14-562	15-AA-93	Kanawha County Circuit Court	Registered Professional Nurses v. Amy King	Disciplinary matter against nurse for arriving to work impaired.
Arts, Education and Boards	Webb-Barber, Celeste	CNB-16-0094	16-0833	WVSCA	Kenneth N Gibson, III v Marvin Plumley, Warden, Huttonsville Correctional Center	The Petitioner, Kenneth Gibson, appealed to the Supreme Court the decision made by the WV Parole Board denying his parole from Huttonsville Correctional Center. Briefing Completed.

Arts, Education and Boards	Weiler, Mark	EA-13-1268	13-P-621	Kanawha County Circuit Court	Administrative Hearings, Office of v. Hedrick, Thomas	Writ of Mandamus to obtain a hearing before OAH.
Arts, Education and Boards	Weiler, Mark	AEB-15-0108	15-AA-117	Kanawha County Circuit Court	Veterans Assistance, Dept. of v. Simpson, Anita	Appeal of adverse Grievance Board decision finding that agency did not have cause to terminate employee.
Arts, Education and Boards	Weiler, Mark	AEB-17-0337	17-0793	WV Supreme Court of Appeals	Vickie Marie Coakley v. Corporal A. D. Wooton	Petitioner has filed an appeal concerning the dismissal of Petition for Writ of Prohibition.
Arts, Education and Boards	Weiler, Mark	AEB-17-0191	17-AA-35	Kanawha County Circuit Court	Blair, Teddy v. Administrative Hearings, Office of	Mr. Blair has filed a petition for appeal of the OAH's decision not to grant his request for a hearing concerning an Order of Revocation issued by the DMV.
Arts, Education and Boards	Weiler, Mark	AEB-17-0066	17-P-31	Kanawha County Circuit Court	Administrative Hearings, Office of v. Alexander, Jason 17-P-31	A Complaint for Writ of Mandamus has been filed to reinstate his driving privileges.
Arts, Education and Boards	Weiler, Mark	AEB-17-0334	17-P-381	Kanawha County Circuit Court	MVP v. WV Environmental Quality Board and Greenbrier River Watershed Association, et al. and WVDEP	Petition for Writ of Prohibition asserting that the EQB does not have jurisdiction to hear an appeal of WV Natural Streams Preservation Act Permit #17-0001.
Arts, Education and Boards	Weiler, Mark	AEB-17-0301	CC-11-0214	Court of Claims	Eastern Electric v. Administration, Dept. of	Claim asserting constructive fraud, negligent misrepresentation, etc., concerning the payment of prevailing wages relating to small electrical construction at Department of Administration facilities.

CIVIL RIGHTS DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Civil Rights	Leslie, James	CIV-15-0012	06-C-230	Monongalia County Circuit Court	WVHRC v. Walden	Enforcement of consent judgment.
Civil Rights	Leslie, James	CIV-15-0007	14-C-77	Mingo County Circuit Court	SER Patrick Morrissey v. 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 female students while attending Birch Middle School.
Civil Rights	Leslie, James	CIV-16-0039	16-P-41	Monongalia County Circuit Court	In Re: Gary Walden	Petition to sell real estate and to transfer all real estate interests of Gary C. Walden to his children.
Civil Rights	Leslie, James	CIV-17-0009	17-C-1142	Kanawha County Circuit Court	WV HRC, on its own behalf and on behalf of Kaycee Johnson v. CRMM Properties, LLC, and Chester R. Smalley	Claim for violation of Fair Housing Act regarding assistance animal.

**CONSUMER PROTECTION
AND ANTITRUST
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Consumer Protection & Antitrust	Davis, Douglas	CON-15-0019	11-C-829	Kanawha County Circuit Court	SER Patrick Morrissey v. Morgan Drexen, Inc., et al.	Suit filed in May 2011 alleging Defendants were misrepresenting that they were providing legal services along with debt settlement services and for failing to register as a Credit Services Organization and as a Telemarketer. Judgment was entered against Morgan Drexen and Attorney Williamson. Defendants filed an appeal to the West Virginia Supreme Court. In April 2015, Morgan Drexen filed bankruptcy in California and the WV Supreme Court stayed the appeal pending a lifting of the bankruptcy stay or closing of the bankruptcy. WV AGO filed its claim in the bankruptcy proceeding in May 2015 based on the Judgment Order. Bankruptcy proceedings and the stay of the appeal continue.
Consumer Protection & Antitrust	Davis, Douglas	CON-15-0040	15-C-1833	Kanawha County Circuit Court	SER Patrick Morrissey v. Volkswagen of America, Inc.	In 2015, Volkswagen admitted cheating on emissions tests on its diesel engines, resulting in likely falsely advertising its mileage and performance specifications for diesel vehicles, in violation of the WVCCPA. Suit was filed in October 2015 and an Amended Complaint was filed in August 2016, adding allegations against Volkswagen's parent company, as well as Audi, Porsche and Robert Bosch engineering companies. VW reached a settlement in litigation pending in U.S. District Court in California. The settlement partially affects the State's action, but litigation is proceeding on matters that remain unresolved.
Consumer Protection & Antitrust	Davis, Douglas	CON-15-0034	15-C-542	Cabell County Circuit Court	In the Matter of Cabell Huntington Hospital Inc.'s Acquisition of St. Mary's Medical Center	Cabell Huntington Hospital wanted to acquire St. Mary's Hospital in Huntington, but concerns were raised that such acquisition would violate state antitrust laws. An Assurance of Voluntary Compliance between the parties and the Attorney General's office was entered July 2015 and amended in November 2015 to add new enforcement provisions. A new law passed in March 2016 permits cooperative agreements between certain hospitals in West Virginia if such agreement is approved by the WV Health Care Authority. The Attorney General formally concurred in the decision issued by the WVHCA approving the Cooperative Agreement. The Certificate of Need issued by the WVHCA has been appealed by a third party to the WV Supreme Court.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0007	16-C-1211	Kanawha County Circuit Court	SER Patrick Morrissey v. Auto Trakk, LLC	Suit filed August 10, 2016, alleging Auto Trakk repossessed leased vehicles without written notice and claimed to improve customer credit, without being qualified to offer credit counseling services, in violation of the WVCCPA. Defendant leased cars to consumers with subprime credit through a weekly payment option and use of a starter interrupt device. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0012	16-P-435	Kanawha County Circuit Court	SER Patrick Morrissey v. Mylan, N.V.	The Attorney General issued an investigatory subpoena to Mylan to determine if Mylan was violating state antitrust laws relating to large price increases for the epinephrine auto-injectors, EpiPen and EpiPen, Jr. The price increased from about \$100 for two doses in 2007 to \$608 in 2016. Mylan failed to fully respond to the subpoena even though the Attorney General extended the response time. A Petition to Enforce Investigative Subpoena and For Related Relief was filed September 2016. Mylan has been producing documents responsive to the subpoena since that time.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0016	17-C-294	Ohio County Circuit Court	SER Patrick Morrissey v. General Motors Company	Suit filed October 19, 2017, along with a concurrently filed consent order, under terms of a settlement after Attorneys General of 49 states and the District of Columbia concluded a multistate investigation into the auto manufacturer's failure to timely disclose known safety defects involving unintended issues with key rotation and/or ignition switches in several GM models over multiple years. Parties are waiting for judge's entry of consent judgment order.

Consumer Protection & Antitrust	Davis, Douglas	CON-17-0001	17-C-41	Kanawha County Circuit Court	SER Patrick Morrissey et al. v. CRH, plc, et al.	Complaint filed November 1, 2017, against CRH,PLC., Oldcastle, Inc., Oldcastle Materials Group, and several other defendants on behalf of the State. The state claims the defendants violated antitrust laws relating to their road paving and asphalt manufacturing businesses. The state alleges that the defendants conspired to divide markets and increase prices paid by the state for road paving services and asphalt. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0003	17-C-714	Kanawha County Circuit Court	SER Patrick Morrissey v. Johnson & Johnson Consumer Inc. and Johnson & Johnson	WV Attorney General, in coordination with 42 other attorneys general, reached a settlement with Johnson & Johnson subsidiary McNeil-PPC Inc., regarding misrepresenting its compliance with manufacturing standards and quality of over-the-counter drugs that were recalled. A Complaint was filed May 24, 2017 and Final Consent Judgment signed by all parties was submitted simultaneously to Kanawha County Circuit Court for approval and entry. The Circuit Court has not yet approved the consent order, but has appointed a guardian to review the settlement on behalf of the public.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0008	2:16-cv-04234	U.S. District Court E.D. of P.A.	State of New York, et al. v. Cephalon, Inc., et al.	WV Attorney General and Attorney Generals of other states joined in filing a Complaint and Settlement Agreement in August 2016, in the U.S. District Court, Eastern District of Pennsylvania. This multistate action alleges Cephalon and affiliated companies entered into "pay-for-delay" agreements to protect and share monopoly profits on Cephalon's narcolepsy-treating drug, Provigil. As a consequence, Cephalon reaped monopoly profits at the expense of consumers and state-payors such as the Medicaid program. Consumers will be able to file claims through a national claim process while the states will receive payments for fees, costs and other expenses. The district court gave final approval to the settlement on July 25, 2017.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-CV-5073	U.S. District Court E.D. of P.A.	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc. et al.	In November 2016, the WV Attorney General joined 40 states and the District of Columbia in suing 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. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0007	3:17-cv-01180-VAB	U.S. District Court District of Connecticut	State of Arkansas et al. v. Aurobindo Pharma USA, Inc. et al.	WV Attorney General, along with Arkansas, District of Columbia, Missouri and New Mexico filed a Complaint on July 17, 2017, in the US District Court for the District of Connecticut, alleging the Defendants engaged in price fixing for a number of generic drugs in the U.S. The states' filing mirrors a complaint previously filed by 40 other state Attorneys General. The action is in initial stages of litigation.
Consumer Protection & Antitrust	Godfrey, Tanya	CON-16-0002	CK-19-2016-C-78	Jefferson County Circuit Court	SER Patrick Morrissey v. Frederick Lee Tarmon, Sr., individually and d/b/a Tarmon and Son, and d/b/a Complete Handyman Service, and Frederick Lee Tarmon, Jr., individually and d/b/a Tarmon and Son, and d/b/a Complete Handyman Service	Suit was filed in April 2016, and amended in August 2016, against Frederick Tarmon, Sr. and Frederick Tarmon, Jr., dba Tarmon & Son and Complete Handyman Service, alleging that the defendants did not complete contracted work and work that was completed was substandard. The Defendants were not licensed with the WV Division of Labor. Criminal charges were filed and remain pending against Tarmon, Sr. A bench trial is scheduled for December 12, 2017.

Consumer Protection & Antitrust	Googel, Norman	CON-15-0002	14-C-366	Cabell County Circuit Court	SER Patrick Morrissey v. Thomas J. Matthews d/b/a Downtown Used Auto Sales	Suit was filed in May 2014 against Thomas Matthews d/b/a DUAS alleging a wide range of violations of the WVCCPA in the sale and financing of used motor vehicles, repossession of vehicles, charging unlawful interest and excess charges in credit sales. A Settlement was reached in January 2015 and approved by the Court by Order entered February 4, 2015, with Defendants paying \$50,000 as consumer restitution and \$27,000 in civil penalties. Defendant was making monthly payments and paid the full restitution amount; however, defendant only paid part of the civil penalties and then stopped making payments. A Petition for Contempt is being filed to enforce the Settlement and Order.
Consumer Protection & Antitrust	Googel, Norman	CON-15-0037	15-C-1699	Kanawha County Circuit Court	SER Patrick Morrissey v. Copper Beech Townhome Communities Twenty-six, LLC	Suit filed in September 2015 alleging violations of the WVCCPA by charging non-refundable redecoration fees, collection fees and other charges. The trial court granted Defendants' motion to certify question on whether the WVCCPA applies to leases for residential rental property. The WV Supreme Court agreed to hear the certified question and the case was argued October 3, 2017.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0009	16-50010	U.S. District Court Western District North Carolina	In re: Quick Silver Restoration, LLC	Suit filed in October 2014 in state court alleging fraudulent and deceptive acts by Defendant home improvement contractor. A final Dismissal Order was entered on May 11, 2015. Wanniss Allen, the operator of Quick Silver, filed a petition for bankruptcy in North Carolina in October 2015. The State of WV is listed as a creditor. A proof of claim has been filed with the bankruptcy court. The bankruptcy court entered an order on June 15, 2016, confirming a payment plan in which the debtor is to make payments to the trustee to be distributed to various creditors. The State's claim of \$70,000 is on the list of claims that have been approved to be paid.
Consumer Protection & Antitrust	Googel, Norman	CON-16-0013	16-C-1487	Kanawha County Circuit Court	SER Patrick Morrissey v. Walter D. Withrow	Suit filed in September 2016 against Walter D. Withrow, a Charleston home improvement contractor, alleging that Withrow engaged in a pattern of taking substantial down payments from consumers without returning to begin or complete work, and has continued performing contracting work without a license despite the issuance of at least seven cease and desist orders from the West Virginia Contractor Licensing Board. Near the time suit was filed, Withrow was arrested in Florida on similar charges and then left that state without leaving a new address with his probation officer. We have not yet obtained service on Withrow, but we are continuing to monitor in the hope of locating Withrow.
Consumer Protection & Antitrust	Googel, Norman	CON-16-0015	16-C-1505	Kanawha County Circuit Court	SER Patrick Morrissey v. Thaxton Wholesale Meats, LLC and Steve A. Thaxton	Suit filed in October 2016 against Thaxton Wholesale Meats, LLC and its owner, Steve A. Thaxton. The suit alleged that Thaxton engaged in a wide range of violations of the WVCCPA in the door-to-door sale of meats to West Virginia residents, including coercing elderly and vulnerable consumers to purchase meats they did not need, could not afford, and in quantities they could not possibly consume. On October 25, 2017, the court entered an agreed Order granting injunctive relief pending final hearing, which directed defendants to refrain from selling, transferring, or encumbering all of personal and real property, and to consent to inspection of sales records. Recently Steve Thaxton and his wife filed a chapter 7 bankruptcy petition, which invoked an automatic stay and the continuance of the Attorney General's motion for summary judgment. Steps are being taken to file a motion in bankruptcy court seeking permission to proceed with the civil action.

Consumer Protection & Antitrust	Googel, Norman	CON-17-0006	17-C-113	Mingo County Circuit Court	SER Patrick Morrissey v. Cav's Coach Company, LLC et al.	Suit filed on June 27, 2017 against Cav's Coach Company, LLC, All Aboard Tours & Charters, LLC, and their owner, Chris Cavender, alleging the failure to refund money for cancelled bus trips. On July 27, 2017, an Order was entered requiring the defendants to refund \$22,682.00 to consumers and to cease all operations pending final resolution, freeze their assets, and grant the Attorney General access to all their bank records. The defendants paid the \$22,682.00 which has been distributed to the affected consumers. The remaining issue, the amount of civil penalties, if any, is being presented to the court on cross motions for summary judgment.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0002	17-C-50	Kanawha County Circuit Court	SER Patrick Morrissey v. Biafora's Incorporated, d/b/a Metro Property Management et al	Suit filed on January 12, 2017 against Biafora's Incorporated, dba Metro Property Management, alleging that Metro Property violated the WVCCPA by transferring its responsibility to pay for maintenance of the property onto the tenants, and charging questionable fees. Discovery is ongoing, with discovery issues referred to a Discovery Commissioner, who has issued a recommended decision directing the defendants to provide responses to discovery.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0011	17-P-378	Circuit Court of Kanawha Co.	SER Patrick Morrissey v. David Allen a/k/a David Clevenger d/b/a Butcher's Choice	Petition filed October 5, 2017, to enforce investigative subpoena against defendant who sells meat door-to-door to consumers. A hearing date has been scheduled for December 2017.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0012	17-P-379	Circuit Court of Kanawha Co.	SER Patrick Morrissey v. Matthews Law Firm, Inc., and Arturo E. Matthews, Jr.	Petition filed October 5, 2017, to enforce an Assurance of Discontinuance entered into with Matthews Law Firm and its owner in 2013. Terms included the refund of fees collected from West Virginia consumers, but defendants defaulted on payments and did not cure the default after written notice. Show cause hearing was scheduled for November 1, 2017, but is being rescheduled.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0010	2:17-bk-20466	U.S. Bankruptcy Court, Southern District of WV	In re: Steven Albert Thaxton and Anna Mae Thaxton	In October 2016, suit was filed against Thaxton Wholesale Meats, LLC and its owner, Steve A. Thaxton, alleging that Thaxton engaged in a wide range of violations of the WVCCPA in the door-to-door sale of meats to West Virginia residents. Steve Thaxton and his wife filed a chapter 7 bankruptcy petition, which resulted in an automatic stay of the civil action and continuance of the Attorney General's motion for summary judgment. A motion seeking permission to proceed with the civil action will be filed in the bankruptcy proceeding in October 2017.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1726	12-C-129	Putnam County Circuit Court	SER John D. Perdue v. New York Life Ins and Annuity Corp	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1311	12-C-287	Putnam County Circuit Court	SER John D. Perdue v. Nationwide Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Putnam County Circuit Court	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. The case is currently being mediated with those companies willing to engage in early dispute resolution and discovery is underway.

Consumer Protection & Antitrust	Haight, Ann	AD-12-1313	12-C-289	Putnam County Circuit Court	SER John D. Perdue v. AXA Equitable Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1314	12-C-290	Putnam County Circuit Court	SER John D. Perdue v. Prudential Insurance Company of America	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1315	12-C-291	Putnam County Circuit Court	SER John D. Perdue v. Hartford Life and Annuity Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1316	12-C-292	Putnam County Circuit Court	SER John D. Perdue v. Massachusetts Mutual Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. An Agreed Order of Dismissal has been submitted to the Court for entry.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1317	12-C-293	Putnam County Circuit Court	SER John D. Perdue v. New York Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court 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	Putnam County Circuit Court	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1320	12-C-296	Putnam County Circuit Court	SER John D. Perdue v. Lincoln National Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.

Consumer Protection & Antitrust	Haight, Ann	AD-12-1585	12-C-322	Putnam County Circuit Court	SER John D. Perdue v. American General Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. The case is currently being mediated with those companies willing to engage in early dispute resolution and discovery is underway.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1587	12-C-323	Putnam County Circuit Court	SER John D. Perdue v. Genworth Life and Annuity Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1586	12-C-325	Putnam County Circuit Court	SER John D. Perdue v. Erie Family Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1588	12-C-326	Putnam County Circuit Court	SER John D. Perdue v. Great Western Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1592	12-C-327	Putnam County Circuit Court	SER John D. Perdue v. Pruco Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court 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	Putnam County Circuit Court	SER John D. Perdue v. United of Omaha Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1590	12-C-329	Putnam County Circuit Court	SER John D. Perdue v. New York Life Insurance and Annuity Corp	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Consumer Protection & Antitrust	Haight, Ann	AD-12-1584	12-C-330	Putnam County Circuit Court	SER John D. Perdue v. American Income Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0015	12-C-331	Putnam County Circuit Court	SER John D. Perdue v. The Western and Southern Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1687	12-C-355	Putnam County Circuit Court	SER John D. Perdue v. Western & Southern Life Assurance Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1686	12-C-356	Putnam County Circuit Court	SER John D. Perdue v. Primerica Life Ins Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1690	12-C-358	Putnam County Circuit Court	SER John D. Perdue v. Nationwide Life and Annuity Insurance Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Putnam County Circuit Court	SER John D. Perdue v. Lincoln Benefit Life Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court 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	Putnam County Circuit Court	SER John D. Perdue v. Transamerica Life Insurance Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1691	12-C-362	Putnam County Circuit Court	SER John D. Perdue v. Employees Life Company (Mutual)	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1685	12-C-364	Putnam County Circuit Court	SER John D. Perdue v. Protective Life Ins Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1696	12-C-372	Putnam County Circuit Court	SER John D. Perdue v. Ohio National Life Assurance Corp	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1695	12-C-373	Putnam County Circuit Court	SER John D. Perdue v. Combined Insurance Co of America	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1693	12-C-374	Putnam County Circuit Court	SER John D. Perdue v. Reassure American Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1679	12-C-375	Putnam County Circuit Court	SER John D. Perdue v. Globe Life & Accident Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as company is under audit review by WVSTO.

Consumer Protection & Antitrust	Haight, Ann	AD-12-1680	12-C-377	Putnam County Circuit Court	SER John D. Perdue v. Riversource Life Ins Co	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1681	12-C-378	Putnam County Circuit Court	SER John D. Perdue v. West Coast Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1682	12-C-379	Putnam County Circuit Court	SER John D. Perdue v. Midland National Life Ins Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1683	12-C-380	Putnam County Circuit Court	SER John D. Perdue v. Allstate Life Ins Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1684	12-C-381	Putnam County Circuit Court	SER John D. Perdue v. Reliastar Life Ins Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-307	12-C-419	Putnam County Circuit Court	SER John D. Perdue v. Liberty Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-306	12-C-420	Putnam County Circuit Court	SER John D. Perdue v. Lincoln Heritage Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case has been settled and documents are being finalized.

Consumer Protection & Antitrust	Haight, Ann	AD-13-305	12-C-421	Putnam County Circuit Court	SER John D. Perdue v. Physicians Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-304	12-C-422	Putnam County Circuit Court	SER John D. Perdue v. Motorists Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-303	12-C-423	Putnam County Circuit Court	SER John D. Perdue v. Horace Mann Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-302	12-C-424	Putnam County Circuit Court	SER John D. Perdue v. Gerber Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-290	12-C-425	Putnam County Circuit Court	SER John D. Perdue v. Provident Life & Accident Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-13-289	12-C-426	Putnam County Circuit Court	SER John D. Perdue v. Teachers Insurance & Annuity Associates of America	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-233	12-C-427	Putnam County Circuit Court	SER John D. Perdue v. Sun Life Assurance Co. of Canada	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Consumer Protection & Antitrust	Haight, Ann	AD-13-288	12-C-428	Putnam County Circuit Court	SER John D. Perdue v. Cincinnati Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-13-287	12-C-429	Putnam County Circuit Court	SER John D. Perdue v. Pacific Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and iscovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-13-285	12-C-431	Putnam County Circuit Court	SER John D. Perdue v. Colonial Life & Accident Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-13-284	12-C-432	Putnam County Circuit Court	SER John D. Perdue v. Principal Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-282	12-C-434	Putnam County Circuit Court	SER John D. Perdue v. Boston Mutual Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is settled and documents are being finalized.
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	12-C-436	Putnam County Circuit Court	SER John D. Perdue v. Colonial Penn Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017.
Consumer Protection & Antitrust	Haight, Ann	AD-13-278	12-C-438	Putnam County Circuit Court	SER John D. Perdue v. Genworth Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Consumer Protection & Antitrust	Haight, Ann	AD-13-277	12-C-439	Putnam County Circuit Court	SER John D. Perdue v. United American Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-13-276	12-C-440	Putnam County Circuit Court	SER John D. Perdue v. Old American Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is currently stayed as company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-13-275	12-C-441	Putnam County Circuit Court	SER John D. Perdue v. American Family Life Assurance Company of Columbus, Georgia	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-13-245	12-C-442	Putnam County Circuit Court	SER John D. Perdue v. Minnesota Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-244	12-C-443	Putnam County Circuit Court	SER John D. Perdue v. Penn Mutual Life Insurance	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-243	12-C-444	Putnam County Circuit Court	SER John D. Perdue v. Banner Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-242	12-C-445	Putnam County Circuit Court	SER John D. Perdue v. North American Company for Life & Health Insurance	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Consumer Protection & Antitrust	Haight, Ann	AD-13-241	12-C-446	Putnam County Circuit Court	SER John D. Perdue v. Lafayette Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant filed a motion for judgment on the pleadings which was denied and has filed a motion to reconsider. Motion to reconsider will be argued in December 2017 and discovery is stayed until January 8, 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-13-240	12-C-447	Putnam County Circuit Court	SER John D. Perdue v. The State Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders 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. West Virginia Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0005	1:12-cv-00361-RMC	U.S. District Court for the District of Columbia	USA, et al. v. Bank of America Corp., et al.	National Mortgage Settlement agreement was reached between federal and state governments and the nation's five largest residential mortgage loan servicers for alleged abuses of state and federal laws relating to the servicing of loans made to U.S. homeowners. Monitoring will continue through 2018.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0025	1:14-cv-01028	U.S. District Court, District of Columbia	The United States of America, The Consumer Financial Protection Bureau, The State of West Virginia, et al. v. SunTrust Mortgage, Inc.	WV and 48 other states, District of Columbia, Department of Justice and HUD filed suit in June 2014, alleging foreclosure abuses, requesting direct payments and loan modifications for borrowers, new mortgage servicing standards and oversight authority through independent monitoring. Settlement included \$550 million for consumers. There are 184 eligible WV consumers. The deadline for consumer claims was July 20, 2015. Case remains open until all claims are paid.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0027	12-C-266	Marshall County Circuit Court	SER Patrick Morrissey v. Bristol-Myers Squibb Company; Sanofi-Aventis, US, LLC	Suit filed December 2012, alleging false and misleading marketing of the prescription drug Plavix. In February 2013, the lawsuit was removed from state to federal court, consolidated with Multi-District Litigation in the U.S.D.C. of New Jersey, MDL No. 2418, and then was remanded back to State Court. Discovery is ongoing.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0046	15-C-374	Raleigh County Circuit Court	SER Patrick Morrissey v. Tri-County Burial Association, et al.	Suit filed in May 2015 alleging that Association presented itself as a type of insurance for burial expenses for its members and that management ignored significant financial and management concerns until the business became insolvent and closed the business without refunds to consumers. Building owned by the Association was sold and proceeds placed in escrow account. An order has been entered to start the process of providing refunds from the escrow account.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0031	15-C-383	Cabell County Circuit Court	SER Patrick Morrissey v. Trio Alarm L.L.C. et al.	In May 2015, suit was filed against Trio Alarm, LLC and Tyler Ignatowski, the business's sole manager, alleging the business was misrepresenting the sale of alarm systems and was not installing new alarm system equipment. Trial is set for November 11, 2017.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0052	15-C-958-H	Raleigh County Circuit Court	SER Patrick Morrissey v. Rock City Pharmacy, LLC	Suit was filed in November 2015, requesting an injunction and other relief against Rock City Pharmacy, LLC, a Utah based pharmacy, and its sole manager, Morgan Mower. The complaint alleged that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions to the pharmacy without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is on hold as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas.

Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0053	15-C-959-B	Raleigh County Circuit Court	SER Patrick Morrissey v. David Pharmacy, LLC	Suit was filed in November 2015, requesting an injunction and other relief against David Pharmacy, LLC, a Utah based pharmacy, and its sole manager, Dustin Barrett. The complaint alleges that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions to the company without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is on hold as Uplift RX, LLC, a company that entered into a pre-purchase agreement with David, declared bankruptcy in the Southern District of Texas.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0054	15-P-506	Kanawha County Circuit Court	SER Patrick Morrissey v. Express Scripts	An investigative subpoena was served on Express Scripts, a contractor providing pharmacy, benefits and management services to West Virginia consumers. In November 2015, the Attorney General filed a Petition to Enforce Investigative Subpoena. Express Scripts provided the information requested. Case remains open pending additional information to be produced.
Consumer Protection & Antitrust	Jarrell, Steve	CON-16-0001	16-C-230	Raleigh County Circuit Court	SER Patrick Morrissey v. CureRX LLC et al.	Suit filed in April 2016, requesting an injunction and other relief against CureRX, LLC, a Utah based pharmacy, and its sole manager, Chris Rothe. The complaint alleges that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions to the company without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is on hold as Uplift RX LLC, a company that entered into a pre-purchase agreement with CureRX, declared bankruptcy in the Southern District of Texas.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0008	17-32186	U.S. Bankruptcy Court, Southern District of Texas	In re: Uplift RX, LLC	Uplift RX, LLC, entered into pre-purchase agreements with three pharmacies sued by the Attorney General in Raleigh County, but then filed bankruptcy in the Southern District of Texas. West Virginia Attorney General's office is identified as an unsecured creditor. Pro hac vice admissions were filed to monitor the bankruptcy proceedings and determine effect on pending pharmacy litigation. See litigation notes on Cure RX, David and Rock City pharmacies.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0014	17-C-1417	Kanawha County Circuit Court	SER Patrick Morrissey v. Origins Granite Charleston LLC	Suit filed October 16, 2017, alleging consumers paid for countertops and for installation but no work was completed and no refunds were paid. Litigation has just commenced.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0013	17-C-568	Cabell County Circuit Court	SER Patrick Morrissey v. Safe & Sound Inspection Services, LLC et al.	Suit filed on October 10, 2017, against Safe and Sound, a mold remediation company that consumers hired to fix or remove mold problems in their homes. Consumers paid for services that were never rendered and payments were never refunded. Litigation has just commenced.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0017	15-11755	Bankruptcy Court- U.S. D.E.	SER Patrick Morrissey v. USA Discounters, Ltd.	USA Discounters was the subject of a multi-state investigation regarding its advertising, loan origination, and collection practices that targeted military service members and families. USA Discounters filed bankruptcy in the USBC, District of Delaware, which prompted settlement negotiations through the bankruptcy forum. The Bankruptcy Court approved the settlement by order entered September 29, 2016. The bankruptcy continues, with a Final Claims Register filed on August 22, 2017. As there may be additional funds available to the states or consumers, we are monitoring the case.

Consumer Protection & Antitrust	Morrison, Matt	CON-15-0049	2:15-cv-00884-NVW	U.S. District Court Of Arizona	FTC, all 50 States, and the District of Columbia v. Cancer Fund of America, Inc. et al.	This multistate litigation was filed by the FTC, all 50 states, and the District of Columbia against Cancer Fund of America, Inc., its affiliated corporations, contractors, and individuals, alleging deception or other illegal acts in the course of soliciting charitable donations. In telemarketing calls, direct mail, websites, etc., the defendants portrayed themselves as legitimate charities that assisted cancer patients in the U.S, but the majority of donations enriched the defendants. The defendants raised more than \$187.1 million from U.S. donors from 2008 through 2012. A nationwide settlement was reached in March 2016 which included a permanent injunction to dissolve the sham cancer charities and to ban individuals involved from any future charitable fundraising. A monetary judgment will be partially satisfied through a liquidation of assets. One of the members, James Reynolds, Sr., filed for bankruptcy. When the receivership is final, a final distribution plan will be submitted to the court for payment to qualifying charitable organizations and to reimburse costs of the investigation and attorney's fees.
Consumer Protection & Antitrust	Morrison, Matt	CON-17-0004	CC-32-2017-P-22	Monroe County Circuit Court	SER Patrick Morrissey v. Lobban Funeral Home, Inc.	On June 12, 2017, the Attorney General filed a Petition for Issuance of Rule to Show Cause and Temporary Injunction because Lobban Funeral Home was not complying with the State's request to audit its records pertaining to preneed funeral contracts. An Order granting the State's Rule to Show Cause was entered on August 28, 2017, temporarily enjoining Lobban Funeral Home from selling and providing preneed funeral goods and services in the State. The order also required the funeral home to comply with the entirety of the State's audit requests. The matter remains pending as the audit documents are being produced and reviewed.
Consumer Protection & Antitrust	Sizemore, Vaughn	CON-15-0006	14-P-479	Boone County Circuit Court	SER Patrick Morrissey v. McKesson Pharmaceutical	Suit was filed in September 2014 as a petition to enforce subpoena for information. The court enforced the subpoena and information was produced.
Consumer Protection & Antitrust	Wenger, Edward	AD-03-805	03-C-109	Lincoln County Circuit Court	SER Patrick Morrissey 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 that the Defendants knew or should have known that the claims were false at the time they were made, thus violating the West Virginia Credit Claims and Protection Act. A discovery commissioner had been appointed to rule on outstanding discovery issues.
Consumer Protection & Antitrust	Wenger, Edward	AD-12-1622	12-C-122N	Mason County Circuit Court	SER Patrick Morrissey v. Intersections Insurance Services, Inc.	On October 2, 2012, a complaint was filed against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the W. Va. Consumer Credit and Protection Act. Discovery is ongoing, including numerous discovery disputes.
Consumer Protection & Antitrust	Wenger, Edward	AD-12-1619	12-C-123N	Mason County Circuit Court	SER Patrick Morrissey v. Center Partners, Inc.	On October 2, 2012, a complaint was filed against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the W. Va. Consumer Credit and Protection Act. Discovery is ongoing, including numerous discovery disputes.
Consumer Protection & Antitrust	Wenger, Edward	AD-12-1618	12-C-124N	Mason County Circuit Court	SER Patrick Morrissey v. Sitel Corporations	On October 2, 2012, a complaint was filed against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is ongoing, including numerous discovery disputes.

Consumer Protection & Antitrust	Wenger, Edward	AD-12-1620	12-C-125N	Mason County Circuit Court	SER Patrick Morrissey v. Sykes Enterprises, Inc.	On October 2, 2012, a complaint was filed against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, slowed by discovery disputes.
Consumer Protection & Antitrust	Wenger, Edward	AD-12-1621	12-C-126N	Mason County Circuit Court	SER Patrick Morrissey v. Stonebridge	On October 2, 2012, a complaint was filed against Aegon asserting it was a third party vendor offering credit card ancillary services for banks and credit card companies, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the W. Va. Consumer Credit and Protection Act. During the course of discovery, Stonebridge was identified as the appropriate party in interest and accordingly it was substituted as the Defendant, thereby dismissing the case as it pertained to Aegon. A discovery commissioner has been appointed to address various discovery disputes. There is not a current trial date due to the addition of the newly-substituted Defendant, although the Court has indicated that it will re-set a trial date after discovery progresses further.
Consumer Protection & Antitrust	Wenger, Edward	CON-14-0072	13-C-1N	Mason County Circuit Court	SER Patrick Morrissey v. Pfizer, et al.	In January 2013, suit was filed against the Defendants 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. The complaint alleges the defendant acted fraudulently and intentionally to try to delay the availability of the generic drug. 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. Presently the parties are engaging in discovery.

CORRECTIONS DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Corrections	Boothroyd, John	COR-16-0140	00-P-62	Wood County Circuit Court	Rydbom, Dennis v. WV Division of Corrections; Kirby	Inmate Rydbom is requesting records and testimony subpoena duces tecum.
Corrections	Boothroyd, John	Cor-15-122	11-F-369	Kanawha County Circuit Court	State of WV v. Georgina Ciavarella	State inmate, who is currently serving federal time, is seeking special medical attention when transferred to DOC custody.
Corrections	Boothroyd, John	CNB-16-0077	14-AA-94	Kanawha County Circuit Court	Jeremy Arbogast v. WV Division of Corrections, et al.	The inmate, Jeremy Arbogast, filed an appeal of Grievance Board decision to uphold special pay system for CNT, CERT and K-9 handlers in the Kanawha County Circuit Court. As of October 7, 2016, this case is still pending.
Corrections	Boothroyd, John	Cor-15-001	14-C-1727	Kanawha County Circuit Court	Martin, Matthew v. WV Regional Jail, et al.	The inmate, Martin Matthew, claims deliberate indifference pertaining to his safety and health while housed at North Central Regional Jail. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-112	15-0389	Supreme Court of Appeals	Seal, Travis Anthony v. WV Division of Corrections; Yardley	The inmate, Travis Seal, is seeking revised interstate detainer papers due to issues from the Commonwealth of Virginia.
Corrections	Boothroyd, John	CNB-16-0078	15-AA-131	Kanawha County Circuit Court	Thompson, Lester v. WV Division of Corrections, et al.	The Division of Corrections filed an appeal in the Circuit Court of Kanawha County, WV, on June 16, 2016, appealing a Grievance Board decision to reduce Thompson's 20 day suspension to 15 days. We are awaiting a Scheduling Order from the Circuit Court.
Corrections	Boothroyd, John	Cor-15-205	15-C-1797	Kanawha County Circuit Court	Chinn, Elizabeth v. WV Division of Corrections, et al.	The inmate, Elizabeth Chinn, is alleging sexual misconduct by CO David Martin while housed at Lakin Correctional Center. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-222	15-C-1885	Kanawha County Circuit Court	Delgado, Miguel v. Division of Corrections; Rubenstein, et al	The inmate, Miguel Delgado, is claiming that he was tortured, abused, and peppered sprayed at Mt. Olive Correctional Center. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-076	15-C-19	Taylor County Circuit Court	Williams, Terri v. DMAPS & WV Division of Corrections	The inmate, Terri Williams, slipped and fell when attending her parole hearing at Pruntytown Correctional Center. Inmate Williams also filed a Court of Claims suit for the same incident. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-098	15-C-24	Kanawha County Circuit Court	Viers, Robin v. WV Division of Corrections; CO Hanshaw, et al.	The inmate, Robin Viers, is alleging sexual harrasment, sexual abuse and sexual exploitation while housed at the Huntington Work Release Center. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-024	15-C-28	Fayette County Circuit Court	Miller, Andrew Wayne v. WV Division of Corrections; Ballard, et al.	The inmate, Andrew Miller, filed a Petition for Writ of Habeas Corpus in the Fayette County Circuit Court challenging placement in Administrative Segregation.
Corrections	Boothroyd, John	Cor-15-003	15-C-305	Kanawha County Circuit Court	Estate of Je'ron Hawkins, et al. v. WV Division of Corrections	This matter involves the death of inmate, Je'ron Hawkins, while housed at South Central Regional Jail. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-073	15-C-382	Kanawha County Circuit Court	Douty, Fred D. v. Rubenstein, et al.	The inmate, Fred Douty, is claiming a violation of his civil rights. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-143	15-C-60	Randolph County Circuit Court	Hall, Daniel v. WV Division of Corrections, et al.	The inmate, Daniel Hall, is claiming that his safety is at risk at Mt. Olive Correctional Center. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-032	15-C-625	Kanawha County Circuit Court	Light, Natasha v WV Division of Corrections	The inmate, Natasha Light, is alleging sexual misconduct by a corrections officer. This matter is being handled by outside counsel.

Corrections	Boothroyd, John	Cor-15-088	15-C-903	Kanawha County Circuit Court	Baker, Chelcie v. WV Division of Corrections	The inmate, Chelcie Baker, is alleging she was subjected to sexual misconduct while housed at Southern Regional Jail by a corrections officer. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	Cor-15-072	15-P-1	Pleasants County Circuit Court	Bourne, Jonathan v. WV Division of Corrections; Rubenstein	The inmate, Jonathan Bourne, had his parole denied due to insufficient documentation at parole hearing. This matter is being handled by outside counsel.
Corrections	Boothroyd, John	CNB-16-0076	15-P-83-WS	Mercer County Circuit Court	In re: General Order/Jail Fees	This matter involves a dispute as to responsibility for payment of jail fees as ordered by the Circuit Court. This matter is open but currently inactive.
Corrections	Boothroyd, John	Cor-15-220	15-P-CR-33	Kanawha County Circuit Court	Goodman, Troy v. WV Division of Corrections, et al.	The inmate, Troy Goodman, filed a claim in Logan County, WV, alleging medical issues. The Circuit Court in Logan County filed a dismissal order and transferred the case to Fayette County. Inmate Goodman is planning to appeal to the WV Supreme Court. No Notice of Appeal has been received to date.
Corrections	Boothroyd, John	CNB-16-0070	16-0060	Supreme Court of Appeals	Larue, William A. v. WV Division of Corrections; Warden Ballard	Inmate, William Larue, challenges Mt. Olive Correctional Center's deduction of money for magistrate and circuit court fees.
Corrections	Boothroyd, John	CNB-16-0081	16-0295	Supreme Court of Appeals	SER Gray, Calvin v. WV Division of Corrections, et al.	Inmate, Calvin Gray, appealed the decision charging fees for a money order and cashier's check via a third party entity.
Corrections	Boothroyd, John	CNB-16-0079	16-0480	Supreme Court of Appeals	SER Gibson, Bobby v. WV Division of Corrections, et al.	On May 18, 2016, inmate Bobby Gibson filed a Petition for Writ of Emergency Habeas Corpus in the WV Supreme Court of Appeals seeking relief for bad medical treatment while in the medical unit in Mt. Olive Correctional Center. Inmate Gibson would like to be released from confinement in the Mt. Olive medical unit and is seeking outside medical treatment. The WV Division of Corrections filed their summary response on July 21, 2016. We are now awaiting decision from the Supreme Court.
Corrections	Boothroyd, John	COR-16-0146	16-0875	Supreme Court	SER Wadell, Julian v. WV Division of Corrections; Terry	Inmate Waddell claims he did not receive proper medical treatment.
Corrections	Boothroyd, John	COR-16-0143	16-0939	Supreme Court of Appeals	SER Monique Weldon v. Thomas, et al.	Inmate Weldon is challenging prison disciplinary action at Lakin Correctional Complex and claims retaliation from filing a PREA action.
Corrections	Boothroyd, John	COR-16-0121	16-0953	Supreme Court of W.V.	Sayre, Kenny v. WV Division of Corrections, et al.	Inmate Sayre alleges that he was assaulted and had death threats against him while being housed at Saint Marys Correctional Center. He is seeking housing in protective custody.
Corrections	Boothroyd, John	CNB-16-0074	16-AA-43	Kanawha County Circuit Court	Bradley, Terry v. WV Division of Corrections, et al.	The Grievant, Terry Bradley, is appealing the Grievance Board decision which denied a non-selection claim to the Kanawha County Circuit Court.
Corrections	Boothroyd, John	CNB-16-0075	16-C-1	Marshall County Circuit Court	Hill, James v. WV Division of Corrections, et al.	Inmate, James Hill, is seeking timely delivery of his personal mail. The Division of Corrections filed its Motion to Dismiss on January 17, 2016. We are now awaiting decision from the Marshall County Circuit Court.
Corrections	Boothroyd, John	COR-16-0145	16-C-1677	Kanawha County Circuit Court	Smith, Frank v. WV Division of Corrections	Inmate Smith alleges harassment and excessive force while incarcerated.
Corrections	Boothroyd, John	COR-16-0108	16-C-168	Marshall County Circuit Court	Cantrell, Larry v. WV Division of Corrections; Psczolkowski	Inmate Cantrell was pepper sprayed while being unruly during a cell extraction. Inmate filed a case in the U.S. District Court, Northern District of West Virginia, 2:14-cv-17419. This case is pending.
Corrections	Boothroyd, John	COR-16-0118	16-C-201	Fayette County Circuit Court	Reynolds, Harry v. WV Division of Corrections; Ballard	Petitioner has been found guilty of 28 disciplinary violations including fraudulent representation and counterfeiting.
Corrections	Boothroyd, John	COR-16-0135	16-C-287	Fayette County Circuit Court	Kisner, Shawn v. WV Division of Corrections; Ballard, et al.	Inmate Kisner is complaining about the conditions of his confinement at Mount Olive Correctional Complex. This matter was originally filed in Harrison County Circuit Court but was transferred to Fayette County.
Corrections	Boothroyd, John	COR-14-213	2:14-cv-03434	U.S. District Court S.D. of W.V.	Ramsey, Samuel v. WV Division of Corrections; Rubenstein, et al.	The inmate, Samuel Ramsey, is claiming that he was subjected to excessive force abuse while housed at Mount Olive Correctional Center. This matter is being handled by outside counsel.

Corrections	Boothroyd, John	COR-16-0085	CC-13-0577	Court of Claims	Brian Morgan v WV Division of Corrections	Inmate Morgan claims his reading material, including but not limited to, the Charleston Gazette, adult magazines and others, batteries, and food items were removed by a correctional officer during a search.
Corrections	Boothroyd, John	COR-16-0010	CC-13-0624	Court of Claims	Robert Cummings v WV Division of Corrections	Inmate Cummings claims that \$200 worth of personal property was lost or destroyed while incarcerated.
Corrections	Boothroyd, John	COR-16-0087	CC-13-0625	Court of Claims	Hester, Warren v. WV Division of Corrections	Inmate Hester claims that two grey sweatshirts and 1 pair of grey sweatpants were lost or stolen when they were sent out to be laundered. The total value of lost property was \$64.21.
Corrections	Boothroyd, John	COR-16-0084	cc-14-0106	Court of Claims	Mewshaw, Jason v WV Division of Corrections	Inmate Mewshaw claims that \$129.97 worth of personal property was lost or seized during his October 13, 2013 arrival at Mount Olive Correctional Center. The items include: tennis shoes, digital radio/earbuds, an Indiglo watch, and 2 Tupperware bowls.
Corrections	Boothroyd, John	COR-16-0089	CC-14-0371	Court of Claims	Gunnoe, Douglas v. WV Division of Corrections	Inmate Gunnoe claims his broken PlayStation 2 was taken by another inmate. Said inmate promised to replace the item. He has not.
Corrections	Boothroyd, John	COR-16-0007	CC-14-0394	Court of Claims	Woodson, Max v. WV Division of Corrections	Inmate Woodson claims to have had property stolen while incarcerated.
Corrections	Boothroyd, John	COR-16-0090	CC-14-0486	Court of Claims	Joseph, Robert v. WV Division of Corrections	Inmate Joseph claims his CD player, Skull Candy headphones, and one CD were stolen out his locked plastic box located in his cell.
Corrections	Boothroyd, John	COR-16-0086	CC-14-0902	Court of Claims	Morgan, Brian v. WV Division of Corrections	Inmate Morgan claims his television was seized and destroyed in a search of his cell while he was on "Loss of Privileges."
Corrections	Boothroyd, John	COR-16-0092	CC-14-0965	Court of Claims	LaRue, William v. WV Division of Corrections	Inmate LaRue claims his personal items, including but not limited to, a Noralco electric razor; 2 television remotes; a dictionary; glasses case; and eye glasses, were confiscated and destroyed while he was incarcerated.
Corrections	Boothroyd, John	COR-16-0011	CC-14-0974	Court of Claims	Taylor, Jeffrey v. WV Division of Corrections	Inmate Taylor filed a claim which involved loss of his television and cable fees.
Corrections	Boothroyd, John	COR-16-0009	CC-14-0997	Court of Claims	Williams, Jason v. WV Division of Corrections	Inmate Williams claims his food was destroyed while incarcerated.
Corrections	Boothroyd, John	COR-16-0094	CC-14-1194	Court of Claims	Gillman, Mark v. WV Division of Corrections	Inmate Gillman claims his PlayStation, memory card, controllers, and games were stolen on April 22, 2014.
Corrections	Boothroyd, John	COR-16-0008	CC-14-1418	Court of Claims	Woodson, Brian K. v. WV Division of Corrections	Inmate Woodson claims his television was broken while incarcerated.
Corrections	Boothroyd, John	COR-16-0088	CC-14-1420	Court of Claims	Hypes, Rodney Jr. v. WV Division of Corrections	Inmate Hypes claims \$1,641.71 worth of personal property, including but not limited to, 6 books, 13 CDs, 10 X-Box 360 games, 2 pairs of shoes, clothing, and miscellaneous other items were lost in his May 4, 2014 transfer from Prunytown Correctional Center to Mt. Olive Correctional Center.
Corrections	Boothroyd, John	Cor-16-0004	CC-14-1426	Court of Claims	Wykle, Henry v. WV Division of Corrections	The inmate, Henry Wykle, is claiming his personal property was seized during a search of his cell on June 24, 2014.
Corrections	Boothroyd, John	COR-16-0080	CC-14-1627	Court of Claims	Perry, Andrew v. WV Division of Corrections	Inmate Perry claims his Notre Dame baseball cap was ruined during labeling. The new hat was stamped with permanent marker on the face and not the rim causing the ink to bleed through the logo damaging the hat.
Corrections	Boothroyd, John	COR-16-0082	CC-15-1590	Court of Claims	Gwynn, Elliott v. WV Division of Corrections	Inmate Gwynn claims \$183 worth of personal property was lost during the transfer from Mt. Olive Correctional Center to the Northern Correctional Center. Lost property includes: 2 pair of shoes; a rug; a hat; insoles; and a hoodie.
Corrections	Boothroyd, John	COR-16-0013	CC-15-1810	Court of Claims	Pleasants, Joey v. WV Division of Corrections	Inmate Pleasants claims his property was lost while incarcerated.
Corrections	Boothroyd, John	COR-16-0095	CC-15-1926	Court of Claims	Good, Donald v. WV Division of Corrections	Inmate Good claims that one pair of grey sweatpants and one large terry bath towel were lost when they were sent out to be laundered. Total value of claimed loss is \$50.00.
Corrections	Boothroyd, John	COR-16-0006	CC-15-1957	Court of Claims	Woodson, James v. WV Division of Corrections	Inmate Woodson claims his property was lost or stolen while incarcerated.
Corrections	Boothroyd, John	COR-16-0083	CC-15-2007	Court of Claims	Heavener, Ferlin v. WV Division of Corrections	Inmate Heavener's claim is for the theft of Koss headphones and a Sony am/fm radio walkman totaling \$86.79.

Corrections	Boothroyd, John	COR-16-0101	CC-16-0128	Court of Claims	McClain, Marlin v. WV Division of Corrections	Inmate McClain claims a loss of \$265.05 in personal property. Inmate claims his property was not stored in the proper container by the State Shop.
Corrections	Boothroyd, John	COR-16-0102	CC-16-0174	Court of Claims	Murray, Garland v. WV Division of Corrections	Inmate Murray claims that when he arrived at Mt. Olive Correctional Center in 2012 he was not provided with his personal property. The total value value of unreceived property is \$400.00.
Corrections	Boothroyd, John	COR-16-0099	CC-16-0290	Court of Claims	Cummings, Robert v. WV Division of Corrections	Inmate Cummings requests reimbursement of \$14.00 for a pepperoni roll purchased for a meal. Inmate was transfered the day prior to the delivery of the pepperoni roll.
Corrections	Boothroyd, John	COR-16-0093	CC-16-0375	Court of Claims	Crawley, Antonio v. WV Division of Corrections	Inmate Crawley claims his job was terminated after he was accused and found not guilty of stealing three bottles of KoolAid syrup from the kitchen. Inmate Crawley is requesting \$79.00 per month of lost wages and punitive damages.
Corrections	Boothroyd, John	COR-16-0005	CC-16-0397	Court of Claims	Edwin Wright v WV Division of Corrections	Inmate Wright claims to have had property lost or stolen while incarcerated.
Corrections	Boothroyd, John	COR-16-0127	CC-16-0752	Court of Claims	Wright, Edwin v. WV Division of Corrections, et al.	Inmate Wright claims that he was robbed by other inmate(s) for \$913.00 worth of stolen property.
Corrections	Boothroyd, John	COR-16-0109	CC-16-0765	Court of Claims	Carter, Thomas G. v. WV Division of Corrections, et al.	Inmate Carter claims that a 13 inch LED Clear TV with speakers and remote control was stolen at the value of \$185.50.
Corrections	Boothroyd, John	COR-16-0144	CC-16-0833	Court of Claims	Stanley, Gary v. WV Division of Corrections/McDowell County Correctional Center	Inmate Stanley is seeking \$211.99 for a 13 inch flat screen television that was not allowed at McDowell Corretional Center. He was transferred from Huttonsville Correctional Center, where the TV was allowed.

**DEPARTMENT OF HEALTH AND
HUMAN RESOURCES
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Health, Human Resources	Bevers, Michael	HHR-16-0353	15-AA-134	Kanawha County Circuit Court	Erin Mills v. DHHR/Bateman Hospital	Appeal of Decision by the West Virginia Public Employees Grievance Board regarding her termination of employment at Mildred Mitchell-Bateman Hospital.
Health, Human Resources	Bevers, Michael	HHR-17-0516	17-P-309	Kanawha County Circuit Court	State ex rel. WVDHHR/Sharpe v. Lewis G. Brewer, ALJ/WVPEGB and Derek Greenleaf	Sharpe Hospital seeks court intervention and relief from a Discovery Order issued by WVPEGB directing Sharpe Hospital to turn over confidential and privileged documents which is an abuse of discretion for which prohibition lies.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0210	15-JD-7	Doddridge County Circuit Court	In Re: A.C.C.	Juvenile delinquency matter regarding placement.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0399	16-AA-1	Braxton County Circuit Court	Casey D. Toler, v. WVDHHR	Appeals BOR's decision to uphold substantiation of child abuse by CPS.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0125	17-0255	WVSCA	In Re: K.W.	Foster parents challenging ruling of circuit court to place child with maternal grandmother in Ohio.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0287	17-0548	WVSCA	In Re: T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0312	17-0569	WVSCA	In Re: K.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0311	17-0577	WVSCA	In Re: K.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0444	17-0786	WVSCA	In Re: A.B. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0490	17-AA-1	Hancock County Circuit Court	Lori DeGarmo v. DHHR/BOR/OIG	Appeal of Board of Review finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0430	17-C-22	Pleasants County Circuit Court	Jason & Sherry Francis v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0429	17-C-311	Wood County Circuit Court	Chyanne Walters v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	17-C-312	Wood County Circuit Court	Jessica Helmick v. Bill J. Crouch, Secretary et al.	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Ohio County Circuit Court	Casaundra Spencer v. WVDHHR/OIG/BOR	Appeal of BOR Dismissal Order regarding a CPS substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Marion County Circuit Court	In Re E.A.M.	Appropriate placement of incompetent juvenile in a delinquency matter to comply with W.Va. Code 27-6A-1, et seq.
Health, Human Resources	Compton, Steven	HHR-16-0466	16-AA-90	Kanawha County Circuit Court	WVDHHR v. Daniel Early/Bateman Hospital	Kanawha County Circuit Appeal from lower decision of Grievance Board in Daniel Early v. DHHR/Bateman Hospital; Docket No. 2016-1157-DHHR.
Health, Human Resources	Compton, Steven	HHR-17-0427	17-AA-71	Kanawha County Circuit Court	Obeda Freeland v. WVDHHR/BOR	Appeal of OIG's finding of SNAP Fraud.

Health, Human Resources	Compton, Steven	HHR-17-0408	17-M-02050	Kanawha County Magistrate Court	Charles S. Trout v. WVDHHR/BCF	Seeks payment for unpaid wages and hardship damages.
Health, Human Resources	Dornbos, Andrew	HHR-14-0123	01-F-130-H	Raleigh County Circuit Court	State v. J.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Dornbos, Andrew	HHR-15-0242	07-F-49	Wood County Circuit Court	State v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Dornbos, Andrew	HHR-14-0124	08-CRM-571	Kanawha County Circuit Court	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	Dornbos, Andrew	HHR-15-0165	10-F-183	Kanawha County Circuit Court	State v. S.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Dornbos, Andrew	HHR-15-0693	13-F-352	Lewis County Circuit Court	State v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Dornbos, Andrew	HHR-16-0066	15-0997	WVSCA	In re C.M.	Appeal of a Mental Hygiene Commissioner's probable cause order to the West Virginia Supreme Court of Appeals.
Health, Human Resources	Dornbos, Andrew	HHR-16-0489	16-0803	WVSCA	In Re: W.P.	Involuntary hospitalization of W.P.
Health, Human Resources	Dornbos, Andrew	HHR-16-0573	16-1149	WVSCA	In Re: Involuntary Hospitalization of S.C.	Direct appeal of a Probable Cause Order entered by a Mental Hygiene Commssioner.
Health, Human Resources	Dornbos, Andrew	HHR-17-0298	17-AA-48	Kanawha County Circuit Court	Iesha & Lindsay Frith v. Bill J. Crouch, WVDHHR et al.	Appeal of Board of Review Decision to impose overpayment obligation.
Health, Human Resources	Dornbos, Andrew	HHR-17-0134	2:17-cv-11111	U.S. District Court S.D. of W.V.	Disability Rights of WV v. WVDHHR/OIG/BOR	Plaintiff seeks declaratory judgment for DHHR's failure to implement timely Medicaid fair hearings due to litigation.
Health, Human Resources	Dornbos, Andrew	HHR-15-0694	3:07-MD-1894(AWT)	U. S. District Court, Connecticut	U.S. Foodservice, Inc.	Class action arising from claims that U.S. Foodservice artificially inflated prices.
Health, Human Resources	Dornbos, Andrew	HHR-14-0122	81-MISC-585	Kanawha County Circuit Court	Matin et al. (adv. E.H.)	Continuing jurisdiction over petition for writ of mandamus regarding conditions at state inpatient mental health facilities.
Health, Human Resources	Dornbos, Andrew	HHR-17-0123	CC-16-0847	WV Legislative Claims Commission	Sunbelt Staffing v. WVDHHR Court of Claims	Claim for Staffing at Mildred Mitchell Bateman Hospital from 3/16/16 to 5/29/16.
Health, Human Resources	Dornbos, Andrew	HHR-16-0563	CC-16-0936	WV Legislative Claims Commission	NTT Data, Inc. v WVDHHR/BHMF and West Virginia Court of Claims	Claim submitted for contractual services, and services beyond the scope of the contractual terms plus interest and attorney fees.
Health, Human Resources	Dornbos, Andrew	HHR-17-0029	CC-16-0971	WV Legislative Claims Commission	Ressie Thomas Phillips v. WVDHHR/William R. Sharpe, Jr. Hospital	Claim submitted for charges resulting from a contract with Sharpe Hospital to provide sign language interpreting services.
Health, Human Resources	Dornbos, Andrew	HHR-17-0065	CC-17-0062	WV Legislative Claims Commission	Management Registry Inc. v. WVDHHR/BHMF/Mildred Mitchell-Bateman Hospital	Claim for certified nursing services - temporary staffing services for Mildred Mitchell-Bateman Hospital. Purchasing had not yet finalized contract.

Health, Human Resources	Dornbos, Andrew	HHR-17-0300	CC-17-0324	WV Legislative Claims Commission	Sunbelt Staffing	Claim for staffing at Hopemont Hospital.
Health, Human Resources	Dornbos, Andrew	HHR-17-0372	CC-17-0369	WV Legislative Claims Commission	Sunbelt Staffing v. DHHR	Claim for staffing at Mildred Mitchell Bateman Hospital
Health, Human Resources	Dornbos, Andrew	HHR-17-0410	CC-17-0456	WV Legislative Claims Commission	First Databank Inc. v. WVDHHR/BHHR	Claim submitted for BHHR's Medisphere Vista Software licenses in the amount of \$23,235.00.
Health, Human Resources	Dornbos, Andrew	HHR-17-0411	CC-17-0462	WV Legislative Claims Commission	WV Assoc of Rehab Facilities v. WVDHHR	Multiple invoices submitted for \$305,183.34 for the purchase of commodities or services from the handicapped Community Rehabilitation Programs for multiple DHHR bureaus and agencies.
Health, Human Resources	Dugas, Melinda	HHR-17-0509	14-G-1	Grant County Circuit Court	Wyman, Jennifer	WV DHHR has filed a Petition for Termination, Revocation or Modification of Guardianship/Conservatorship of Jennifer Wyman, a Protected Person.
Health, Human Resources	Dugas, Melinda	HHR-17-0009	16-AA-3	Mineral County Circuit Court	Householder, Delores - AA	Petition for Judicial Review was filed because the Board of Review found that Undue Hardship Waiver and appeal were untimely.
Health, Human Resources	Dugas, Melinda	HHR-16-0540	16-P-375	Monongalia County Circuit Court	D.K.	Petition to approve infant settlement and create a special needs trust for [REDACTED], an infant, for claims of medical negligence against the WV University Board of Governors.
Health, Human Resources	Dugas, Melinda	HHR-17-0032	17-0060	WVSCA	In Re: G.W. & P.J.	Verified Petition For Writ of Mandamus
Health, Human Resources	Dugas, Melinda	HHR-17-0268	17-0523	WVSCA	In Re: J.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-17-0307	17-0576	WVSCA	In Re: H.J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-17-0455	17-0777	WVSCA	In Re: J.G., Jr.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-17-0330	17-AA-02	Hampshire County Circuit Court	S.C.	Petition for Review of Denial of a State Hearing Officer of WV DHHR Board of Review.
Health, Human Resources	Dugas, Melinda	HHR-17-0257	17-AA-5	Berkeley County Circuit Court	Myers, Cecil and Beatrice	Administrative Appeal of a Decision of the State Hearing Officer to uphold the WV DHHR for denying the home study due to a prior misdemeanor conviction for domestic assault or battery.
Health, Human Resources	Dugas, Melinda	HHR-17-0508	17-P-1992	Harrison County Circuit Court	Cherra Taylor v. WVDHHR/BOR	Appeal of BOR decision substantiating APS Neglect.
Health, Human Resources	Dugas, Melinda	HHR-17-0363	17-P-275	Kanawha County Circuit Court	Starkey, Michelle	Administrative Appeal concerning the removal of petitioner's grandchildren from her home.
Health, Human Resources	Evans, Sandra	HHR-16-0162	16-0380	WVSCA	In Re: A.R., M.R., & K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-16-0219	16-0450	WVSCA	In Re: K.M. & T.M.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Evans, Sandra	HHR-16-0550	16-1125	WVSCA	In Re: R.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0057	17-0102	WVSCA	In Re: L.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0058	17-0103	WVSCA	In Re: L.H. & I.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0071	17-0123	WVSCA	In Re: Z.D. and D.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0115	17-0220	WVSCA	In Re: A.W. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0239	17-0484	WVSCA	In Re: M.M., B.M., & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0252	17-0496	WVSCA	In Re: K.E. and K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0266	17-0501	WVSCA	In Re: Z.H. & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0267	17-0505	WVSCA	In Re: C.B., M.B., J.B., & B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0273	17-0510	WVSCA	In Re: R.C.,	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0272	17-0511	WVSCA	In Re: R.C., T.C., E.C., & X.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0278	17-0512	WVSCA	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0279	17-0514	WVSCA	In Re: T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0280	17-0515	WVSCA	In Re: B.H., K.B., T.H., & R.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0309	17-0534	WVSCA	In Re: A.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0286	17-0542	WVSCA	In Re: J.K., C.K., & N.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0310	17-0562	WVSCA	In Re: M.B. & R.B.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Evans, Sandra	HHR-17-0323	17-0565	WVSCA	In Re: T.N., T.N., T.N., K.N., & H.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0321	17-0574	WVSCA	In Re: T.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0314	17-0575	WVSCA	In Re: J.W. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0320	17-0578	WVSCA	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0324	17-0599	WVSCA	In Re: T.J.H.	Parent Challenging circuit court termination of parental rights
Health, Human Resources	Evans, Sandra	HHR-17-0333	17-0609	WVSCA	In Re: S.S., S.S., & C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0334	17-0612	WVSCA	In Re: L.G. & D.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0335	17-0617	WVSCA	In Re: A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0376	17-0647	WVSCA	In Re: P.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0375	17-0649	WVSCA	In Re: E.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0396	17-0657	WVSCA	In Re: J.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0395	17-0684	WVSCA	In Re: D.J., P.K., I.K., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0394	17-0693	WVSCA	In Re: L.L., L.L., & L.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0393	17-0697	WVSCA	In Re: G.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0402	17-0704	WVSCA	In Re: P.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0401	17-0705	WVSCA	In Re: H.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0415	17-0715	WVSCA	In Re: P.A., D.A., & E.A.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Evans, Sandra	HHR-17-0416	17-0735	WVSCA	In Re: P.A., D.A., & E.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0439	17-0770	WVSCA	In Re: D.J., J.R., D.R., R.R., & J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0460	17-0784	WVSCA	In Re: D.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0459	17-0785	WVSCA	In Re: A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0486	17-0809	WVSCA	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0494	17-0810	WVSCA	In Re: B.C. & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0489	17-0811	WVSCA	In Re: A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0488	17-0815	WVSCA	In Re: S.S. & R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0487	17-0816	WVSCA	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0521	17-0829	WVSCA	In Re: J.L. & J.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0522	17-0830	WVSCA	In Re: J.L., K.C. & N.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0514	17-0831	WVSCA	In Re: D.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0520	17-0835	WVSCA	In Re: K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0517	17-0870	WVSCA	In Re: E.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0539	17-0878	WVSCA	In Re: K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0531	17-0879	WVSCA	In Re: A.C. & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0547	17-0881	WVSCA	In Re: K.P.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Evans, Sandra	HHR-17-0546	17-0883	WVSCA	In Re: P.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0518	17-0884	WVSCA	In Re: K.R., A.R., & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0552	17-0917	WVSCA	In Re: L.L., L.L., & L.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0548	17-0918	WVSCA	In Re: K.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0551	17-0919	WVSCA	In Re: D.B., D.B., & I.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0554	17-0930	WVSCA	In Re: R.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-17-0422	17-0739	WVSCA	In Re: B.S. & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-17-0446	17-0789	WVSCA	In Re: N.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-15-0038	14-AA-124	Kanawha County Circuit Court	C.O.T. vs. WV BOR	Petitioner seeks Circuit Court review of a Board of Review decision to uphold an Adult Protective Services finding against her.
Health, Human Resources	Jackson, Michael	HHR-15-0057	14-AA-56	Kanawha County Circuit Court	Tania Reynolds v. DHHR BOR	Appeal of administrative decision affirming the decision by Child Protective Services to substantiate maltreatment by the Petitioner against a foster child previously placed in her home.
Health, Human Resources	Jackson, Michael	HHR-16-0454	16-0931	WVSCA	In Re: J.E.H.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0012	17-0002	WVSCA	In Re: R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0442	17-0783	WVSCA	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0331	17-C-368	Cabell County Circuit Court	Armstrong v. WVDHHR	Appeal of Board of Review denial of Kinship/Relative Foster Care homestudy based on the results of a criminal background check.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Lincoln County Circuit Court	Gina Sowards v. WVDHHR/BOR	Appeal of BOR Order Denying Request for Consideration.
Health, Human Resources	Jones, William	HHR-16-0490	02-G-07	Hampshire County Circuit Court	In Re: J.S.H., an Alleged Protected Person	Petition for Permission to Resign as Guardian was filed by DHHR requesting that an alternate guardian be appointed for the protected person.
Health, Human Resources	Jones, William	HHR-16-0082	08-G-5	Mineral County Circuit Court	In Re: J.L., An Alleged Protected Person	DHHR will file a motion for transfer of venue then file a petition to remove the current guardian due to the current guardian's poor health.

Health, Human Resources	Jones, William	HHR-17-0543	12-G-16	Harrison County Circuit Court	In re: T■■■■ W■■■	The protected person filed a petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0476	12-G-19	Kanawha County Circuit Court	In re: E■■■■ S■■■■	E.S. filed petition to terminate DHHR guardianship and Sheriff conservatorship.
Health, Human Resources	Jones, William	HHR-17-0414	13-G-48	Kanawha County Circuit Court	In re: A■■■■ W■■■	Amanda Williams filed a petition to terminate DHHR as her guardian.
Health, Human Resources	Jones, William	HHR-15-1068	14-C-47	Hampshire County Circuit Court	RM v Potomac Center	Civil lawsuit filed by a minor child by his parents against Potomac Center for physical and emotional abuse.
Health, Human Resources	Jones, William	HHR-15-1006	14-C-60	Greenbrier County Circuit Court	Doe v. Res-Care, Inc.	Defendants subpoenaed protected person in DHHR custody to be deposed in civil action.
Health, Human Resources	Jones, William	HHR-15-0981	15-G-5	Mercer County Circuit Court	In Re: E.S., an Alleged Protected Person	A petition for appointment of guardian/conservator was filed by DHHR.
Health, Human Resources	Jones, William	HHR-16-0214	15-M05M-01130	Brooke County Magistrate Court	State of WV v. M.M.B.	DHHR filed a Motion to Quash Subpoena Duces Tecum.
Health, Human Resources	Jones, William	HHR-16-0050	16-G-1	Mineral County Circuit Court	In Re: D.C., an Alleged Protected Person	DHHR filed a petition for appointment of guardian/conservator requesting that it be appointed guardian of the protected person.
Health, Human Resources	Jones, William	HHR-16-0464	16-G-33-DS	Mercer County Circuit Court	In Re: J.M., an Alleged Protected Person	Petition for appointment of guardian/conservator filed by POA and HCS of protected person. DHHR appointed temporary guardian and the Sheriff appointed temporary conservator.
Health, Human Resources	Jones, William	HHR-17-0420	16-G-5	Hampshire County Circuit Court	In re: T■■■■ M■■■	T■■■ M■■■ filed petitiion to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0264	16-G-91	Kanawha County Circuit Court	In re: D■■■■ F■■■	Father of D■■■■ F■■■ filed petition to terminate DHHR guardianship and seeks to be successor guardian.
Health, Human Resources	Jones, William	HHR-17-0325	16-JA-249 & 16-JA-250	Kanawha County Circuit Court	In Re: BW & GW	Contempt proceeding against DHHR for not adequately staffing CPS workers in Kanawha County.
Health, Human Resources	Jones, William	HHR-17-0061	16-P-55-H	Marshall County Circuit Court	In re: The Morris Lufft Trust	Petitioner, JP Morgan Chase Bank, seeks to resign as trustee and nominates Acheiva Family Trust as successor trustee.
Health, Human Resources	Jones, William	HHR-17-0438	17-0781	WVSCA	In Re: J.H.,T.O., & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jones, William	HHR-17-0498	17-DV-848, 17-G-67	Kanawha County Circuit Court	Juanita Auer v Amy Auer	Petition for Appeal of a Final Domestic Order and Petition for Guardianship and Conservatorship.
Health, Human Resources	Jones, William	HHR-17-0140	17-G-26	Kanawha County Circuit Court	In re: A■■■■ G■■■■	CAMC filed emergency petition for the appointment of a guardian and conservator for the alleged protected person, A■■■■ G■■■■
Health, Human Resources	Jones, William	HHR-17-0052	17-G-3	Berkeley County Circuit Court	In re: T■■■ J■■■	DHHR filed petition for the appointment of guardianship of T.J.

Health, Human Resources	Jones, William	HHR-15-0908	CC-15-0159	WV Legislative Claims Commission	Harding Funeral Home v DHHR	Indigent burial claim for S. C.
Health, Human Resources	Jones, William	HHR-17-0205	CC-17-0158	WV Legislative Claims Commission	Johnson Tiller Funeral Home v DHHR	Indigent burial claim for T.S.
Health, Human Resources	Jones, William	HHR-17-0370	CC-17-0369	WV Legislative Claims Commission	Ford Funeral Home v. DHHR	Indigent Burial Claim for deceased, Devin R. Langford.
Health, Human Resources	Jones, William	HHR-17-0366	CC-17-0379	WV Legislative Claims Commission	Ford Funeral Home v DHHR	Indigent burial claim for deceased, Devin R. Langford.
Health, Human Resources	Jones, William	HHR-17-0367	CC-17-0382	WV Legislative Claims Commission	Morgan Funeral Home v DHHR	Indigent burial claim for deceased, Judith F. Moore.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court- U.S. N.D. of W.V.	Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court- U.S. N.D. of W.V.	Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court- U.S. D.E.	Graceway Pharma	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court- U.S. E.D. of M.A.	New England Compounding Pharm	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court- U.S. D.E.	Rural/Metro Corp	Chapter 11 (Asset) restructure bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court- U.S. D.E.	Laboratory Partners	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court- U.S. E.D. of VA at Richmond	Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court- U.S. E.D. of VA at Richmond	Alpha Natural Resources, Inc., et al.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court- U.S. E.D. of K.Y.	Asthma and Allergy Center LLC, Chapter 11	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-1011	3:15-bk-00666	Bankruptcy Court- U.S. N.D. of W.V.	Blaise Christian Sitchet MBufet	Chapter 13 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0741	3:15-bk-00666	U.S. District Court N.D. of W.V.	Blaise Christian Sitchet Mbufet, Chapter 13 Bankruptcy	Chapter 13 Bankruptcy.
Health, Human Resources	McQuain, Mary	HHR-16-0051	15-C-839	Cabell County Circuit Court	Gary Simpson, et al. v. DHHR et al.	Civil litigation matter regarding the termination of a trust.

Health, Human Resources	McQuain, Mary	HHR-16-0463	16-C-131 S	Hancock County Circuit Court	Linda Ross v. WVDHHR	Civil litigation involving the annuity of a deceased individual who was a Medicaid beneficiary receiving LTC NF benefits. DHHR was the named beneficiary of the annuity and received the proceeds upon proof of the Medicaid lien following the annuitant owner's death.
Health, Human Resources	McQuain, Mary	HHR-16-0169	16-P-55H	Marshall County Circuit Court	L., Morris	Petition to substitute Trustee and to reform the SNT to comply with 42 USC 1396p(d)(4)(A). Trust created in 1993.
Health, Human Resources	Niezgoda, Lee	HHR-15-0766	15-0740	WVSCA	In Re: T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-16-0101	16-0174	WVSCA	In Re: A.P., C.P., & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-16-0275	16-0294	WVSCA	In Re: P.C. & L.C.	Parent challenging circuit court termination of parental rights
Health, Human Resources	Niezgoda, Lee	HHR-16-0322	16-0672	WVSCA	In Re: A.C.	Parent challenging circuit court termination of parental rights
Health, Human Resources	Niezgoda, Lee	HHR-16-0557	16-1120	WVSCA	In Re: A.J. and K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0147	17-0294	WVSCA	In Re: P.K. & P.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0182	17-0333	WVSCA	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0178	17-0344	WVSCA	In Re: D.W., C.L., & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0231	17-0460	WVSCA	In Re: S.S., A.S., S.S., & G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0232	17-0470	WVSCA	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0235	17-0471	WVSCA	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0240	17-0481	WVSCA	In Re: J.P., E.P., & S.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0241	17-0483	WVSCA	In Re: J.K., K.K., & K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0253	17-0499	WVSCA	In Re: D.S.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Niezgoda, Lee	HHR-17-0290	17-0530	WVSCA	In Re: B.S. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0288	17-0547	WVSCA	In Re: M.H. & C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0318	17-0561	WVSCA	In Re: K.L. & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0315	17-0567	WVSCA	In Re: D.M., W.P., & M.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0319	17-0570	WVSCA	In Re: J.L., T.Y., & G.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0322	17-0580	WVSCA	In Re: J.K, K.K., B.H., & K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0306	17-0585	WVSCA	In Re: M.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0326	17-0600	WVSCA	In Re: G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0337	17-0608	WVSCA	In Re: J.G, J.G., & K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0338	17-0613	WVSCA	In Re: C.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0336	17-0614	WVSCA	In Re: C.W. & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0350	17-0627	WVSCA	In Re: D.H., D.R., & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0352	17-0639	WVSCA	In Re: L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0386	17-0650	WVSCA	In Re: J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0377	17-0651	WVSCA	In Re: P.F., C.F., L.F., & J.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0392	17-0659	WVSCA	In Re: S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0390	17-0665	WVSCA	In Re: M.D. & S.D.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Niezgoda, Lee	HHR-17-0391	17-0683	WVSCA	In Re: N.C., L.C., J.C. & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0385	17-0685	WVSCA	In Re: A.W. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0384	17-0686	WVSCA	In Re: J.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0389	17-0687	WVSCA	In Re: K.M., D.M., M.H., & R.M	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0387	17-0688	WVSCA	In Re: R.D. & J.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0388	17-0696	WVSCA	In Re: C.V. & L.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0404	17-0703	WVSCA	In Re: X.M. & Y.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0405	17-0710	WVSCA	In Re: C.W., R.W., N.W., & H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0417	17-0716	WVSCA	In Re: H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0457	17-0717	WVSCA	In Re: A.W. & J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0403	17-0718	WVSCA	In Re: C.W., R.W., N.W., & F.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0423	17-0744	WVSCA	In Re: D.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0425	17-0752	WVSCA	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0504	17-0764	WVSCA	In Re: T.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0440	17-0769	WVSCA	In Re: L.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0445	17-0782	WVSCA	In Re: A.W. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0456	17-0787	WVSCA	In Re: B.P.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Niezgoda, Lee	HHR-17-0458	17-0791	WVSCA	In Re: E.Y., D.L., & D.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0483	17-0799	WVSCA	In Re: D.L. & D.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0484	17-0805	WVSCA	In Re: Z.N. & D.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0502	17-0826	WVSCA	In Re: J.W. & S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0503	17-0827	WVSCA	In Re: A.K. & T.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0505	17-0828	WVSCA	In Re: W.L., T.L., & E.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0506	17-0846	WVSCA	In Re: J.W. & S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0523	17-0851	WVSCA	In Re: L.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0519	17-0871	WVSCA	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0515	17-0872	WVSCA	In Re: M.S., J.S. and P.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0529	17-0873	WVSCA	In Re: T.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0528	17-0875	WVSCA	In Re: A.G., J.F., & D.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0540	17-0876	WVSCA	In Re: A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0541	17-0877	WVSCA	In Re: C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0549	17-0891	WVSCA	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0553	17-0916	WVSCA	In Re: A.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0556	17-0927	WVSCA	In Re: K.D., J.D., M.R. & N.R.	Parent challenging circuit court termination of parental rights.

Health, Human Resources	Niezgoda, Lee	HHR-17-0555	17-0933	WVSCA	In Re: V.R. & A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-15-0203	07-AA-77	Kanawha County Circuit Court	Logan Emergency Ambulance Services Authority v. BMS	Appeal of a Medicaid provider disallowance involving ambulance services.
Health, Human Resources	Stitzinger, Kim	HHR-15-0184	07-C-45	Lincoln County Circuit Court	American Select Insurance v. Amy Woodrum and DHHR	Medicaid subrogation case.
Health, Human Resources	Stitzinger, Kim	HHR-15-0122	15-0595	WVSCA	HCR Manor v. DHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-15-0310	15-AA-4	Kanawha County Circuit Court	Terry Barbe v. DHHR	Appeal of a denial of eligibility for the Aged and Disabled Waiver program.
Health, Human Resources	Stitzinger, Kim	HHR-15-0709	2:15-cv-09655	U.S. District Court S.D. of W.V.	Michael T., et al. vs. Karen Bowling, Secretary WVDHHR	Petitioners are recipients under Medicaid program for individuals with developmental disabilities (I/DD). They claim that the State has arbitrarily reduced their benefits, and they are seeking an injunction requiring the State to restore those benefits.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Wyoming County Circuit Court	In Re: C.P. D.P. & D.L.	Child Protective Services Contempt case. The Petitioner states she is not receiving the monthly amount of finances to which she is entitled.
Health, Human Resources	Walters, Angela	HHR-15-0993	15-AA-111	Kanawha County Circuit Court	T.G. v. DHHR/BCF	Appellant is appealing the DHHR decision regarding abuse and neglect.
Health, Human Resources	Walters, Angela	HHR-15-0769	15-JA-29-31	Webster County Circuit Court	State of WV & Trooper Baier v. DHHR	State Trooper filed petition making Child Protective Services a party in order for DHHR to provide services.
Health, Human Resources	Walters, Angela	HHR-16-0375	16-C-70	Wyoming County Circuit Court	Collier, Stephanie v. DHHR	Appellant is appealing the DHHR'S decision to close the Administrative Services Organization provider record and her ability to be a provider.
Health, Human Resources	Wegman, Jake	HHR-15-0785	15-BH-007	Kanawha County Circuit Court	Smithers, Joel, D.O. vs. DHHR OIG OHFLAC	Petitioner objects to \$20,000 Civil Administrative Penalty imposed under pain clinic regulations.
Health, Human Resources	Wegman, Jake	HHR-15-0961	15-CNA-044	WVSCA	Mortimer, Sheena, CNA v. WVDHHR	CNA appeals Nurse Aide Registry's decision to place CNA on abuse registry.
Health, Human Resources	Wegman, Jake	HHR-16-0269	16-AA-53	Kanawha County Circuit Court	WV DHHR/Sharpe Hospital v. Joshua Daugherty	Administrative appeal of Grievance Board's decision granting grievance.
Health, Human Resources	Wegman, Jake	HHR-17-0497	17-AA-74	Kanawha County Circuit Court	WVDHHR v. Mary Kathleen Byrd/Sharpe Hospital	Administrative Appeal by the Department challenging Grievance Board decision.
Health, Human Resources	Winterholler, Claire	HHR-15-0243	05-EHS-002	Logan County Circuit Court	Sunset Addition POA	Appeal of sewage treatment plant buffer zone waiver exemption denial by BPH.
Health, Human Resources	Winterholler, Claire	HHR-15-0259	14-P-53	Marshall County Circuit Court	BPH, DHHR v. Roland Chalifoux	BPH seeking patient contact information to notify selected patients of potential exposure to HIV, Hepatitis.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	U.S. District Court S.D. of W.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.

Health, Human Resources	Winterholler, Claire	HHR-15-0586	CC-15-0561	WV Legislative Claims Commission	Tri State Mortuary Service vs. DHHR Office of the Chief Medical Examiner	Court of Claims matter alleging breach of agreement and rule.
Health, Human Resources	Winterholler, Claire	HHR-16-0396	CC-16-0556	WV Legislative Claims Commission	Saunders Staffing Inc. v. DHHR	Claim for staffing services for BPH in the amount of \$6,924.50.
Health, Human Resources	Winterholler, Claire	HHR-16-0397	CC-16-0557	WV Legislative Claims Commission	Saunders Staffing Inc. v. DHHR	Claim for staffing services for BPH in the amount of \$6,924.50.
Health, Human Resources	Winterholler, Claire	HHR-17-0230	CC-17-0222	WV Legislative Claims Commission	Social Solutions Global	Claim alleges DHHR failed to pay for the installation of additional licenses for software involving the WV Home Visitation Program.
Health, Human Resources	Winterholler, Claire	HHR-17-0251	CC-17-0310	WV Legislative Claims Commission	Sanoif Pasteur, Inc.	Claim for DHHR purchase of Fluzone Vaccines for \$158,386.32
Health, Human Resources	Winterholler, Claire	HHR-17-0449	CC-17-0501	WV Legislative Claims Commission	Glaxo Smith Kline v. WV BPH	Claim for pediatric flu vaccines for Bureau for Public Health.
Health, Human Resources	Winterholler, Claire	HHR-17-0450	CC-17-0519	WV Legislative Claims Commission	Pitney Bowes Inc. v. DHHR OLS	Vendor claim in the amount of \$15,959.28, for lease of postage equipment under lease contract #8382186001, at a facility located at 167 11th Avenue, South Charleston, WV 25303.

**MAIN OFFICE
DIVISION**

ANNUAL REPORT
TO
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Main Office	Lackey, Laurel	MO-15-0084	15-C-796	Cabell County Circuit Court	Schooner's Bar & Grill, Inc. v. Natalie Tennant, in her official capacity as the Secretary of State for the State of West Virginia	Schooner's Bar & Grill, Inc. filed a Petition For Reinstatement after its business license was administratively dissolved for failure to file annual reporting requirements pursuant to statute.
Main Office	Peterson, Erica	MO-16-0027	1:16-cv-00593	U.S. District Court S.D. of Ala.	Alabama v. National Marine Fisheries Service	Challenge to critical habitat rules under Endangered Species Act.
Main Office	Peterson, Erica	MO-16-0028	1:17-cv-00108	U.S. District Court for the District of Columbia	Ohio et al. v. Department of the Interior	Litigation regarding the Office of Surface Mining's Stream Protection Rule.
Main Office	Peterson, Erica	MO-15-0071	15-1267	U.S. Court of Appeals D.C. Circuit	Florida, et al. v. EPA, et al.	Legal challenge to call for NE state implementation plans under clean air act.
Main Office	Peterson, Erica	MO-15-0077	15-1563	U.S. Court of Appeals D.C. Circuit	West Virginia v. U.S. EPA	State challenge of Clean Power Plan filed on October 23, 2015.
Main Office	Peterson, Erica	MO-16-0021	15-1581	US District Court for the District of Columbia	West Virginia v. U.S. EPA	Legal challenge to EPA's new source performance standards for new power plants; briefing underway.
Main Office	Peterson, Erica	MO-15-0079	15-3887	U.S. Court of Appeals - 6th Circuit	Georgia et al. v. U.S. EPA et al.	Challenge to "Waters of the United States" rule in the 6th Circuit.
Main Office	Peterson, Erica	MO-16-0020	16-1204	US District Court for the District of Columbia	Michigan v. U.S. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of MATS rule.
Main Office	Peterson, Erica	MO-16-0022	16-1242	U.S. District Court for the District of Columbia	North Dakota v. U.S. EPA	Legal challenge to the EPA's NSPS methane rule for oil and gas category.
Main Office	Peterson, Erica	MO-16-0011	16-1264	United States District Court of Columbia	WV, et al. v. US EPA	State challenged EPA's methane rule for new oil and gas operations.
Main Office	Peterson, Erica	MO-16-0012	16-C-959	Kanawha County Circuit Court	WV AFL-CIO v. Tomblin	AFL-CIO filed a civil action which challenging the constitutionality of the right to work law recently passed by the Legislature of the State of West Virginia.
Main Office	Peterson, Erica	MO-17-0005	17-1145	U.S. Court of Appeals D.C. Circuit	Clean Air Council, et al. v. Pruitt, et al.	West Virginia intervened in litigation concerning EPA's administrative stay of the new source methane rule.
Main Office	Peterson, Erica	MO-15-0078	2:15-cv-00079	U.S. Court of Appeals	Georgia et al. v. McCarthy et al.	APA challenge to the "Waters of the United States" Rule in the Southern District of Georgia.
Main Office	Sizemore, Vaughn	MO-14-0003	10-C-31	Lincoln County Circuit Court	State of WV, ex rel Glen B. Gainer v. Wachovia Bank, National Association, Suntrust Bank, and TCF National Bank	Auditor case against Wachovia regarding recovery of state funds.
Main Office	Sizemore, Vaughn	MO-15-0016	14-C-1569	Kanawha County Circuit Court	Robert Derek Walker v. State Of West Virginia Ex. Rel. Patrick Morrissey, Attorney General	Suit by former AG employee regarding wage dispute. Case is now assigned to Judge Stucky.
Main Office	Sizemore, Vaughn	MO-15-0017	15-AA-31	Kanawha County Circuit Court	Nitro Electric Company, Inc. v. WV Dept. of Administration, Div. of Purchasing	Administrative appeal of the Purchasing Division's Final Written Decision to the Kanawha County Circuit Court.
Main Office	Sizemore, Vaughn	MO-15-0058	15-C-1181	Kanawha County Circuit Court	Gomez v. State Athletic Commission, et al.	Suit alleging violation of Sunshine Law or Open Meetings Act against the Athletic Commission.
Main Office	Sizemore, Vaughn	MO-17-0007	16-C-213	Ohio County Circuit Court	Crystal Mountain & Steven Minard v. Ohio County Commission, et al.	Crystal Mountain & Steven Minard v. Ohio County Commission, Ohio County Development Authority, Randy Wharton, Menard, Inc., West Virginia Economic Development Authority and Gregory L. Stewart. MTD

Main Office	Viglianco, Zachary	MO-17-0004	16-1132	Supreme Court of Appeals	Grishaber v. Jacobs	Contract dispute regarding a home improvement sale. AG's interest is in protecting the scope of its consumer protection jurisdiction related to W. Va. 46-A-2-123 and the associated regulations.
Main Office	Wenger, Edward	MO-16-0002	15-C-2214	Kanawha County Circuit Court	Steel of WV, Inc. v. Patrick Morrissey, Attorney General	Steel of WV filed suit after denial of FOIA request. Request sought information which the Attorney General is statutorily prohibited from releasing pursuant to WV Code.
Main Office	Wenger, Edward	MO-17-0011	16-C-202	Boone County Circuit Court	WV v Larry's Drive-In Pharmacy	Action against suppliers of opioid pain medication for resulting controlled substance addiction.
Main Office	Wenger, Edward	MO-17-0010	16-C-54	Hardy County Circuit Court	WV v Judy's Drug Store	Action against suppliers of opioid pain medication for resulting controlled substance addiction.
Main Office	Wenger, Edward	MO-17-0009	17-C-12-D	Raleigh County Circuit Court	WV v Crab Orchard Pharmacy	Action against suppliers of opioid pain medication for resulting controlled substance addiction.

NATURAL RESOURCES DIVISION

ANNUAL REPORT
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Division of Natural Resources	Charnock, Jane	DNR-09-551	08-C-71	Kanawha County Circuit Court	Cobb, Mark T. d/b/a Gobblers Ridge Exotic Animals	Declaratory Judgment action seeking to determine if the DNR legislative rule regarding licensing of captive cervid facilities is unconstitutional. Dismissed, but reinstated in 2011. JC is pursuing entry of final order previously submitted by WRV.
Division of Natural Resources	Charnock, Jane	DNR-16-0009	16-AA-2	Barbour County Circuit Court	Penn Va. v. Dye, et al (Barbour)	(Consolidated with Randolph Co. suit) Petitioner appeals the ruling of WV Tax Commissioner barring Petitioner from continued inclusion of property as Managed Timerland for 2016 tax year.
Division of Natural Resources	Charnock, Jane	DNR-15-0017	16-AA-61	Kanawha County Circuit Court	Akers, Malcolm L. v. DNR (Parks)	Appeal of the dismissal order in level 3 grievance, wherein it was ruled grievant does not meet the definition of employee for purposes of the grievance statute. DNR's "Reply to Petition for Appeal" is the last pleading on docket (12/29/2016).
Division of Natural Resources	Charnock, Jane	DNR-16-0010	16-C-15	Upshire County Circuit Court	Penn Va. v. Dye, et al (Upshur)	(Consolidated with Randolph Co. suit) Petitioner appeals the ruling of WV State Tax Commisisoner barring Petitioner from continued inclusion of certain property as Managed Timberland for 2016 tax year.
Division of Natural Resources	Charnock, Jane	DNR-17-0006	17-C-28	Summers County Circuit Court	DNR v. Brayman Construction Corp.	Contract issues with Brayman Construction Corp. regarding slope stability on Bluestone Lake Access Road (Pits Rd.)
Division of Natural Resources	Charnock, Jane	DNR-16-0011	2016-C-33	Randolph County Circuit Court	Penn Va. v. Dye, et al (Randolph)	Petitioner appeals the ruling of WV State Tax Commissioner barring Petitioner from continued inclusion of property as Managed Timberland for 2016 tax year.
Division of Natural Resources	Charnock, Jane	DNR-17-0011	CC-17-0461	Court of Claims	WV Assn of Rehab Fac. v. DNR (Adm)	Claim for non-payment of water-related supplies to DNR So. Chas. office and various parks.

**PUBLIC SAFETY
DIVISION**

ANNUAL REPORT
TO
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November 1, 2017

Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0068	1:16-CV-145	Northern - District Court	Browning, Jason v. WV Division of Corrections, et al.	This inmate has a complaint regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA).
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0201	1:17cv37	Northern - District Court	Green, Julian v. WV Division of Corrections, et al.	Inmate Green complains that he was wrongfully charged with a sex act and is seeking damages.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0072	16-0784	Supreme Court of Appeals	SER Massey, Orville v. WV Division of Corrections, et al.	The Petitioner is appealing a decision from the Fayette County Circuit Court on August 5, 2016, denying his habeas petition to be released for medical care for treatment from a specialist for his left hip. He appealed to the WV Supreme Court of Appeals and filed a Petition for Writ of Habeas Corpus.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0069	16-C-1673	Kanawha County Circuit Court	Hutchenson, Debra v. WV Division of Corrections, et al.	This matter involves the claimant, an employee of Meyer, Ford & Glasser, who sent a FOIA request to the Central Office on August 12, 2016, that was never answered.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0031	17-005	Supreme Court	SER Guthrie, Brittany v. WV Division of Corrections, et al.	This matter involves a Petition for Writ of Mandamus filed in the WV Supreme Court questioning the due process of WV Division of Corrections classification.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0180	17-0128	Supreme Court of Appeals	Kinser, Shawn v. WV Division of Corrections; Ballard, et al.	Inmate Kinser has appealed a dismissal by the Kanawha County Circuit Court of his petition for writ of mandamus regarding his no-soy diet while incarcerated.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0052	17-0190	Supreme Court of Appeals	Freeland, Aron v. WV Division of Corrections, et al.	Petitioner Freeland filed a Petition for Writ of Mandamus in the WV Supreme Court claiming a FOIA request wasn't received in a timely manner.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0181	17-0351	Supreme Court of Appeals	Taylor, Donald v. WV Division of Corrections; Plumley, et al.	Inmate Taylor has appealed the Circuit Court dismissal of his habeas petition challenging his disciplinary writeup.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0179	17-0584	Supreme Court of Appeals	Larue, Willaim v. WV Division of Corrections; Plumley, et al.	Inmate Larue complains of unlawful actions due to writing him up for violation of the State law.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0178	17-0596	Supreme Court of Appeals	Cecil, William v. WV Division of Corrections; Ballard, et al.	Inmate Cecil complains that there is a lack of jobs at Mt. Olive Correctional Center and he is being denied rehabilitation.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0149	17-0654	Supreme Court of Appeals	SER Freeland, Aron v. WV Regional Jail; Butcher	An inmate claims that his FOIA rights were violated because he was told that he or his designee could arrange to inspect documents at the Commissioner's office.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0148	17-0663	Supreme Court of Appeals	Kearns, James v. WV Regional Jail; Mirandy	An inmate claims that he was wrongfully and maliciously charged with escape which was later dismissed. He wants St. Marys Correctional Center ordered to give better grievance responses.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0189	17-700	Supreme Court of Appeals	Prillaman, Shane v. WV Division of Corrections; Butcher, et al.	This matter involves an inmate seeking a writ of mandamus requiring the Commission to answer the Supreme Court appeal.

Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0183	17-709	Supreme Court of Appeals	SER Lowe, Keith v. WV Division of Corrections; Ballard, et al.	This matter involves an inmate seeking a mandamus in the WV Supreme Court that requires the return of a word processor, discs and legal materials.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0190	17-719	Supreme Court of Appeals	Miller, Andrew v. WV Division of Corrections; Ballard, et al.	This matter involves an inmate at Mt. Olive Correctional Center seeking the institution to comply with office procedures regarding segregation reviews.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0056	17-C-110	Kanawha County Circuit Court	Delgado, Miguel v. WV Division of Corrections, et al.	Inmate Delgado was peppered sprayed on August 7, 2016, while housed in Q2 at Mt. Olive Correctional Center.
Public Integrity, Safety & Compliance	Boothroyd, John	COR-17-0001	17-C-113	Marshall County Circuit Court	Chance, Kenneth v. WV Regional Jail; Warden Pszczolkowski	This matter involves a Section 1983 lawsuit over medical treatment while incarcerated.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0202	17-C-1181	Kanawha County Circuit Court	Hager-Wolfe, Robin v. WV Division of Corrections; Mt. Olive Correctional Center	Inmate Hager-Wolfe claims that the Division of Corrections did not properly respond to a FOIA request.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0145	17-C-163	Marshall County Circuit Court	Persinger, Roger v. WV Regional Jail; Pszczolkowski	An inmate challenges a 40% deduction from his friends/family money due to court ordered obligations.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0081	17-C-20	Circuit Court of Marshall County	Dreyfuss, Edward v. WV Division of Corrections, et al.	This matter involves an inmate who filed a Petition for Writ of Mandamus in the Marshall County Circuit Court prohibiting the Northern Correctional Center from removing the law library computers from the general inmate population housing units.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0053	17-C-33	Marshall County Circuit Court	Holcomb, Ronald v. WV Division of Corrections	Inmate Holcomb filed a Notice of Intent to File Suit regarding the Federal Government intervention in an illegal attachment levy or seizure of inmate's VA benefits.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0147	17-MISC-244	Fayette County Magistrate Court	Dement, Keith v. WV Regional Jail; Ballard	An inmate is seeking reimbursement for lost property during transfer from jail to Mt. Olive Correctional Center.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0146	17-P-210	Kanawha County Circuit Court	Dotson, Howard v. WV Regional Jail; Butcher, et al.	An inmate challenges his removal from a single cell at Mt. Olive Correctional Center. A hearing is scheduled for Sept. 18, 2017.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0177	17-P-213	Kanawha County Circuit Court	Love, Shawn v. WV Division of Corrections; Butcher, et al.	Inmate Love disagrees with the sentence and good time calculation and believes he should be released immediately.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0080	2:13-CV-30454	Southern District Court of WV	Morgan, Brian C. v. WV Division of Corrections; John Bess	An inmate at Mt. Olive Correctional Center is alleging civil rights and personal safety violations while housed there.

Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0057	2:15-CV-16209	Southern District Court of WV	Connor, Michael Lee v. WV Division of Corrections, et al.	Inmate alleges assault by another inmate while on the recreation yard at Mt. Olive Correctional Center.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0198	2:15cv15458	Southern District Court of WV	In Re: Kathy Dillon, EE of WV Division of Corrections	Ms. Dillon, an employee at Mt. Olive Correctional Center, was served a Subpoena Duces Tecum in a matter that is currently pending in the District Court of the Southern District of WV. This Subpoena is viewed as overly burdensome as it required her to produce an unreasonable amount of documents which would take her 40 to 50 hours to complete. The Division of Corrections filed a Motion to Quash the Subpoena on her behalf.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0188	2:15cv16026	Southern District Court of WV	Boddy, Diarra v. Corrections; City of Charleston; State of WV; McKinley, et al.	This matter involves a former inmate of South Central Regional Jail who claims that he was improperly arrested. This matter is being represented by BRIM with outside counsel.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0200	2:17cv01549	Southern District Court of WV	Redden, Ronnie v. WV Division of Corrections; Ballard, et al.	Inmate Redden challenges diagnosis and the treatment thereof while incarcerated.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0199	2:17cv3929	Southern District Court of WV	Lowe, Keith v. WV Division of Corrections, et al.	Inmate Lowe complains of unnecessary use of force while incarcerated. He is seeking monetary damages.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0036	3:17-cv-01370	Southern District Court of WV	Morris, Jason Scott v. WV Division of Corrections, et al.	This matter involves a parole violator who wants moved to a DOC facility and is asking for monetary damages.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0062	501-414024-AIG	Kanawha County Circuit Court	Vance, Jack v. WV Division of Corrections, et al.	The inmate is alleging the he was assaulted while incarcerated at St. Mary's Correctional Center and at Steven's in McDowell County, WV. He filed a Notice of Intent to File Suit on January 6, 2017 The case was assigned to Bret Hart at AIG.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0191	92-C-48M	Marshall County Circuit Court	Drescher, Thomas v. WV Division of Corrections	This matter involves a Petition for Civil Contempt of Court Citation. Drescher is seeking meals in the segregation unit to be served in styrofoam trays.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0034	CC-1-0121	Court of Claims	Fields, Michael v. WV Division of Corrections, et al.	This matter involves an inmate claim of \$275.00 for destruction of property.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0075	CC-16-0892	Court of Claims	Dixon, David L. v. WV Division of Corrections, et al.	This matter involves an inmate claiming lost property in the amount of \$1,315.00. He claims that his property was seized by the State shop after he received 30 days punitive segregation.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0074	CC-16-0914	Court of Claims	McKinney, Letcher v. WV Division of Corrections, et al.	This matter involves an inmate's complaint of lost property in the amount of \$527.12 while being transferred from Northern Correctional Center to St. Mary's Correctional Center.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0076	CC-16-0918	Court of Claims	Hyde, Shawn v. WV Division of Corrections, et al.	This matter involves an inmate's complaint of lost property totaling \$94.39 while being transferred from St. Mary's Correctional Center to Northern Correctional Center.

Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0071	CC-16-0962	Court of Claims	Wilson, John v. WV Division of Corrections, et al.	This matter involves an inmate claim of \$200 for items destroyed during routine shakedown.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0070	CC-16-0966	Court of Claims	Surber, Donald B. v. WV Division of Corrections, et al.	The inmate is claiming monetary damages for a sole that was torn off of a pair of Nike Zoom athletic shoes.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0035	CC-17-0019	Court of Claims	Gibson, Joseph M. v. WV Division of Corrections	This matter involves an inmate's monetary claim of \$761.72 for lost, stolen or destroyed personal property.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0054	CC-17-004	Court of Claims	Carter, Kenneth Eugene v. WV Division of Corrections, et al.	Inmate Carter in complaining that he has property stolen while incarcerated at Mt. Olive Correctional Center amounting to \$300.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0037	CC-17-0103	Court of Claims	Taylor, Timothy L. v. WV Division of Corrections	This matter involves an inmate's monetary claim of \$69.86 for lost or stolen property.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0167	CC-17-0294	Court of Claims	Rager, Jonathan v. WV Division of Corrections	Inmate at Mt. Olive Correctional Center complains that he had a pair of tennis shoes taken and disposed of.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0203	CC-17-0551	Court of Claims	Snyder, Sarah v. WV Division of Corrections; Lakin Correctional Center	Inmate Snyder located at Lakin Correctional Center is seeking a medical injury complaint in the amount of \$100,000.00. This matter may be handled by BRIM with outside counsel.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0187	CC-17-0577	Court of Claims	Thornhill, Brandon v. WV Division of Corrections, et al.	Inmate Thornhill has filed a claim in the WV Court of Claims regarding a property loss while incarcerated.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0169	CC-17-418	Court of Claims	Ash, Wendell v. WV Division of Corrections	An inmate complains that his glasses were seized and destroyed along with his bloody clothes following a fight.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0171	CC-17-424	Court of Claims	Williams, John v. WV Division of Corrections	Inmate Williams complains that a default judgment from 1986 against the Division of Corrections has not been paid.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0168	CC-17-446	Court of Claims	Copley, Willie v. WV Division of Corrections	Inmate Willie Copley complains that he had property seized and then lost.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0170	CC-17-465	Court of Claims	WV Association-Rehab Facility v. WV Division of Corrections	WV Association-Rehab Facility seeks payment of invoices to Division of Corrections (as well as to non-DIC entities).
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0182	CC-17-469	Court of Claims	Dement, Keith v. WV Division of Corrections	Inmate Dement complains of property not transported from Mt. Olive Correctional Center to regional jail.

Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0186	CC-17-479	Court of Claims	McKenzie, John v. WV Division of Corrections	Inmate McKenzie has filed a claim in the WV Court of Claims regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Boothroyd, John	CNB-17-0185	CC-17-563	Court of Claims	Cochran, Jonathan v. WV Division of Corrections; Mt. Olive	Inmate Cochran has filed a claim in the WV Court of Claims regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0175	12-F-568	Circuit Court of Kanawha County	State of West Virginia v. Ronald Edward Tinsley	Petition for judicial review of parole revocation.
Public Integrity, Safety & Compliance	Valentino, William	CNB-16-0096	14-C-800	Cabell County Circuit Court	Buzzard, David Dean v. WV Parole Board	This matter involves a habeas appeal. Inmate Buzzard was allegedly assaulted by correctional officers in an improper use-of-force incident. Petitioner wants his sentence reduced. We are awaiting the Judge to Rule. On April 17, 2017, we received the Petitioner's Motion to Dismiss Court Appointed Counsel, Leave to Proceed Pro Se and Motion Seeking an Order Setting New Deadlines.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0174	16-C-58	Kanawha County Circuit Court	Collier, Thomas v. AIG	Plaintiff alleged false arrest, false incarceration, "stop and arrest" and of holding him against his will by home confinement and GPS monitoring.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0088	17-0270	WV Supreme Court of Appeals	SER Sayre, Kenny Drew v. WV Parole Board, et al.	This matter involves a prisoner's complaint that he was denied multiple medical treatments for several medical conditions. He states that he was denied a fair parole hearing due to false information at his hearing. A response is due on May 5, 2017.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0095	17-0317	WV Supreme Court of Appeals	SER Miller, Andrew v. WV Parole Board	Petition for Writ of Habeas Corpus based on an alleged violation of his parole rights claiming he did not have a fair parole hearing. Parole Board's Response is due on May 22, 2017.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0102	17-0393	WV Supreme Court of Appeals	SER Lewis, Cameron Derrek v. WV Parole Board; Timothy King; Western Regional Jail	Petition for Writ of Habeas Corpus appealing a decision from Putnam County Circuit Court. He is claiming that he did not receive appropriate legal advice from his attorney resulting in an unfavorable decision and hindering his parole dates. Awaiting decision from the Court.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0118	17-0461	WV Supreme Court of Appeals	SER Anderson, Roy Jr. v. WV Regional Jail, et al.	Inmate at North Central Regional Jail filed a habeas petition with respect to unfit living conditions at the Facility. Awaiting decision from the Court.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0158	17-0678	WV Supreme Court of Appeals	SER Cook, Danny v. WV Parole Board; Judge Robert Irons	Petitioner filed a Petition for Writ of Mandamus arguing that the sentencing dates on the sentencing order is incorrect therefore prolonging his parole. Now awaiting the decision from the Supreme Court.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0165	17-0740	WV Supreme Court of Appeals	Taylor, Donald Lee v. WV Parole Board, et al.	Inmate filed an appeal appealing the August 11, 2017, Order of the Randolph Circuit Court denying his Petition for Writ of Mandamus. To date, we have not received a Scheduling Order from the Supreme Court in this matter.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0192	17-0793	WV Supreme Court of Appeals	Victoria Marie Coakley v. A.D. Wooton, West Virginia State Trooper	Appeal of dismissal of petition for writ of mandamus by Kanawha County Circuit Court.

Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0101	17-C-39	McDowell County Circuit Court	Dugas, Greg v. WV Regional Jail Authority; Ralph Terry	Petition for Writ of Habeas Corpus claiming that the Regional Jail Authority did not give him sufficient good time credit and also that the Court did not give him sufficient credit while in Ohio, prior to his sentencing.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0212	17-C-592	Cabell County Circuit Court	Burton, Thomas v. Parole, Board of	Inmate has filed a petition for writ of habeas corpus in Cabell County alleging wrongful parole revocation.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0099	17-C-63	Marshall County Circuit Court	Dugas, Greg v. WV Regional Jail Authority, et al.	Petition for Writ of Habeas Corpus claiming that the Regional Jail Authority did not give sufficient good time credit & also that the Court did not give sufficient credit while in Ohio, prior to his sentencing.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0196	17-P-156	Wood County Magistrate Court	England, Bryson J., Jr. v. Wood County Commission	Petition for writ of habeas corpus alleging jail overcrowding is cruel and unusual punishment.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0016	5:16-cv-00085-FPS-RWT	Northern - District Court	Cooper, Randy S. v. WV Parole Board, et al.	Petition for Writ of Habeas Corpus against Patrick Mirandy, Warden, St. Mary's Correctional Center for denial of Parole due to Petitioner being HIV positive. To date, nothing has been formally served on the Parole Board.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0155	CC-16-0525	Court of Claims	Mollohan, Jeffrey v. WV Regional Jail Authority	Inmate filed a claim regarding loss of property and cash while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0112	CC-16-0635	Court of Claims	Bostic, Michael Jay v. WV Regional Jail Authority, et al.	Former inmate at Southern Regional Jail in Beckley, WV, has filed a claim seeking reimbursement for lost property while being transported.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0125	CC-16-0711	Court of Claims	Hoffman, Tarryn v. WV Regional Jail Authority, et al.	Inmate at Tygart Valley Regional Jail filed a loss of property claim in the amount of \$100.00.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0156	CC-16-0815	Court of Claims	Phipps, Deborah v. WV Regional Jail Authority	Inmate filed a claim regarding a loss of property while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0157	CC-16-0819	Court of Claims	Thornhill, Joshua v. WV Regional Jail Authority	Inmate filed a claim regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0159	CC-16-0878	Court of Claims	Pepple, Kyle v. WV Regional Jail Authority	Inmate filed a claim regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0160	CC-16-0924	Court of Claims	Critchley, Audie v. WV Regional Jail Authority	Inmate filed a claim regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0123	CC-17-0020	Court of Claims	Moore, Jeremy Matthew v. WV Regional Jail, et al.	Inmate at Potomac Highland Highlands Correctional Center filed a loss of property claim in the amount of \$100.00.

Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0122	CC-17-0114	Court of Claims	Walker, Harry R., Jr. v. WV Regional Jail, et al.	Inmate at Eastern Regional Jail filed a loss of property claim in the WV Court of Claims in the amount of \$36.86. A hearing is scheduled for July 20, 2017, at 9:30 a.m.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0161	CC-17-0125	Court of Claims	Peace, Troy v. WV Regional Jail Authority	Inmate filed a claim regarding loss of property while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0162	CC-17-0186	Court of Claims	Davis, James v. WV Regional Jail Authority	Inmate filed a claim regarding property loss while incarcerated.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0124	CC-17-0240	Court of Claims	Gillum, Gregory L. v. WV Regional Jail Authority, et al.	Inmate at North Central Regional Jail filed a loss of property claim in the WV Court of Claims in the amount of \$200.00. The hearing is scheduled for July 20, 2017.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0110	CC-17-0261	Court of Claims	Crislip, Pamela v. WV State Police	The Claimant alleges that she was an innocent victim of criminally injurious conduct, filed a Complaint seeking reimbursement for damages to her residence. A Motion to Dismiss was filed in the Court of Claims on May 26, 2017.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0115	CC-17-0280	Court of Claims	Baker, Gary R. v. WV Regional Jail Authority, et al.	This matter involves a claim for loss of property in the amount of \$647 filed by the Claimant while he was incarcerated at Southern Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0195	CC-17-0297	WV Court of Claims	Oliver, Russell v. Eastern Regional Jail	Claims Commission matter involving lost dentures in a regional jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0211	CC-17-0297	Court of Claims	Oliver, Russell v. Regional Jail Authority	Claims Commission matter involving lost dentures in a regional jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0114	CC-17-0297	Court of Claims	Russell, William Oliver v. WV Regional Jail Authority, et al.	This matter involves a property loss claim in the amount of \$600 to \$800 filed while incarcerated at the Eastern Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0116	CC-17-0305	Court of Claims	Morela, Hunter C. v. WV Regional Jail Authority, et al.	This matter involves a claim for loss of property in the amount of \$267 filed on May 25, 2017, while the claimant was incarcerated in the North Central Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0133	CC-17-0392	Court of Claims	VanDyne, Cynthia & Stefanko, Justin v. WV Regional Jail Authority, et al.	This matter involves a loss of property claim in the amount of \$31.79 filed by the mother of an inmate in Eastern Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0134	CC-17-0393	Court of Claims	Harvey, Ernest Lee v. WV Regional Jail Authority, et al.	This matter involves a loss of property claim in the amount of \$130.00 filed by an inmate of the Eastern Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0137	CC-17-0420	Court of Claims	Hazlett, Jeffrey Allen vs. WV Regional Jail Authority, et al.	An inmate at Eastern Regional Jail has filed a claim for loss of property in the amount of \$98.72.

Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0139	CC-17-0422	Court of Claims	Edward Holtone and Candica Robinson vs. WV Regional Jail Authority, et al.	Two inmates at Eastern Regional Jail have filed a claim for loss of property in the amount of \$28.02.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0138	CC-17-0434	Court of Claims	Meronica Harrison vs. WV Regional Jail Authority, et al.	An inmate at Southern Regional Jail has filed a claim for loss of property in the amount of \$599.99.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0166	CC-17-0582	Court of Claims	Maye, Richard Keves v. WV Regional Jail Authority/South Central Regional Jail	This matter involves a loss of property claim in the amount of \$338.00 by an inmate while housed at South Central Regional Jail.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0210	CC-17-0598	Court of Claims	Talouzi, Basim v. Regional Jail Authority	Claims Commission alleging loss of clothing and other items totaling \$250.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0194	CC-17-0598	WV Court of Claims	Talouzi, Basim v. Western Regional Jail	Claims Commission alleging loss of clothing and other items totaling \$250.
Public Integrity, Safety & Compliance	Valentino, William	CNB-17-0097	CC-2017-0173	Court of Claims	Software Systems, Inc. v. Supreme Court of Appeals of WV	The Claimant, Software Systems, Inc. is seeking payment of outstanding invoices owed by the Respondent, WV Supreme Court of Appeals, in the sum of \$204, 021.61 for services rendered for installation of an e-filing system.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-15-0099	15-AA-2-H	Raleigh County Circuit Court	Atterson, Bryan v. Law Enforcement Pro Standards	This matter involves the decertification of Officer Atterson following a domestic violence issue. ALJ reversed LEPS' decision and ordered Officer Atterson recertified. DJCS Director reversed ALJ & reinstated LEPS' decision. This appeal followed.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-15-0136	15-C-1543	Kanawha County Circuit Court	Bradford, Larry v. Solid Waste Management Board	This matter involves a civil claim filed against SWMB, alleging contract and wage violations. Counter-claim alleges Bradford committed fraud/deceit/and/or misrepresentation while at NCSWA. Bradford is covered by BRIM; represented in civil court by Anspack, Meeks, Ellenberger.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-16-0095	15-P-322	Supreme Court of Appeals	SER Bobby Ross v. WV Parole Board, et al.	This matter involves a habeas appeal. Mr. Ross was granted parole in May 2014. In January 2105 five more charges were brought against him and he was sent back to prison. Judge Kaufman vacated his prior order of 9/15/16 and is granting his petition for habeas corpus. A Motion to File a Notice of Appeal out of time was filed by Petitioner on Jan. 3, 2017. The Motion was granted by the WV SCA on Jan. 25, 2017. The Petitioner filed its brief on April 7, 2017. The Respondent filed its brief on April 27, 2017. Awaiting decision from Supreme Court.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-16-0093	16-0980	Supreme Court of W.V.	State of West Virginia ex rel. State Fire Commission v WV Municipal Home Rule Borad	The Fire Commission has filed a Petition for Writ of Prohibition aganst the Municipal Home Rule Board. The Petition wishes to invalidate a 7/11/16 action of the Board giving the cities of Bridgeport and Clarksburg amendments to their home rule plan to exempt employers from State licensing requirements. A scheduling order was received October 27, 2016, requiring respondent to file response by November 23, 2016. This matter is now in abeyance period pending settlement.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-17-0014	17-0111	Supreme Court of Appeals	SER Merson, Douglas v. WV Parole Board, et al.	The Petitioner, Douglas Merson, filed a Petition for Writ of Habeas Corpus in the WV Supreme Court on February 6, 2017, alleging that he was wrongfully removed from a Virginia Department of Corrections facility location and has been denied parole several times. The Response from the Parole Board was filed on March 27, 2017. Awaiting decision from Supreme Court.

Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-16-0097	3:16-cv-6986	Southern District Court of WV	Jacob Colby Spradlin v Regional Jail Authority	Inmate Spradlin alleges that while he was on suicide watch he was not provided with appropriate psychiatric care and that he was not being supervised closely enough to prevent him from harming himself. We are representing the jail administrator.
Public Integrity, Safety & Compliance	Webb-Barber, Celeste	CNB-16-0008	CC-15-2082	Court of Claims	WV DHHR; Bureau of Medical Services v. Department of Juvenile Services	This matter involves a claim filed against Department of Juvenile Services for debts incurred for services provided by the Bureau of Medical Services, a division of DHHR.

**TAX, REVENUE, COURT OF CLAIMS,
AND TRANSPORTATION
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-861	13-AA-83	Kanawha County Circuit Court	Miller v. Callihan, Joshua	The Division of Motor Vehicles (DMV) appealed an Office of Administrative Hearings' order on 6/26/13. The matter has been fully briefed by the parties. We are awaiting a decision by the court. Counsel for the DMV sent a letter to Judge Webster on August 7, 2017 respectfully requesting a final order be entered.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1069	13-C-646	Kanawha County Circuit Court	Margocee, Zane v. DMV	The Petitioner was arrested for DUI on November 5, 2010. His license was subsequently revoked by the DMV, and he requested a hearing from the Office of Administrative Hearings(OAH). After several continuances of the hearing, he filed a writ against the Division of Motor Vehicles (DMV) and OAH claiming that the delay in holding the hearing was prejudicial. A hearing was held on 3/31/14. Proposed orders have been submitted. Counsel for the DMV filed Motion to Dismiss Pursuant to Rule 41(b) on February 6, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1253	13-P-627	Kanawha County Circuit Court	Hively, Lonnie v. DMV	The Petitioner filed a petition for a writ of prohibition against the Division of Motor Vehicles (DMV) to prevent it from holding a hearing on this DUI matter because it had been delayed for years. The Petitioner failed to prosecute the matter and a Rule 41 motion to dismiss was filed by the DMV on 8/17/15. It was dismissed on that basis in December 2015 and costs and fees were awarded to the DMV. Attorney Hardison has failed to pay.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0121	14-AA-4	Kanawha County Circuit Court	Reed, Gary v. DMV	The case has been fully briefed and DMV has been awaiting a decision from the Court since July 2014.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-14-828	16-0132	WV Supreme Court of Appeals	Reed v. Zipf, George	DMV appealed the order of the Kanawha County Circuit Court which found that there was insufficient evidence to prove that the Respondent's detention at a sobriety checkpoint was valid. The court reversed the revocation because the written protocols of the Vienna Police Department were not admitted into evidence, and because of the absence of any information about what criteria Officer Lindsey used in determining that the Respondent should be detained for further investigation. The matter was argued at the West Virginia Supreme Court of Appeals. The driver's revocation was ordered to be reinstated. The Mandate has not been issued.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0047	16-0996	WV Supreme Court of Appeals	Straub, Jerry v. DMV	Petitioner was found to have committed the offense of driving under the influence of alcohol by the Office of Administrative Hearings. Petitioner challenges the 10-day time period set forth in the OAH's final order between its issuance and its effectiveness; the 23-month delay in the Investigating Officer's submission of the DUI Information Sheet to the Division of Motor Vehicles; the delay in the Office of Administrative Hearings' holding a hearing; the failure of the Division of Motor Vehicles to promulgate rules governing the formal and informal procedures prescribed and specifying internal procedural time limits through which adjudicatory time limits can be met; the delay in issuance of the Final Order by the Office of Administrative Hearings; and the constitutionality of the stay statute. W. Va. Code § 17C-5-2(s). Petitioner seeks rescission of the order revoking his license.

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0085	16-AA-1	Mineral County Circuit Court	Bevers, Christopher v. DMV	The Petitioner appeals the Office of Administrative Hearing's order upholding the revocation of his driver's license on the basis that the blood draw was not done within two hours of his arrest. The Petition for Appeal and Stay was filed on June 28, 2016. On July 27, 2017, counsel for the West Virginia Division of Motor Vehicles filed a Motion to Dismiss pursuant to Rule 41(b). A hearing is set for December 4, 2017, at 2:00 p.m., on said motion.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0021	16-AA-1	Wirt County Circuit Court	Murphy, Mark v. DMV	Petitioner appealed the final order of the Office of Administrative Hearings which affirmed the revocation of his driver's license for DUI. His appeal is based on the grounds that there was no reasonable suspicion to stop his car and the delay in issuing a final order caused him actual and substantial prejudice. The matter has been briefed by both parties. The Division of Motor Vehicles is awaiting an order from the Court.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0057	16-AA-107	Kanawha County Circuit Court	Carpenter, Crystal	The West Virginia Division of Motor Vehicles (DMV) filed this appeal. By its Final Order, the Office of Administrative Hearings (OAH) reversed an administrative driver's license revocation order entered by the Division of Motor Vehicles by which the Respondent's privilege to drive was revoked for driving under the influence of alcohol, controlled substances or drugs ("DUI"). DMV alleges that OAH's Final Order was clearly erroneous as a matter of law because it was in violation of constitutional or statutory provisions; in excess of the statutory authority or jurisdiction of the agency; made upon unlawful procedures; affected by other error of law; or clearly wrong in view of the reliable, probative and substantial evidence on the whole record; arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. The case has been fully briefed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0059	16-AA-111	Kanawha County Circuit Court	Elswick, Bruce v. DMV	The West Virginia Division of Motor Vehicles (DMV) filed this appeal. By its final order, the Office of Administrative Hearings (OAH) reversed an administrative driver's license revocation order entered by the Division of Motor Vehicles by which the Respondent's privilege to drive was revoked for driving under the influence of alcohol, controlled substances or drugs ("DUI"). DMV alleges that OAH's final order was clearly erroneous as a matter of law because it was in violation of constitutional or statutory provisions; in excess of the statutory authority or jurisdiction of the agency; made upon unlawful procedures; affected by other error of law; or clearly wrong in view of the reliable, probative and substantial evidence on the whole record; arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. This case has been fully briefed. Counsel for the DMV submitted a proposed Final Order on September 12, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0119	16-AA-2	Kanawha County Circuit Court	Crabtree, Jamie v. DMV	The Petitioner contends that the Commissioner of the West Virginia Division of Motor Vehicles (DMV) entered an Order that is erroneous as to both law, fact and is premature, and that Petitioner is a duly authorized salesperson. Petition was filed in the Kanawha County Circuit Court on May 31, 2016.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0120	16-AA-26	Kanawha County Circuit Court	Condia, Robert v. DMV	The West Virginia Division of Motor Vehicles (DMV) filed a Petition on April 6, 2016. By its final order, the OAH modified an administrative driver's license revocation order entered by the DMV by which the Respondent's privilege to drive was revoked for driving under the influence ("DUI") and refusal to submit to the designated secondary chemical test. The OAH affirmed the revocation for DUI, and rescinded the revocation for refusal. Counsel for the DMV filed a proposed Final Order on August 6, 2016.

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0117	16-AA-3	Braxton County Circuit Court	Carson, Nickolas v. DMV	The driver appealed the Office of Administrative Hearings' order affirming his license revocation. The Petitioner asserts that because the Investigating Officer did not attend the hearing, the evidence should not have been admitted. He also asserts that the order of revocation was not sent to him for two years after the arrest. On October 6, 2017, counsel for the Division of Motor Vehicles filed Notice of Special Limited Appearance and Motion to Dismiss. The motion asked the Court to dismiss the above-captioned case for failure of the Petitioner to file his appeal within the timeframe specified by the West Virginia Code, and for failure to prosecute the matter for more than one year pursuant to West Virginia Rule of Civil Procedure 41(b). A hearing is set for November 13, 2017, at 10:45 a.m.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0113	16-AA-66	Kanawha County Circuit Court	Reed v. Jenkins, Paul	The Division of Motor Vehicles (DMV) appealed the Office of Administrative Hearings' order rescinding Mr. Jenkins' license revocation. The OAH rescinded because the toxicology lab result didn't show the level of impairment. The OAH ignored the Investigating Officer's evidence of impairment. Counsel for the DMV filed a proposed Final Order on January 31, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0112	16-AA-69	Kanawha County Circuit Court	Burgwin, Matthew v. Reed	The Division of Motor Vehciles (DMV) filed a Petition for Appeal on August 19, 2016 appealing the Office of Administrative Hearings' order citing three errors. 1) Whether more than one officer may contribute to a DUI investigation. 2) Whether the field sobriety tests were improperly excluded from evidence. 3) Whether the OAH failed to reconcile conflicting testimonies of the officers and the Respondent. This case has been fully briefed, proposed final orders have been submitted and awaiting decision of the Court.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0069	16-AA109	Mason County Circuit Court	Windle, James	The Driver filed a Petition for Appeal claiming the DUI checkpoint stop wasn't valid because the police officer didn't show proof that notice of the checkpoint was published in the news. On April 6, 2017 his stay was denied. Briefs have been filed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0118	16-P-150	Harrison County Circuit Court	Buffey, John v. DMV	Petitioner filed his Petition for Appeal on September 6, 2016. The Petition stated the Office of Administrative Hearings erred in its final order when it found that there is no admissible evidence that Petitioner was operating a vehicle; or that he was operating a vehicle on his own property and there was no evidence that the Petitioner was intoxicated.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0132	16-P-192	Harrison County Circuit Court	Boone, Michael v. DMV	Petitioner appeals the revocation of her driver's license by Final Order of the Office of Administrative Hearings for driving under the influence of marijuana. The Petitioner argues that the Office of Administrative Hearings ("OAH") misapplied the Supreme Court of Appeals of West Virginia's ruling in Dale v. Odum by improperly extending the doctrine and failing to recognize that Mr. Boone had rebutted the Commissioner's evidence. The matter has been fully briefed, and a hearing on the merits was held in this Court on September 18, 2017. Proposed Final Orders have been submitted.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0125	16-P-372	Kanawha County Circuit Court	U.S. Bank National Association v. Fouty, et al.	Plaintiff seeks to compel the DMV to convert mobile homes from personal property to real property. We are awaiting an order from the Court.

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-15-0313	17-0174	WV Supreme Court of Appeals	Boley, Brian v. DMV	The Division of Motor Vehicles ("DMV") filed a Notice of Appeal on February 16, 2017. The appeal is based upon the circuit court's error in attributing the delay at OAH to DMV. The Order must therefore be reversed which was entered by the Circuit Court of Pleasants County on January 17, 2017. This case has been fully briefed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0084	17-0175	WV Supreme Court of Appeals	Pompeo, Joseph v. DMV	Petitioner appealed the Final Order of the Office of Administrative Hearings (OAH) on the grounds that the Investigating Officer did not have reasonable grounds to stop and probable cause to arrest him; there was no lawful arrest; the Petitioner did not exhibit signs of intoxication; the Petitioner was not unlawfully operating a motor vehicle; and the OAH did not address video evidence. The Circuit Court ruled for the Petitioner. The West Virginia Division of Motor Vehicles appealed this case. It has been fully briefed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0060	17-0691	WV Supreme Court of Appeals	Grillot, Doreen	The West Virginia Division of Motor Vehicles filed a Notice of Appeal to the Supreme Court on August 7, 2017 from a Order of the Boone County Circuit Court. The Circuit Court improperly substituted its judgment on several issues. A scheduling order has been entered. Appeal is to be Perfected by November 8, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0123	17-0732	WV Supreme Court of Appeals	Corra, Jeffrey v. Reed	The driver appeals an Order from the Kanawha County Circuit Court on August 31, 2017 upholding the suspension of his driver's license. The Division of Motor Vehicles' brief is due on January 5, 2018.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0104	17-0834	WV Supreme Court of Appeals	Winesburg, Joseph	The Division of Motor Vehicles filed a Petition appealing the Final Order entered by the circuit court of Ohio County on August 17, 2017. In the underlying matter, the Respondent appealed the revocation of his driver's license for driving under the influence of alcohol to the Office of Administrative Hearings ("OAH"). The OAH affirmed the license revocation. The Respondent appealed the decision to the circuit court of Ohio County, which reversed the order of the OAH. Petitioner seeks reversal of the circuit court's Final Order. Appeal is to be perfected by December 18, 2017
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0127	17-AA-1	Braxton County Circuit Court	Rogers, Kenneth v. DMV	Petitioner appeals OAH order. The hearing was held on 8/10/17 and DMV moved to dismiss. Only OAH was named, 9/22/17 order dismissed OAH, and allows 10 days to amend petition to name DMV. Leave to amend liberally does not allow expansion of statute of limitations to appeal.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0066	17-AA-1	Wetzel County Circuit Court	Shreves, Roger	Petitioner filed a Petition with the Wetzel County Circuit Court. Investigating Officer responded to Domestic Violence call, but no order was issued. Admitted drinking. Warrant on Petitioner. No odor, not unsteady. Witness says didn't look drunk. Issue investigatory stop based on mistake of fact. A hearing was held on October 4, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0122	17-AA-2	Putnam County Circuit Court	Propst, Brian v DMV	Driver filed Petition in the Putnam County Circuit Court. Counsel for the WV Division of Motor Vehicles filed Motion to Dismiss for Lack of Jurisdiction and Venue stating the Petitioner has not served the Respondent with a registered or certified copy of the petition and Docketing Statement, despite his oath on the Certificate of Service that he sent the pleadings "Certified". A hearing on said Motion was held on October 19, 2017, at 2:00 p.m.

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0067	17-AA-2	Brooke County Circuit Court	Walden, Kenneth	Petitioner appealed the revocation of his license by the Office of Administrative Hearings for driving under the influence of alcohol. He then enrolled in the Interlock Program, which prohibits a driver from having a pending appeal. The Petitioner desires to withdraw his appeal. The parties submitted a Rule 41(a)(1)(ii) Stipulation of Voluntary Dismissal and Agreed Order to Judge Sims on October 6, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0065	17-AA-3	Brooke County Circuit Court	Pell, Shelby	Petitioner appeals the revocation of her driver's license by Final Order of the Office of Administrative Hearings for driving under the influence of alcohol, controlled substances and/or drugs. She argues that because her blood alcohol content was only .019 she should not have been stopped, and subsequently should have been released from custody; that she did not fail the field sobriety tests, and that there is no evidence that she was under the influence of controlled substances. The Petitioner did not file a Designation of Record with the Office of Administrative Hearings.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0056	17-AA-57	Kanawha County Circuit Court	Browning, Wesley v. DMV	The Division of Motor Vehicles filed a Petition for Appeal on August 4, 2017. The Office of Administrative Hearings ("OAH") reversed an administrative driver's license revocation order entered by the Division of Motor Vehicles by which the Respondent's privilege to drive was revoked for driving under the influence of alcohol, controlled substances and/or drugs ("DUI"). DMV alleges that OAH's Final Order was clearly erroneous as a matter of law because it was in violation of constitutional or statutory provisions; in excess of the statutory authority or jurisdiction of the agency; made upon unlawful procedures; affected by other error of law; or clearly wrong in view of the reliable, probative and substantial evidence on the whole record; arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. DMV is awaiting the administrative record and scheduling order.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0064	17-AA-6	Jackson County Circuit Court	Null, Roger	The West Virginia Division of Motor Vehicles filed a Petition for Appeal on January 23, 2017. The Office of Administrative Hearings (OAH) reversed an administrative driver's license revocation order entered by the Division of Motor Vehicles by which the Respondent's privilege to drive was revoked for driving under the influence of alcohol, controlled substances or drugs ("DUI"). DMV alleges that OAH's final order was clearly erroneous as a matter of law because it was in violation of constitutional or statutory provisions; in excess of the statutory authority or jurisdiction of the agency; made upon unlawful procedures; affected by other error of law; or clearly wrong in view of the reliable, probative and substantial evidence on the whole record; arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Counsel for the DMV filed a proposed Final Order on September 7, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0133	17-C-548	Cabell County Circuit Court	Carson, Ronald	Petitioner appeals the Final Order of the Office of Administrative Hearings revoking his license for driving under the influence of drugs or controlled substances and proximately causing death. Petitioner argues that the evidence suppressed at the criminal trial should have been suppressed at the administrative hearing and that the Final Order of the Office of Administrative Hearings was unreasonably delayed. The Commissioner of the Division of Motor Vehicles has not been properly served. The judge to whom this appeal is assigned was recused from the criminal proceeding.

Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0124	17-P-112	Wood County Circuit Court	Conner, Philip	Petitioner filed a Petition with the Wood County Circuit Court stating the inordinante and unjustified delay has prejudiced the Petitioner. A hearing was held on September 14, 2017, and an Order Granting Stay was entered on August 22, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0054	17-P-31	Kanawha County Circuit Court	Agin, Deitra v. DMV	The Office of Administrative Hearings (OAH) entered a Final Order on March 27, 2017 reversing an administrative driver's license revocation order entered by the Division of Motor Vehicles by which the Respondent's privilege to drive was revoked for driving under the influence of alcohol, controlled substances and/or drugs ("DUI"). The OAH's final order was clearly erroneous as a matter of law because it was in violation of constitutional or statutory provisions; in excess of the statutory authority or jurisdiction of the agency; made upon unlawful procedures; affected by other error of law; or clearly wrong in view of the reliable, probative and substantial evidence on the whole record; arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. The Division of Motor Vehicles filed its Petition for Appeal on April 26, 2017.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0055	17-P-83	Wood County Circuit Court	Arnott, Michael	The Petitioner filed his Petition for Review on June 14, 2017, claiming that the inordinant and unjustified delay in rendering a decision has actually and substantially prejudiced him. On June 23, 2017, counsel for the West Virginia Division (DMV) filed a Notice of Special Limited Appearance and Motion to Dismiss and moved the Court to dismiss this matter for lack of jurisdiction. DMV had not been properly served with the petition and docketing statement as required by statute and rule.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0129	364934A	Kanawha County Circuit Court	Debord, Jeffrey v. DMV	The West Virginia Division of Motor Vehicles (DMV) filed a Petition on October 27, 2016 appealing an order of Officer of Administrative Hearings (OAH) rescinding a license revocation.
Tax, Revenue, Court of Claims, and Transportation	Lackey, Laurel	TAX-17-0007	2:16-bk-57949	U.S. Bankruptcy Court, Southern District of Ohio	In re Erica Nichole Gillard	A bankruptcy claim was filed by Ms. Gillard. She owes the Division of Motor Vehicles \$150.00 in reinstatement fees. A Meeting of Creditors is scheduled for January 20th.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0036	17-C-618	Kanawha County Circuit Court	CJ Vapors LLC v. Mark Matkovich, State Tax Commissioner, State Tax Department	A lawsuit was filed to challenge the constitutionality of West Virginia Code section 11-17-4b in which an excess tax is levied or imposed on sales of e-liquid liquid. A motion to dismiss has been filed.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0037	17-C-619	Kanawha County Circuit Court	Ella Vape LLC v. Mark Matkovich, State Tax Commissioner, State Tax Department	A lawsuit was filed to challenge the constitutionality of West Virginia Code section 11-17-4b in which an excess tax is levied or imposed on sales of e-liquid liquid. A motion to dismiss has been filed.

Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0038	17-C-620	Kanawha County Circuit Court	Vandalia Mist Extracts and Vapors v. Mark Matkovich, State Tax Commissioner	A lawsuit was filed to challenge the constitutionality of West Virginia Code section 11-17-4b in which an excess tax is levied or imposed on sales of e-liquid liquid. A motion to dismiss has been filed.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0039	17-C-621	Kanawha County Circuit Court	Vape Escape LLC v. Mark Matkovich, State Tax Commissioner, State Tax Department	A lawsuit was filed to challenge the constitutionality of West Virginia Code section 11-17-4b in which an excess tax is levied or imposed on sales of e-liquid liquid. A motion to dismiss has been filed.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-14-529	CC-14-1189	Legislative Claims Commission	D. R. v. State of West Virginia	A claim was filed in the Court of Claims against the State of West Virginia for unjust arrest and imprisonment under W. Va. Code section 14-2-13a. A Motion to Dismiss was filed on August 19, 2014. We are awaiting a decision from the Court of Claims.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-15-0009	CC-14-1525	Legislative Claims Commission	D. H. v. State of West Virginia	Filed a claim for wrongful arrest, conviction and incarceration. All briefs have been filed. Awaiting a decision to be entered by the Court of Claims.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-14-0841	CC-14-1545	Legislative Claims Commission	Used Car Company of Philippi, LLC v. Division of Motor Vehicles	Used Car Co. sold a vehicle to a customer, then traded him back for the truck he had traded in. The customer applied for refund of taxes but did not receive a refund. A Motion to Dismiss was filed because Used Car Co. lacks standing to request a refund of taxes on behalf of customer.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0037	CC-16-0215	Legislative Claims Commission	The Car Shoppe v. Division of Motor Vehicles	The dealership filed a claim for refund on taxes paid on a vehicle that was later purchased back from the customer due to mechanical problems. A motion to dismiss was filed because the dealership did not request the refund within the six month deadline. Additionally, dismissal is sought because the vehicle is still titled to the customer with a lien to the dealership.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0038	CC-16-0272	Legislative Claims Commission	Virginia Plumley v. Division of Motor Vehicles	Ms. Plumley claims that she paid taxes two times on new vehicle purchase. Requested refund but missed the six month deadline. DMV searched their records and can find no record of the taxes being paid twice. A motion to dismiss has been filed.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0109	CC-16-0715	Legislative Claims Commission	Jessee Lee Moats v. West Virginia Parole Board	Mr. Moats filed a claim alleging that he is eligible for parole but the Parole Board won't give him a hearing. A motion to dismiss has been filed.

Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0027	CC-17-0154	Legislative Claims Commission	Thomas L. Hutchinson v. Division of Motor Vehicles	Mr. Hutchinson filed a claim for taxes paid on a used car with a handicap assessable conversion. He is claiming a refund of the portion of the sales tax which he says was erroneously applied to the conversion.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0035	CC-17-0210	Legislative Claims Commission	Paul White Chevrolet, Inc. v. Division of Motor Vehicles	A vehicle purchased was returned and the deal was rescinded. They are asking for a refund of license and title fees paid to DMV. A motion to dismiss has been filed.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0116	CC-17-0460	Legislative Claims Commission	Assoc. of Rehab. Facilities, Inc. v. Adjutant General's Office	Rehabilitation Facilities filed a claim for unpaid invoices for services provided to the Adjutant General's Office.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0075	CC-17-0480	Legislative Claims Commission	Steven Freeman v. State of West Virginia	A Petition for an Award Under W.Va. Code 14-2-13a was filed seeking compensation for injuries suffered based upon wrongful arrest, conviction and incarceration of Petitioner. A letter was sent to BRIM and AIG for coverage determination. AIG has determined there is insurance coverage so we filed a Motion to Dismiss.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0102	CC-17-0487	Legislative Claims Commission	Assoc. of Rehab. Facilities, Inc. v. Dept. of Veterans Assistance	Rehab filed a claim for unpaid invoices for services provided to the Dept. of Veterans Assistance.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0103	CC-17-0520	Legislative Claims Commission	Paul Ritchey v. Division of Motor Vehicles	Mr. Ritchey's truck was pulled over by the police. The officer found no matching records even though Mr. Ritchey had all documents needed. The truck was impounded. Mr. Ritchey is asking DMV to pay tow bill because of DMV's mistake.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0114	CC-17-0552	Legislative Claims Commission	WV Assoc. of Rehab. Facilities, Inc. v. Enterprise Resource Planning Board	Association of Rehabilitation Facilities filed a claim in the Legislative Claims Commission for unpaid invoices for janitorial services for the month of January 2013.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0115	CC-17-0575	Legislative Claims Commission	Jackson Kelly PLLC v. Division of Motor Vehicles	Petitioner filed a claim for work requested and performed as a hearing examiner that exceeded the purchasing order by \$590.

Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0005	CV-06-0138	Legislative Claims Commission	Doris White v. Crime Victims Compensation Fund	Ms. White was a victim of a gunshot wound in 2005 and has received awards over the years for medical expenses. She is appealing a denial of payment for home health care provided by her sister. The Crime Victims Fund does not pay family members to provide those services.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0009	CV-08-0729	Legislative Claims Commission	Joyce Yirberg v. Crime Victims Compensation Fund	Ms. Yirberg has been awarded \$16,090.23 for unreimbursed expenses for an injury she received in 2008. She recently submitted additional expenses. The Court awarded part of her request and denied part. She has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-10-888	CV-10-0066	Legislative Claims Commission	C. S. v. Crime Victims Compensation Fund	Ms. Stroud filed a claim to receive dependents' economic benefits for her children after her ex-husband (children's father) killed his wife. The Court of Claims denied the claim because the children's father was the alleged offender and not a victim and by definition, the Claimant's children do not qualify as victims. We filed a Motion to Dismiss on Feb. 22, 2013. A hearing was held on March 29, 2013. Awaiting decision.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-12-409	CV-11-0840	Legislative Claims Commission	B.J. v. Crime Victims Comp Fund	Claimant filed claim stating that he was hit from behind with a pole. The Court of Claims denied the claim for failure to cooperate with the claim investigator. Claimant requested a hearing. Hearing was scheduled for May 9, 2013, but Claimant requested continuance.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-12-410	CV-11-0843	Legislative Claims Commission	B.J. v. Crime Victims Comp Fund	Claimant filed a claim stating that he was jumped by three unknown males and stabbed. The Court of Claims denied the claim finding the Claimant guilty of contributory misconduct. Claimant has requested a hearing. Hearing was scheduled for May 9, 2013, but Claimant requested continuance.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-12-463	CV-11-0884	Legislative Claims Commission	A. R. v. Crime Victims Comp Fund	Claimant was property owner in which a meth lab was being operated. Claimant is alleged offender's landlord and says he was not aware of the production of meth. The Court denied the claim finding that an award for the cleanup of the property could not be granted because there is nothing in the record to establish that the person who conducted the cleaning was certified through the WV Dept. of Health and Human Resources. Claimant has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-13-1012	CV-13-0096	Legislative Claims Commission	M. G. v. Crime Victims Compensation Fund	Claimant filed a claim stating she was an innocent victim of criminally injurious conduct. Claimant was at a bar and was pushed down causing injuries to her right arm and back. The Court found that there was contributory misconduct on the part of the Claimant and denied her claim. Claimant has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-13-1326	CV-13-0518	Legislative Claims Commission	D. M. v. Crime Victims Compensation Fund	Claimant's daughter was the alleged innocent victim of criminally injurious conduct on March 8, 2011. The victim died after doing drugs with her husband and the man who sold them the drugs, the alleged offender. Her death was ruled as an accident. The Court ruled that no award could be granted because the application for compensation was not timely filed. The incident occurred on March 8, 2011 and the claim was filed on August 12, 2013 beyond the two year period mandated by statute. The Claimant has requested a hearing. Hearing held on Oct. 8, 2014. Findings of Fact and Conclusions of Law have been filed. Awaiting on decision from the Court of Claims.

Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-13-1305	CV-13-0529	Legislative Claims Commission	Z. S. v. Crime Victims Compensation Fund	Ms. Scarbro alleges she was an innocent victim of criminally injurious conduct when her boyfriend pushed her to the floor resulting in a fractured hip. The Court of Claims awarded her expenses for this injury that were not paid for by Medicare and Medicaid. Later Claimant's left foot had to be amputated, but the Court found that there was no documentation to support that this was related to the original injury. The Court denied payment for expenses related to the ankle surgery or treatment. Claimant has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-14-419	CV-13-0830	Legislative Claims Commission	D. P. v. Crime Victims Compensation Fund	Claimant filed action for methamphetamine damages to property she owned. She claims she was not aware her tenant was producing methamphetamine. A Foreclosure Deed Claimant produced shows she was not the owner of the property at the time of the incident but later accepted the property in "as is" condition. The claim investigator received information that offender had returned to and was residing at the residence. The Court denied the claim because the Court cannot approve an award of compensation to a Claimant who is the offender or to any claimant if the award would unjustly benefit the offender. The Claimant has requested a hearing
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0009	CV-14-0237	Legislative Claims Commission	Luella Shuler v. Crime Victims Compensation Fund	The Court of Claims denied her claim for damages to her belongings after a meth lab was discovered in her apartment building. Since she was not the owner of the contaminated property, an award for its cleanup could not be granted under the statute.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-15-0008	CV-14-0371	Legislative Claims Commission	W. E. Jr. v. Crime Victims Compensation Fund	Mr. E. [REDACTED]'s son drowned in a swimming pool. Evidence showed that the Claimant's son was intoxicated and tested positive for cocaine. The Court initially denied the claim and found the son was a victim of an accidental drowning and not a victim of criminally injurious conduct. A hearing in Logan was continued at Claimant's request so that he could obtain counsel.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0135	CV-15-0100	Legislative Claims Commission	Shamel Davis Sr. v. Crime Victims Compensation Fund	Claimant's son was murdered. The fund paid for funeral and burial expenses. The Claimant now requests dependent economic loss for his son's daughter that was born 4 months after his death. The Fund denied the claim and a hearing has been requested.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0134	CV-15-0311	Legislative Claims Commission	Caroline Kirchner v. Crime Victims Compensation Fund	Claimant alleges that her husband died due to criminally injurious conduct. The Legislative Claims Commission denied the claim because the claim was not filed within 2 years of the occurrence. She has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0004	CV-15-0359	Legislative Claims Commission	Christie Garza v. Crime Victims Compensation Fund	Claimant alleges former landlord attacked her when she went to the property to check on a storage building left there when she vacated the property. Court denied claim and found she was not an innocent victim of a crime.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-16-0043	CV-16-0064	Legislative Claims Commission	Joseph Wilcox v. Crime Victims Compensation Fund	Claimant's father was killed with his own gun during a physical altercation with a police officer trying to serve him with a Domestic Violence Protective Order. The Court found that the claim was without a "victim" as defined in the statute.

Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0006	CV-16-0149	Legislative Claims Commission	Pamela Crislip v. Crime Victims Compensation Fund	Ms. Crislip alleges that officers busted her door down when she told them she had to put her dogs up. The Court of Claims denied her claim to be reimbursed for the damage to her door. She has requested a hearing.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0032	CV-16-0312	Legislative Claims Commission	Catrina Russell v. Crime Victims Compensation Fund	The Claimant alleges she was a victim of sexual assault. The alleged offender was her boyfriend and she would not press charges. The Court of Claims denied the claim based on her failure to press charges.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-17-0028	CV-16-0471	Legislative Claims Commission	Vickie Barrett v. Crime Victims Compensation Fund	Ms. Barrett was shot in her arm when her upstairs neighbor was cleaning his gun and it accidentally fired. The Court of Claims denied the claim because it was ruled an accidental shooting and the neighbor was not charged with a crime.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-298	14-C-64	Mason County Circuit Court	Bank of America, N.A. v. Steven O. Dale, Acting Commissioner, WV Division of Motor Vehicles	Suit to gain title to mobile home pending in Mason County. DMV and Bank of America submitted an Agreed Order where DMV would issue a corrected title. Case still open in Circuit Court although all issues have been resolved.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0084	15-0935	WV Supreme Court of Appeals	CSX Transportation, Inc. v. Mark W. Matkovich, State Tax Commissioner	This case involves the imposition of use tax of fuel brought into the State by CSXT. CSXT does not question the imposition of the tax. The tax is apportioned based upon the amount of gallons of motor fuel attributable to the miles traveled in this State. West Virginia imposes only State sales tax and provides a credit for sales tax imposed by other states. CSXT seeks credit for local taxes paid in other jurisdictions. The Tax Commissioner denied the credit because it is not provided for in West Virginia Code Section 11-15A-10a. OTA ruled the tax unconstitutional. The Circuit Court of Kanawha County agreed. An appeal has been taken to the West Virginia Supreme Court of Appeals because the lower tribunals have misapplied the internal consistency test articulated in an unbroken line of cases from the United States Supreme Court. The Supreme Court affirmed the Circuit Court's order. A Petition for a Writ of Certiorari was filed by the Tax Commissioner to the U.S. Supreme Court. The Petition for Certiorari was denied by the U.S. Supreme Court. However, computation of the amount of assessment owed is pending at OTA. The parties dispute the magnitude of the assessment.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-17-0053	15-C-1754	Kanawha County Circuit Court	Mary Poke v. West Virginia Human Rights Commission	Ms. Poke filed a grievance against the Human Rights Commission for discharge. The ALJ ordered her reinstated. She now claims that money she should have recovered remains in the possession of PEIA. A motion to dismiss has been filed because of a lack of statutory notice.

Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0132	15-C-914 through 946	Kanawha County Circuit Court	A-1 Amusement, Inc., et al. v. West Virginia Lottery, et al.	Plaintiffs allege that Lottery and IGT, an independent vendor, are requiring them to make changes to their Limited Video Lottery terminals. The Plaintiffs chief complaint is that IGT, a Nevada corporation, will no longer support the ICIS protocol utilized by their terminals after 2017. Thus, for four years of their permit period they will be required to incur additional expenses to communicate with the Lottery's mainframe. We have filed a Motion to Dismiss and Memorandum in Support on behalf of the Lottery, Lottery Commission and Director. The Court dismissed some of the claims and allowed A-1 to Amend their complaint. A Second Motion to Dismiss was filed on behalf of Lottery and a hearing was held. The Circuit Court denied our Second Motion to Dismiss and Lottery filed an interlocutory appeal with the Supreme Court of Appeals. The Circuit Court matter is stayed until the Supreme Court rules on the Interlocutory Appeal. The issue on appeal is whether the State and its agents are immune from suit because the Plaintiffs refuse to limit their claims to one million dollars because that is the limit of the insurance policy. Instead, the Plaintiffs want complete compensation in excess of one million dollars. The Plaintiffs claim that because their claims are constitutional, the limits of the insurance policy do not apply. However, the State's immunity is only abrogated to the extent insurance applies. Furthermore, their claims under the federal constitution also fail because, through condemnation, the State has established a just remedy which Plaintiffs failed to exercise.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-406	16-0441	WV Supreme Court of Appeals	James D. & Elaine F. Dawson v. Mark W. Matkovich, WV State Tax Comm'r	This case raises the question of whether federal law enforcement officers are entitled to a full exemption of their federal pension based upon intergovernmental immunity. The applicable state statute allows only a two thousand dollar exemption. The Taxpayer seeks an exemption for himself and other similarly situated taxpayers. However, the Tax Commissioner asserts that the exemption does not lie based upon Brown v. Mierke, 191 W. Va. 120, 443 S.E.2d 462 (1994). OTA ruled in favor of the Tax Department. Taxpayer appealed decision to Mercer County Circuit Court. Mercer County Circuit Court ruled in favor of the Taxpayer. The Tax Department appealed this decision to the WV Supreme Court of Appeals. The Tax Department prevailed at the WV Supreme Court. The Taxpayer filed a petition for writ of certiorari with the U.S. Supreme Court. Decision is pending.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0044	16-AA-1	Barbour County Circuit Court	Denex Petroleum Corporation v. Mark Matkovich, State Tax Commissioner, et al.	The oil and gas valuation provided by the Tax Department followed the Legislative Rule. The County Commission sitting as a Board of Equalization and Review upheld the Tax Department's valuation. An appeal was filed in the Circuit Court of Barbour County. The matter was fully briefed on October 12, 2016. A Motion to Refer to Business Court Division was filed by the Court, sua sponte, on Aug. 17, 2017.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0036	16-AA-1	Monongalia County Circuit Court	WV Campus Housing, LLC v. Mark W. Matkovich, et al.	WV Campus Housing filed an appeal of Property Tax Ruling 16-34 in Monongalia County. The Tax Commissioner ruled that Campus Housing's leasehold interest in its student housing known as University Park is subject to taxation. This case was stayed until the West Virginia Supreme Court of Appeals ruled upon University Park at Evansdale, LLC v. Musick, Docket No. 15-0934. The Supreme Court of Appeals held that UPE's challenge to its ad valorem assessment is a valuation question which should be presented to the BER and not the Tax Commissioner. WVCH's challenge of the Tax Commissioner's property tax ruling also raises a question of valuation and not a question of taxability. The Tax Commissioner filed a Motion to Dismiss the Petition for Appeal on Aug. 10, 2017.

Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0107	16-AA-2	Monongalia County Circuit Court	University Park at Evansdale, LLC v. Mark W. Matkovich, et al.	University Park at Evansdale LLC filed an appeal of Property Tax Ruling 16-29 in Monongalia County. The Tax Commissioner ruled that their leasehold interest in its student housing is subject to taxation. This case was stayed until the West Virginia Supreme Court of Appeals ruled upon University Park at Evansdale, LLC v. Musick, Docket No. 15-0934. The Supreme Court of Appeals held that UPE's challenge to its ad valorem assessment is a valuation question which should be presented to the BER and not the Tax Commissioner. The Tax Commissioner filed a Motion to Dismiss the Petition for Appeal on Aug. 10, 2017.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0127	16-AA-72	Kanawha County Circuit Court	Carmelia Ernestine Newhouse v. WV Office of Judges	Ms. Newhouse filed a Grievance regarding the reclassification of her position from Hearing Examiner to Paralegal. She seeks to have her original position reinstated or be reclassified as a Claims Deputy. Ms. Newhouse filed the Grievance on July 8, 2015. After the State Agencies prevailed at the Grievance Board, Ms. Newhouse filed an Administrative Appeal with the Kanawha County Circuit Clerk's Office on August 29, 2016. The Kanawha County Circuit Court has not issued its final decision.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0027	16-P-16	Marshall County Circuit Court	Murray Energy Corp. v. Mark Matkovich, WV State Tax Commissioner	Murray Energy filed a Petition for Appeal on Behalf of Consolidation Coal Company appealing the Tax Commissioner's valuation of coal account. The Tax Commissioner filed a Motion to Remand to the Marshall County Board of Equalization and Review for an evidentiary hearing based upon lack of notice and multiple procedural irregularities. Motion was granted and the Remand hearing was held on August 25, 2016. Murray Energy is challenging the application of the Legislative Rule to arrive at the value of certain coal seam. It argues that the Legislative Rule does not arrive at fair market value because the calculation does not adequately reflect the depressed coal market.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-778	17-0437	WV Supreme Court of Appeals	Ashland Specialty Company Inc. v. Mark W. Matkovich	Tobacco distributor sold unauthorized cigarettes in West Virginia. The company was penalized pursuant to the statutory discretion given to the Tax Commissioner. The penalty was well below the statutory maximum; however, OTA reduced the penalty. An appeal was filed in the Circuit Court of Kanawha County because the reduction of the penalty by OTA was improper. The taxpayer filed a cross appeal in Cabell County. Cabell County Circuit Judge transferred taxpayer's appeal to Kanawha County Circuit Court and the two appeals were consolidated. This case raises the issue of whether OTA can substitute its opinion for that of the Tax Commissioner. The Circuit Court reversed OTA's Decision. Ashland Specialty appealed to the Supreme Court of Appeals. We filed our Response Brief on September 28, 2017.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-155	17-C-1012	Kanawha County Circuit Court	Tri-State Airport Authority v. West Virginia State Armory Board, et al.	Initially, Columbia Gas Transmission filed suit against Tri-State and the National Guard based upon slippage on Tri-State's property upon which a National Guard Armory was built. The United States District Court granted the West Virginia National Guard, the Armory and Adjutant General's Motion to Dismiss based on Eleventh Amendment immunity. Columbia proceeded to trial against Tri-State Airport, the owner of the land where the National Guard built its armory. The jury returned a verdict against Tri-State. Tri-State appealed the verdict at the Fourth Circuit Court of Appeals, but has since settled with Columbia. Tri-State also filed an action against the State Defendants in the Circuit Court of Wayne County. The case was transferred to Kanawha County Circuit Court. Tri-State has filed a Second Amended Complaint adding National Union Fire Insurance Company of Pittsburgh, PA and AIG Property Casualty Company as defendants. The State Defendants have filed a Motion to Dismiss and Memorandum in Support of Motion to Dismiss Plaintiff's Second Amended Complaint. The case was successfully mediated but all the final paperwork has not been executed.

Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-17-0052	17-C-872	Kanawha County Circuit Court	Lisa Facemyer v. Minnesota Life Insurance Company, et al.	A suit was filed against PEIA requesting an award of damages, interest, attorney's fees and punitive damages based on allegations of breach of contract, violation of the WV Unfair Trade Practice Act and negligence. Matter is covered by insurance. A settlement was reached between Ms. Facemyer and PEIA and PEIA has been dismissed from the lawsuit. Minnesota Life has served Requests for Production of Documents on PEIA.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0074	2:16-cv-05224	U.S. District Court S.D. of W.V.	Air Evac EMS, Inc. v. Ted Cheatham, et al.	Air Evac filed suit alleging that PEIA and Workers' Compensation rates for air ambulance services are preempted by the Airline Deregulation Act. Following the Defendants filing of a Motion to Dismiss, an Amended Complaint was filed. A Motion to Dismiss the Amended Complaint was filed. The Court denied our Amended Motion to Dismiss. Both parties filed Motions for Summary Judgment. The District Court ruled in favor of the Plaintiff. We will be discussing with our clients whether an appeal should be taken to the Fourth Circuit Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Sizemore, Vaughn	TAX-15-0160	15-C-1181	Kanawha County Circuit Court	Mark Gomez v. State Athletic Commission, Chairman Chase Hill, Commissioner Jim Frio, AAG L. Wayne Williams	Mark Gomez filed a Petition for Injunctive Relief Pursuant to the Open Meetings Act in Kanawha County Circuit Court naming Athletic Commission, Chairman Chase Hill, Commissioner Jim Frio, and Assistant Attorney General Wayne Williams as defendants. After the Circuit Court dismissed the Petitioner's Complaint on January 5, 2016, he appealed the Circuit Court's order to the West Virginia Supreme Court of Appeals. By Memorandum decision dated September 23, 2016, the Supreme Court of Appeals dismissed this case without prejudice for failure to provide pre-suit notice as required by West Virginia Code section 55-17-3(a).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-14-733	15-0971	WV Supreme Court of Appeals	Pamela Haynes v. DMV	The issue is whether the revocation for Ms. Haynes' second DUI in WV can be enhanced by her 1st DUI. She claims that she did not receive actual notice of the 1st revocation even though she reinstated her license after receiving a DUI in Ohio.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-15-0107	15-1044	WV Supreme Court of Appeals	Beckett, Joshua v. DMV	Oral argument completed on October 12, 2016. Issues: Statutory interpretation of 17C-5-2 - whether the term "anywhere in this state" means in a private field in Monroe County, and if the blood test results were admissible. Remanded to Office of Administrative Hearings (OAH) for hearing on issue of admissibility of hospital records. OAH has yet to rule. Waiting for this to come back up on appeal from OAH.

Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-15-0018	15-AA-10	Kanawha County Circuit Court	Poe, David Glen v. DMV	On February 3, 2015, Poe filed his Petition for Judicial Review alleging OAH committed error: A) by failing to conclude that the arresting officer had no reasonable articulate suspicion to enter onto private property to initiate contact with Poe; B) by failing to conclude that the arresting officer had no probable cause to believe Poe had driven onto private property and parked his vehicle at a time while he was under the influence of alcohol; C) by finding that Poe was lawfully arrested for an offense described in W. Va. Code § 17C-5-2; D) by finding there were reasonable grounds to arrest Poe when the standard to make an arrest is the higher standard of probable cause; E) by finding that Poe was driving while under the influence and, at the least, publically intoxicated, which constituted such grounds for arrest when there was an absolute lack of evidence of his either driving while under the influence or being in public while under the influence; F) by finding evidence reflecting that Poe was unlawfully operating a motor vehicle upon the public streets or highways under the influence of alcohol or drugs; G) by finding sufficient evidence was presented to show that Poe unlawfully drove a motor vehicle in the State while under the influence of alcohol on the subject date; and/or H) Any other errors that may appear on the record. On February 19, 2015, the DMV filed its Cross Petition for Judicial Review. The DMV's assignments of error are: The OAH lacked jurisdiction to hear the instant appeal because Mr. Poe failed to contest any issues when he asked for an administrative hearing. Further, the decision of the OAH reversing the revocation for DUI is clearly wrong based upon the substantial evidence in the record below. Awaiting a circuit court order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-15-0208	15-AA-98	Kanawha County Circuit Court	King, Paula v. DMV	This case is an administrative appeal in a license revocation proceeding filed by the Division of Motor Vehicles in Kanawha County before Judge Webster on August 7, 2015 alleging that the Office of Administrative Hearings was clearly wrong to ignore the evidence of impairment when it reversed the driver's revocation. Awaiting a circuit court decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0046	16-0813	WV Supreme Court of Appeals	Brumfield, Ethan v. DMV	Driver appealed final order of Judge Bloom. The issue is lack of evidence of knowingly permitting. DMV's brief is due on January 19, 2017. No reply filed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0006	16-AA-1	Jackson County Circuit Court	Sayre, James v. DMV	Petitioner James Sayer appealed the Order of the Commissioner of the West Virginia Division of Motor Vehicles ("DMV") revoking his driving privileges for driving under the influence. In the case at bar the Petitioner states he has been prejudiced by the inordinate delay of the Respondent to enter a decision revoking his driving privileges. This case has been fully briefed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0092	16-AA-108	Kanawha County Circuit Court	Pitzer, Justin	This case is an appeal from the Final Order of the Office of Administrative Hearings ("OAH") entered October 18, 2016, which reversed a decision of the Commissioner of the West Virginia Division of Motor Vehicles ("DMV"), revoking Mr. Pitzer's driver's license for driving a motor vehicle in this State while under the influence ("DUI") of alcohol, drugs and/or controlled substances while his blood alcohol content was .15 or higher (a.k.a. "aggravated DUI.")

Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0081	16-AA-121	Ohio County Circuit Court	Crook, Katie	Petitioner filed an appeal on 1/3/17. The driver raises issues regarding the stop, alleging an unlawful arrest. Notice of Appearance: 1/9/17. Nothing has happened on this case since filing. Waiting until 1/8/18 to file Motion to Dismiss for Lack of Prosecution.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0023	16-AA-18	Kanawha County Circuit Court	Boyle, Adam v. DMV	Boyle filed his Petition for Judicial Review on February 16, 2016. The assignments of error are that the OAH erred regarding the validity of the stop; that the criminal matter was dismissed and must be considered; and that the evidence of DUI was insufficient to uphold the revocation. Awaiting a decision from the circuit court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0081	16-AA-52	Kanawha County Circuit Court	Adams, Harry v. DMV	This case is an administrative appeal in a license revocation proceeding filed by the Division of Motor Vehicles in Kanawha County before Judge Bailey. The Division of Motor Vehicles filed its Petition for Judicial Review on July 1, 2016. The sole assignment of error is that the Office of Administrative Hearings was clearly wrong to reverse the Commissioner's Order of Revocation for refusing the Secondary Chemical Test of the breath. The Division of Motor Vehicles filed its brief on 02/13/17. Mr. Adams' response was due on 03/27/17. He failed to file a brief. The Division of Motor Vehicles filed its reply and proposed order on 4/7/17.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0098	16-C-366	Ohio County Circuit Court	Still, Cleatus	This case is an administrative appeal in a license revocation proceeding filed by Mr. Still before Judge Mazzone on 11/22/16. He did not serve the Division of Motor Vehicles via certified or registered mail as required by the Administrative Procedures Act. The Division of Motor Vehicles filed a Notice of Special, Limited Appearance and a Motion to Continue Stay Hearing until service is perfected. Service has not been perfected per the statute or Rules of Procedure for Administrative Appeals.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0069	16-CAP-3	Ohio County Circuit Court	Morrison, Donald v. DMV	This case is an administrative appeal in a license revocation proceeding filed by Mr. Morrison before Judge Mazzone on 3/25/16. In his petition, Morrison argues that the evidence was insufficient to find that he was driving under the influence of alcohol. Morrison's brief was due on 7/8/16, but he failed to file one or do anything after the stay hearing on April 6, 2016. In August of 2017, the Division of Motor Vehicles filed a motion to dismiss for lack of prosecution pursuant to Rule 41(b) of the Rules of Civil Procedure and argued it in September of 2017. Judge Mazzone denied dismissal but gave the Division of Motor Vehicles until 10/16/17 to file a brief. At the hearing on the Division of Motor Vehicles' motion, the Division argued that the DUI Information Sheet was left out of the record by the Office of Administrative Hearings even though it had been submitted to them before the hearing. Judge Mazzone ordered the personally identifiable information redacted before he would put it in the record. Because the DUI Information Sheet is coming into the record, Morrison's attorney is allotted 10 days after the Division's brief is filed to reply to the evidence contained in the DUI Information Sheet only. The Division's brief was filed on 10/16/17.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0097	16-CAP-5	Marshall County Circuit Court	Shaw, William	Petitioner was arrested for driving under the influence of alcohol on May 21, 2011 in Monongalia County, West Virginia. Following a hearing before the Office of Administrative Hearings ("OAH"), a Final Order was issued by the OAH, upholding the revocation, on September 9, 2016. Petition filed 11/22/16 - driver lives in Ohio - DMV filed NOSLA and Demand for Strict Proof of contacts with Marshall County. Hearing on demand 1/6/17. Hearing cancelled b/c proof of residency provided. Jack Robinson has done nothing to move his case along. On 12/1/17, DMV will file a Motion to Dismiss for Lack of Prosecution.

Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0070	16-P-186	Wood County Circuit Court	Blavos, Mark	Post hearing delay. 12/1/16, Cosenza files petition. DMV served 12/15/16. Notice sent to court that there has not been a hearing on procedural irregularity. Waiting for Court to require Cosenza to either schedule hearing or to rule that no hearing was needed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0091	17-AA-2	Monongalia County Circuit Court	Panico, Victor	Petitioner Panico filed Petition in the Circuit Court raised several issues but did not raise delay, but in his brief he raised that issue. Issues in petition: 1) inferences by HE were negative to P; 2) No valid SFSTs and a BAC of .064%; and 3) Choma. In Motion for Stay, OAH delay was mentioned. Also asks for attorney fees and costs. 4/4/17: stay hearing. Stay granted. Panico filed his brief but included the issue of post hearing delay. DMV objected, and we had a hearing. Panico withdrew that issue. DMV filed its brief on 9/29/17. Edwards has yet to file a reply. A final hearing will be scheduled only if Edwards asks for one.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0089	17-AA-3	Kanawha County Circuit Court	Lemley, Brett	Brett Lemley was arrested for having a blood alcohol concentration of .210. DMV filed petition on 9/7/17. Issue: OAH ignored breath test operational checklist on form and said that 20 minute observation period wasn't completed. Judge Stucky denied DMV's appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0096	17-AA-3	Berkeley County Circuit Court	Saunders, Kellie	This case is an appeal from the Decision of Hearing Examiner and Final Order of Chief Hearing Examiner ") of the Office of Administrative Hearings which was entered on January 26, 2017, and which upheld an Order of Revocation of the DMV dated July 6, 2012, revoking Ms. Saunders's driver's license for knowingly permitting her vehicle to be driven in this state by another person who was under the influence of alcohol, controlled substances or drugs (a.k.a. "knowingly permitting.") Craig Manford filed a petition on 2/24/17. He did not serve the DMV. The judge entered a scheduling order. MTC until service perfected filed by DMV 3/8/17. DMV filed a MTD for lack of service. It was denied. He filed a brief, and DMV filed a response on 7/3/17. He did not file a reply. Nothing else has happened in the matter.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0125	17-AA-31	Kanawha County Circuit Court	Marcum, John v. DMV	The driver filed an appeal in this case. Counsel for the West Virginia Division of Motor Vehicles filed a Notice of Special Limited Appearance on May 2, 2017, and proposed Final Order on July 25, 2017. Petitioner failed to file a Proof of Service with this Court as required by Rule 2(f) of the Rules of Procedure for Administrative Appeals (2010). On May 12, 2017, this Court entered an Order Setting Administrative Briefing Schedule. This Court mandated that Petitioner file his legal brief no later than 30 days after May 12, 2017. Petitioner failed to file a legal brief.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0083	17-AA-34	Kanawha County Circuit Court	Dotson, William	DMV filed Appeal on April 27, 2017 because the OAH overreached its statutory authority in deciding an issue not on appeal. The OAH ignored the substantial evidence that Mr. Dotson committed aggravated DUI. The judicially created remedy in Reed v. Hall, 234 W. Va. 322, 773 S.E.2d 666 (2015), was improper and must be overturned. Counsel for DMV filed brief on 8/29/17. Pro se respondent's was due on 9/29/17. He did not file a brief. ☐

Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0093	17-AA-36	Kanawha County Circuit Court	Porter, Zachary	This case is an appeal from the Final Order of the Office of Administrative Hearings entered March 29, 2017, which reversed a decision of the Commissioner of the West Virginia Division of Motor Vehicles ("DMV"), revoking Mr. Porter's driver's license for driving a motor vehicle in this State while under the influence ("DUI") of alcohol, controlled substances and/or drugs.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0086	17-AA-40	Kanawha County Circuit Court	Bowman, Tina	This case is an appeal from the Final Order of the Office of Administrative Hearings ("OAH") entered August 3, 2017, which reversed a decision of the Commissioner of the West Virginia Division of Motor Vehicles ("DMV"), revoking Ms. Bowman's driver's license for driving a motor vehicle in this State while under the influence ("DUI") of alcohol, controlled substances and/or drugs while having a child under the age of 16 years in the motor vehicle. The OAH has not produced the record yet; therefore, there is no scheduling order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0099	17-AA-40	Kanawha County Circuit Court	Webb, Steven	On December 9, 2012, Petitioner was driving a Jeep in Huntington, West Virginia, hit a car from behind and fled the scene. The car's driver called 911 and aggressively pursued the Jeep while describing its whereabouts. A BOLO (be-on-the-lookout) was issued, and Huntington Police Officer Jacob Felix was the first to respond. Officer Felix located the Jeep parked on the side of the street with its taillights illuminated. Officer Felix initiated contact with Petitioner who exited the Jeep to make sure that Officer Felix was aware that there was a gun inside the Jeep because Petitioner is a member of the Charleston Police Department. Filed his brief on 10/10/17. DMV's brief is due 11/10/17. Petitioner's reply due 11/28/17. Final hearing scheduled for 12/7/17 at 2:00 p.m. DMV will file writ in WVSCA re: partial stay issue. The writ will stay everything below. ☐
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0095	17-AA-43	Kanawha County Circuit Court	Russell, Mark	This case is an administrative appeal filed in both Berkeley County before Judge Wilkes and in Kanawha County before Judge Bailey. Russell's attorney electronically filed a petition for review in Berkeley County on May 31st while also filing the same petition for review in Kanawha County on the same day. The Division of Motor Vehicles filed a Motion to Dismiss for Lack of Jurisdiction on 8/22/17 in Kanawha County. Russell has not responded. No further action has been taken. In Berkeley County, Russell's attorney initially did not serve the Commissioner properly but eventually sent a certified mail copy of the petition for judicial review on 6/20/17. The petition for review is defective because it does not contain a civil action sheet or a designation of record. Therefore, the Division has submitted a notice of special limited appearance pointing out the defect in the appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0094	17-AA-54	Kanawha County Circuit Court	Proops, Jamey	Petitioner states that the Office of Administrative Hearings' decision was incorrect in affirming the Commissioner's order of revocation based solely on the testimony of the Investigating Officer and no medical evidence to support the fact that Petitioner was DUI. Pro se filed petition on 7/12/17. He did not serve the DMV via certified or registered mail. He did not request the record but filed a brief and served that on the DMV. Awaiting a decision from the circuit court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0128	17-AA-78	Kanawha County Circuit Court	Workman, Misty v. DMV	The West Virginia Division of Motor Vehicles ("DMV") is appealing the Final Order of the Office of Administrative Hearings ("OAH") entered September 25, 2017, which reversed a decision of the Commissioner of the West Virginia Division of Motor Vehicles ("DMV"), revoking Misty Workman's driver's license for driving a motor vehicle in this State while under the influence ("DUI") of controlled substances and/or drugs while having a child under the age of 16 years in the motor vehicle. The Petition for Appeal is due on October 25, 2017.

Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0090	17-C-105	Randolph County Circuit Court	Lopez, Jose	On or about August 18, 2017, Petitioner filed a Petition for Appeal and a proposed Order Granting Stay of Ex Parte Relief with the Court. The Respondent was served on August 22, 2017. Also on August 22, 2017, this Court entered the Order Granting Stay of Execution. Petitioner's Motion for Stay of Respondent's Enforcement Main issue is post hearing delay. He has had a change in circumstances. The evidentiary hearing on the delay issue is set for 11/29/17 at 9:00 a.m.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0087	17-C-305	Mercer County Circuit Court	Jacobs, Michael	Petitioner was arrested for driving a motor vehicle while under the influence ("DUI") of alcohol, controlled substances and/or drugs and for refusing to submit to the designated secondary chemical test of the breath ("refusal.")
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0084	17-C-574	Kanawha County Circuit Court	Foster-Lowe, Angela	The Petitioner alleges that DMV transferred the title of a car without following the publication procedure of § 17-24A-4. The DMV filed Answer on August 18, 2017. The Petitioner's counsel will be filing motions for default judgment against both Stock and Perdue. If he receives an order from the court saying that the title was fraudulently transferred, the DMV can rescind the title and put it back in Foster-Lowe's name.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0085	17-P-15	Tucker County Circuit Court	Hockom, Douglas	On August 24, 2017, DMV filed Notice of Special Limited Appearance and Motion to Vacate Illegal ex Parte Stay Order. Issue: post hearing delay. Procedural irregularity hearing scheduled for 11/9/17 at 1:30 p.m. After the record is filed with the court, DMV will do a 30/30/15 briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0072	17-P-41	Cabell County Circuit Court	Brumfield, Norman	Driver appealed final order of Judge Bloom from Kan Co. Issue: sufficiency of evidence of knowingly permitting. Driver brief due 12/5/16. DMV brief due 1/19/17. Brumfield reply due 2/8/17. No reply filed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0126	2016-P-50	Upshur County Circuit Court	Phillips, Larry v. DMV	Phillips filed his Petition for Judicial Review on September 29, 2016. His assignments of error are that the OAH erred because there was insufficient evidence to conclude that Phillips operated a motor vehicle and that the motor vehicle was operated on a public highway. Phillips moved for a stay hearing but has not noticed one for hearing as of October 12, 2016.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0126	99-P-18	Mason County Circuit Court	Mullins, Anthony	Counsel for the West Virginia Division of Motor Vehicles filed Motion to Dismiss for Mootness and proposed Order Dismissing Matter for Mootness. Petitioner has passed away.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0088	99-P-19	Mason County Circuit Court	Leach, Michael	Petitioner challenges the revocation of her license due to: (1) lack of probable cause for the stop; (2) improper working of Intoxilyzer; and (3) lack of evidence to support the revocation. On 7/27/17, court said it would dismiss the matter unless Leach can show good cause as to why is should not be dismissed. Nothing has been submitted on behalf on Mr. Leach.

Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-16-0088	16-AA-112	Kanawha County Circuit Court	Vacuum Truck Rentals LLC v. WV Division of Motor Vehicles	Petitioner alleges that the motor vehicles owned by Petitioner and operated in WV during tax year 2016 were appraised and assessed in excess of their true and actual value. Petitioner requests refund of ad valorem personal property taxes in the amount of \$152,070.50 plus interest, costs and attorney fees.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-17-0029	CC-17-0173	Legislative Claims Commission	Software Systems, Inc. v. WV Supreme Court of Appeals	Software Systems, Inc. filed a complaint in the Legislative Claims Commission claiming that the WV Supreme Court of Appeals allegedly owes approximately \$200,000 in unpaid invoices for the services rendered for the e-filing system implemented with the County Circuit Clerks. However, there is a dispute regarding services rendered.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-05-722	05-12601	Bankruptcy Court-U.S.	Eagle Pichen Holdings, Inc., et al.	Chapter 11 plan approved, 2006. Motion for entry of final decree entered September 28, 2016 submitted to the court. Awaiting Order from the Court to close case.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0073	1:17-cv-121	Northern - District Court	Estate of Lois M. LaRosa v. James LaRosa, et al	The Estate of Lois M. LaRosa filed a complaint against James J. LaRosa, John T. Haskins, and the unknown heirs of the estate of James D. LaRosa and those that have an interest in the property of the James D. LaRosa, deceased. James D. LaRosa, deceased, owed Lois M. LaRosa, deceased, a sum of money pursuant to their divorce decree. James and Lois have since passed away. The Estate of Lois is suing James' heirs for the settlement money. They've also included lienholders on James' property in the lawsuit.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-12-441	10-C-388	Ohio County Circuit Court	O'Brien, David v. Charles "Randy" Dye, Dir WV Div of Forestry, et al.	Taxpayer challenges property tax valuations. 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. As managed timberland, the O'Brien property would be valued at approximately \$4,000. However, if the property was valued as commercial property it would be valued at approximately \$750,000. The Tax Department issued Property Tax Ruling 11-10 and concluded that the O'Brien property should be valued as managed timberland for the 2011 tax year. Mr. O'Brien failed to timely challenge the property valuations before the County Commission sitting as a Board of Equalization and Review for the 2009 and 2010 tax years. Mr. O'Brien prematurely challenged the 2011 valuation before the circuit court in 2010. Mr. O'Brien did raise the issue of all three tax years in the 2010 circuit court appeal. The Tax Department filed an answer to dismiss all three years as being untimely appealed or prematurely appealed. Still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-11-1132	11-C-171-P	Logan County Circuit Court	James H. Wiley v. West Virginia State Tax Department	Dale and James Wiley have judgments against Ersel Prince for assault with a deadly weapon. Mr. Prince is currently in the federal penitentiary on drug related charges. The Wileys 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. The third-party defendants do not object to the sale of Mr. Prince's real property. Case is pending in court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-13-1068	13-C-51	Summers County Circuit Court	Michael D. Skinner v. WV State Tax Dept.	Skinner sued R. McFall to collect judgment liens; wants to sell real property to pay debt; Tax has a lien on McFall. Answer filed 9/11/13. Attorney for co-defendant Richard McFall sent a letter stating that all issues have been resolved and a release for judgment lien has been tendered.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-005	14-AA-1	Kanawha County Circuit Court	Asian Grill v. Craig A. Griffith	A Petition to Appeal the Administrative decision of OTA was filed citing several assignments of error regarding the audit performed on Asian Grill. OTA agreed with the Tax Department's audit which utilized a sample and projection procedure due to Asian Grill not keeping full records of all cash receipts. The Tax Department filed Motion to Dismiss for failure to file appeal bond. Asian Grill filed a response stating no appeal bond necessary. We are awaiting the Court's decision.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-723	14-C-776-K	Raleigh County Circuit Court	Green Tree Servicing, LLC v. William F. Mullins, et al.	Original lien on real property owned by William and Toni Mullins was not recorded properly. Green Tree, current mortgage holder, wants Court to correct the error and award Green Tree a first lien priority. The Tax Department has a lien on this property. The Tax Department filed an Answer protecting its lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-680	14-C-883-K	Raleigh County Circuit Court	Lin Qin d/b/a China One Buffet v. Mark W. Matkovich, State Tax Comm'r	Taxpayer appealed dismissal from OTA; a motion to dismiss was filed due to the taxpayer's failure to file appeal bond. Decision pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0083	15-C-42	Jefferson County Circuit Court	Ricky Crum, Individually and for the Estate of Gardner W. Dillow v. ADT LLC, et al.	Ricky Crum, Individually and for the Estate of Gardner Dillow, filed a complaint against several creditors, State Tax Department being one, to either divide the real estate or sell it in order to pay off several liens that are attached to the real estate. Order authorizing Special Commissioner to sell property has been signed to pay off liens in order of priority. Awaiting report of Special Commissioner.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0177	15-C-95	Greenbrier County Circuit Court	Administrator of the Estate of William Thomas Reynolds v. State Tax Dept, et al	Angela Faye Reynolds Administrator of the Estate of William Thomas Reynolds, deceased, and Thomas P. Reynolds filed a complaint to sell real estate which the Tax Dept has several liens against. Tax Department filed an Answer to protect its lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0110	16-0903	WV Supreme Court of Appeals	Pratt & Whitney Services v. Mark W. Matkovich, State Tax Commissioner	Petition filed in Harrison County regarding letter from Harrison County Assessor dated 2.3.15 and Property Tax Ruling 15-54 from State Tax Commissioner regarding personal property taxes from Petitioner. Pratt & Whitney is seeking a Freeport Amendment Exemption for its goods stored in its warehouse that are subsequently used to repair jet engines that are sold to customers out of state. State Tax Department argues that the spare parts stored in the warehouse are not subject to the exemption. A hearing was held on 4.29.16. The Court ruled in favor of the Tax Department on August 24, 2016. Taxpayer has appealed to WV Supreme Court. Briefing complete and oral argument is scheduled for October 18, 2017.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0045	16-0910	Mineral County Circuit Court	Keith G.Taylor v. Mark W. Matkovich, WV State Tax Commissioner	The taxpayer alleges he is owed a refund plus statutory interest for tax years 2009, 2010, 2011 and 2012. OTA ruled against the taxpayer. Mineral County ruled in favor of the Taxpayer. Taxpayer appealed this order to the WV Supreme Court of Appeals. Briefing is complete, we are awaiting a decision from the WV Supreme Court of Appeals.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0102	16-1061	WV Supreme Court of Appeals	Global Capital of World Peace, Inc. v. Norma Wagoner, Hampshire County Assessor and Mark W. Matkovich, State Tax Commissioner	A Petition Appealing Denial of Ad Valorem Property Tax Exemption was filed on April 1, 2015. The issue in this case is whether GCWP is entitled to a charitable tax exemption for ad valorem taxes. The GCWP is seeking to have its Purusha Capital in Hampshire County, WV tax exempt due to its 501(c)(3) status. However, the Tax Commissioner agreed with the Assessor that no exemption was proper. A motion for summary Judgment was filed by the Tax Department and the Judge granted it. The Taxpayer appealed to the WV Supreme Court of Appeals. The briefing is complete and oral argument is scheduled for October 31, 2017.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0143	16-AA-1	Tyler County Circuit Court	Antero Resources Corporation v. Mark Matkovich, et al.	A Complaint was filed contesting the Tax Department's operating expense variables for the natural gas wells. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal and the Business Court granted it. Antero has advised that it will not appeal dismissal to the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0020	16-AA-19	Kanawha County Circuit Court	Timothy A. & Marey Casey v. Mark W. Matkovich, State Tax Commissioner	OTA dismissed this matter as being filed untimely. Taxpayer's have appealed this decision. Kanawha County Circuit Court remanded back to OTA. The Tax Department will handle this matter in OTA. This case will remain open with our office in the anticipation of an appeal from OTA, for which our office will provide representation.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0032	16-AA-2	Barbour County Circuit Court	Penn Virginia Operating Co., LLC v. John M. Cutright, Assessor, Mark W. Matkovich, Tax Commissioner, Charles Dye, Director Division of Forestry	Penn Virginia is appealing a ruling made by Tax Commissioner barring Penn Virginia from applying for inclusion of certain property as managed timberland. Answer has been filed. Since Penn Virginia has claims filed in two other counties, the cases have been consolidated in Randolph County. The dispute involves whether Penn Virginia's property can be valued as managed timber after failing to timely obtain certification from Department of Natural Resources.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0033	16-AA-2W	Hancock County Circuit Court	Arcelormittal Weirton v. Mark W. Matkovich, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor.	Arcelormittal is appealing PTR 16-41. The taxpayers argue the steel scrap produced at their facility is subject to the Freeport Exemption. The Secretary of State's Office accepted service for this on April 1, 2016. Tax's Answer was filed on May 2, 2016. The Hancock County Assessor filed a Motion to Intervene on April 12, 2016. We are in the discovery phase and the Taxpayer has requested a settlement meeting.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0137	16-AA-4	Barbour County Circuit Court	CNX Gas Company, LLC v. Mark Matkovich, Tax Commissioner, John Cutright, Assessor of Barbour County, and Barbour County Commission	A Complaint was filed contesting operating expense variables determined by the State Tax Department alleging that their actual operating expenses exceed those maximum limits set by the State of WV. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal. The Business Court granted the Motion. CNX Gas has until November 1 to appeal the dismissal to the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0108	16-AA-88	Kanawha County Circuit Court	Brian K. Gazaway v. Mark W. Matkovich, State Tax Commissioner	Mr. Gazaway reported \$0 WV Adjusted Gross Income for 2014 tax year on his tax return which resulted in a refund due the Taxpayer. The Tax Department denied and Mr. Gazaway filed a Petition for Refund at Office of Tax Appeals which OTA Granted. The Tax Department has requested an appeal to the Circuit Court of this decision. Briefing complete, waiting decision from Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0003	16-C-135	McDowell County Circuit Court	Consol Energy, LLC, dba CNX Gas Company, LLC v. Mark Matkovich, Dennis, Altizer, McDowell County Assessor, and McDowell County Commission	A complaint was filed contesting the valuation of the Tax Department of the natural gas wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to Dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0031	16-C-15	Upshur County Circuit Court	Penn Virginia Operating Co., LLC v. Donald Rice, Upshur County Assessor, Mark W. Matkovich, Tax Commissioner, and Charles Dye, Director Division of Forestry	Appeal of ruling of Tax Commissioner barring Penn Virginia from applying for inclusion of certain property as managed timberland. Answer has been filed. A scheduling/status conference occurred on September 12, 2016. The Judge continued the conference until September 28, 2016 to allow counsel to confer with clients regarding the referral of this matter to the Business Court. Since Penn Virginia has claims filed in two other counties all involving the same issue, the cases have been consolidated in Randolph County. The dispute involves whether Penn Virginia's property can be valued as managed timber after failing to timely obtain certification from Department of Natural Resources.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0030	16-C-33	Randolph County Circuit Court	Penn Virginia Operating Co., LLC v. Phyllis K. Yokum, Assessor, Mark W. Matkovich, Tax Commissioner, Charles Dye, Director, Division of Forestry	Appeal of a ruling of Tax Commissioner barring them from applying for continued inclusion of certain property as managed timberland. Answer has been filed. Since Penn Virginia has claims filed in two other counties all involving the same issue, the cases have been consolidated in Randolph County. The dispute involves whether Penn Virginia's property can be valued as managed timber after failing to timely obtain certification from Department of Natural Resources.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0028	16-C-387	Kanawha County Circuit Court	Consolidation Coal Co. & Murray Energy Corporation v. Mark W. Matkovich, State Tax Commissioner	Consolidated Coal and Murray Energy brings this action in Kanawha County on its behalf and for other similarly situated taxpayers in WV. This action, like the one pending in Marshall County, challenges the Tax Commissioner's valuation of coal through the application of the Legislative Rule applicable to the valuation of coal. This case raises the same issues as alleged in the separate Marshall County action. Specifically, the taxpayers allege that (1) the Rule is misapplied; (2) the resulting valuation is excessive in the depressed coal market; and (3) the valuation violates the Fourteenth Amendment to the United States Constitution. A motion to dismiss has been filed on behalf of the Tax Commissioner due to the lack of the statutory 30 day notice requirement. No action has been taken on this motion.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0106	16-C-77	Lewis County Circuit Court	Mark W. Matkovich v. Forest Lawn Memorial Gardens, Inc., Mary Jane Walker, President of Forest Lawn Memorial Gardens, Inc., Mary Jane Walker, individually, American Family Cemetery Group, LLC and Jeffrey Phare, Manager, American Family Cemetery Group	State Tax Dept. initiated a civil action in 2010 against Forest Lawn Memorial Gardens seeking a permanent injunction prohibiting the issuance of Pre-Need Contracts. Subsequently, Forest Lawn Memorial Gardens has been sold to American Family Cemetery Group. A Petition has been filed by the State Tax Department with the Lewis County Circuit Clerk's Office to lift permanent injunction to allow the new owner, American Family Cemetery Group, who is in good standing with the Tax Department, to sell Pre-Need Contracts.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0098	16-P-19	Hampshire County Circuit Court	Global Capital of World Peace v. Norma Wagoner, Assessor of Hampshire County, Mark W. Matkovich, State Tax Commissioner	Global Capital of World Peace filed a Petition Appealing Denial of Ad Valorem Property Tax Exemption for Tax Year 2016. The outcome of this case will depend on a previous case of 2015 tax year. This case is on hold pending outcome of previous case 16-1061.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0034	16-P-48-2	Harrison County Circuit Court	Pratt & Whitney Engine Services v. Mark W. Matkovich, Tax Commissioner	Pratt appealed Property Tax Ruling 16-033ds issued on Feb. 26, 2016 for Tax Year 2016. Pratt & Whitney is seeking a Freeport Amendment Exemption for its goods stored in its warehouse that are subsequently used to repair jet engines that are sold to customers out of state. State Tax Department argues that the spare parts stored in the warehouse are not subject to the exemption. This case is on hold pending the outcome of a prior appeal of Pratt & Whitney currently before the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0022	17-AA-1	Tyler County Circuit Court	Antero Resources Corporation v. Steager, et al.	Antero appealed Tax's valuation of its natural gas wells. They allege that Tax failed to consider actual and allowable operating expenses in determining the valuation of their wells. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal and the Business Court granted it. Antero has advised that it will not appeal dismissal to the West Virginia Supreme Court of Appeals.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0010	17-AA-1	Ritchie County Circuit Court	Antero Resources Corporation v. The Honorable Mark Matkovich, West Virginia State Tax Commissioner, The Honorable Arlene Mossor, Assessor of Ritchie County, and The County Commission of Ritchie County	Antero filed a Complaint in Ritchie County, WV contesting the method in which the Tax Department values Antero's natural gas wells and marcellus wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to Dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0014	17-AA-1	Doddridge County Circuit Court	Antero Resources v. State Tax Commissioner, Doddridge County Assessor, and Doddridge County Commission	Antero filed a Complaint in Doddridge County, WV contesting the method in which the Tax Department values Antero's natural gas wells and marcellus wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to Dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0020	17-AA-1	Hampshire County Circuit Court	Global Capital of World Peace v. Norma Wagoner, et al.	They filed a Petition for Appeal against the Hampshire County Assessor and the Tax Commissioner. At issue is the Tax Commissioner's Property Tax Ruling 17-36, which ruling concluded their property is not exempt from 2017 ad valorem property taxes. This case is on hold pending the outcome of 16-1061.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0023	17-AA-2	Ritchie County Circuit Court	Antero Resources Corporation v. Steager, et al.	Antero appealed Tax's valuation of its natural gas wells. They allege that Tax failed to consider actual and allowable operating expenses in determining the valuation of their wells. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal and the Business Court granted it. Antero has advised that it will not appeal dismissal to the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0012	17-AA-2	Doddridge County Circuit Court	CNX Gas Company v. State Tax Commissioner, Doddridge County Assessor, Doddridge County Commission	Consol Energy dba CNX Gas Company filed a Complaint in Doddridge County, WV contesting the method in which the Tax Department values CNX's natural gas wells and marcellus wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0021	17-AA-3	Doddridge County Circuit Court	Antero Resources Corporation v. Steager, et al.	Antero appealed Tax's valuation of its oil and natural gas wells. They allege that Tax failed to consider actual and allowable operating expenses in determining the valuation of their wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to Dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0076	17-AA-3	Ritchie County Circuit Court	Antero Resources v. Dale W. Steager, WV State Tax Commissioner, Arlene Mossor, Ritchie County Assessor, Ritchie County Commission	Antero is attempting to rectify their failure to perfect the appeal in the other Antero cases by filing the same case under a different case number. Tax has filed a Motion to Dismiss as being untimely appealed. Motion is pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0077	17-AA-4	Doddridge County Circuit Court	Antero Resources v. Dale W. Steager, WV State Tax Commissioner, David Sponaule, Doddridge County Assessor, Doddridge County Commission	Antero is attempting to rectify their failure to perfect the appeal in the other Antero cases by filing the same case under a different case number. Tax has filed a Motion to Dismiss as being untimely appealed. Motion is pending.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0117	17-bk-10037	Southern District Court of WV	In Re: Denise Gail Clark, Debtor	Debtor, Denise Gail Clark, filed for Chapter 7 Bankruptcy. She is currently a resident of Florida. She owes PEIA a sum of money for a period of time when coverage was being provided but she was not receiving a retirement check at the time. PEIA filed a claim in Bankruptcy Court. PEIA inadvertently filed a duplicate claim, and Debtor's counsel objected. This triggered a hearing to be scheduled for October 4, 2017. Debtor's counsel also proffered a proposed Order denying the duplicate claim.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0013	17-C-11	Lewis County Circuit Court	CNX Gas Company v. State Tax Commissioner, Lewis County Assessor, and Lewis County Commission	CNX filed a Complaint in Lewis County, WV contesting the method in which the Tax Department values CNX's natural gas wells and marcellus wells. This case and other related cases were removed to Business Court. This case, which was timely perfected, was put on hold pending the Motion to Dismiss filed in related cases. The Motions to Dismiss were granted. We await a briefing schedule from the Business Court to move forward with the remaining cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0031	17-C-142	Harrison Co Circuit Court	Consol Energy Inc. DBA CNX Gas Company, LLC v. Dale Steager, Joseph R. Romano, Harrison County Commission	CNX Gas filed a complaint in Harrison County for TY 2016 contesting the valuation of marcellus shale wells by the Tax Dept. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal. The Business Court granted the Motion. CNX Gas has until November 1 to appeal the dismissal to the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0111	17-c-159	Mingo County Circuit Court	WV Department of Transportation, Division of Highways v. Paul Lackey, et al	WV Department of Transportation, Division of Highways has filed a Petition to Condemn Land. The Tax Department has a tax lien on the property recorded on October 31, 2000 in the principal amount of \$236.79, in Judgment Lien Book 35 at page 279.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0049	17-C-224-3	Harrison Co Circuit Court	Antero Resources v. Dale W. Steager, Joseph R. Romano, Assessor, Harrison County Commission	Antero Resources files a duplicate complaint to attempt to perfect the appeal pending in a similar matter after they failed to properly perfect the appeal of a Board of Equalization and Review matter. Tax has filed a Motion to Dismiss as being untimely appealed. Motion is pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0050	17-C-240-3	Harrison Co Circuit Court	CNX Gas Company, LLC v. Dale Steager, Joseph R. Romano, Assessor, and Harrison County Commission	CNX is attempting to rectify their failure to perfect the appeal in the other CNX cases by filing the same case under a different case number. Tax Department filed a motion to dismiss as being untimely appealed. Motion is pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0105	17-C-277	Fayette County Circuit Court	John M. Falbo v. Albert Thomas Falbo, Mary Gruiffi, U.S., Dale W. Steager	John Falbo filed a partition suit against Albert Falbo and others in Fayette County Circuit Court. The Tax Department and the US were named in the Complaint due to liens against Albert Thomas Falbo and, therefore against the property that is the subject of this dispute.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0112	17-C-360	Mercer County Circuit Court	US Bank, NA v. Laurence E. Atwell, II, Shannon Atwell, WV State Tax Department	US Bank, NA filed a complaint to correct a Deed of Trust assigned to them to add the Trustee, to enable them to file a Substitution of Trustee. The Tax Department has a lien on the property subsequent to the Deed of Trust.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0106	17-C-416	Berkeley County Circuit Court	Samual I. White P.C. v. George Novak, Cynthia Frush, et al	Samual I. White, P.C., as Trustee, foreclosed on property owned by George Novak and Cynthia Frush that had several mortgage liens as well as tax liens. The foreclosure resulted in net sale proceeds. This complaint was filed by the plaintiff to obtain a court order to pay off the remaining liens with the net sale proceeds in their order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0118	17-C-429	Berkeley County Circuit Court	Michael Goode v. Fairfax Crossing, LLC	Michael Goode filed a Complaint to Enforce Judgment Lien against Fairfax Crossing, LLC. Mr. Goode had obtained a judgment against Fairfax; then Fairfax filed for Bankruptcy. Pursuant to an agreement between the parties and confirmed by the Bankruptcy Court, Mr. Goode could file a complaint to enforce the Judgment. The Tax Department has two liens against Fairfax Crossing, LLC. One of the liens is in first position on the property that Mr. Goode proposed be sold by a Special Commissioner to pay off the judgment debt. The Tax Department seeks to protect its lien position and to potentially be paid for one of its liens in order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0131	17-C-455	Berkeley County Circuit Court	Wilmington Trust, NA v. Ellen M. Holman, et al	Wilmington Trust filed a Petition to Correct Legal Description of a deed of trust that was subsequently assigned to them. After the execution of the original deed of trust and promissory note, a confirmation deed was recorded changing the legal description of the subject property slightly. Accordingly, the petition was filed to encumber the property owned by Ms. Holman. The Tax Department has a few liens against Ms. Holman in Berkeley County and will file an Answer to protect its lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0136	17-C-463	Berkeley County Circuit Court	The Estate of Thelma V. Shriver, by Judith Shriver v. The Estate of James O. Shriver, Jr., et al	A Petition to quiet title of real estate owned by Ms. Shriver upon her death, to clear a cloud on ownership of the property. Prior to Ms. Shriver's death she executed a Deed that was to be recorded upon satisfaction of terms with her grandson, James E. Shriver. Those terms were not met, and the Deed was not recorded. Subsequent to her death, the Executor discovered the deed and inadvertently recorded the same. Mr. Shriver executed a deed to the real estate. However, Mr. Shriver had some creditors and liens that are now affixed to the real estate. The Petition seeks to have a court order that the creditors of Mr. Shriver have no legitimate right title or interest in the subject real estate. The Complaint alleges the Tax Department has a lien. An answer will be filed to protect the Tax Department's lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0107	17-C-861	Kanawha County Circuit Court	The Bank of NY Mellon, fka The Bank of New York, as Trustee for CWABS v. Sandra L. Edmonds	The current holder of a Deed of Trust/Promissary Note filed a complaint to be declared rightful owner of that Deed of Trust. Bank of NY Mellon is a successor beneficiary after this mortgage had been reassigned several times. The initial deed of trust was recorded, then re-recorded. The initial assignment of Deed of Trust only referenced the recorded Deed of Trust, not the re-recorded Deed of Trust. This complaint was filed to clear the cloud of the mortgage holder.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0025	17-C-98-2	Harrison County Circuit Court	Antero Resources Corporation v. Steager, et al.	Antero appealed Tax's valuation of its natural gas wells. They allege that Tax failed to consider actual and allowable operating expenses in determining the valuation of their wells. This case and other related cases were removed to Business Court. The Tax Department filed a Motion to Dismiss for Failure to Timely Perfect the Appeal and the Business Court granted it. Antero has advised that it will not appeal dismissal to the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0113	17-P-136	Wood County Circuit Court	Pacific Premier Bank v. Tommy Snider, et al.	Pacific Premier filed a complaint to correct an assignment in the chain of title to reflect proper ownership of the Deed of Trust. The Tax Department has a lien subsequent to the original Deed of Trust. The Tax Department will file an answer to protect its lien position.

Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0030	17-P-83-1	Harrison County Circuit Court	Pratt & Whitney v. Dale Steager, WV State Tax Commissioner	Pratt & Whitney filed a complaint in Harrison County, WV contesting Tax Ruling 17-38 that states that inventory held by Pratt & Whitney in their warehouse is taxable. Pratt & Whitney contends that the parts stored in their warehouse are subject to the Freeport Amendment and thus should be tax free. This case is on hold pending the outcome of a prior appeal of Pratt & Whitney currently before the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0019	2:17-cv- 01220	U.S. District Court for the Southern District of WV	United States of America v. Eaton, et al.	The United States of America filed suit to collect unpaid federal taxes, interest, penalties, and to enforce the federal tax liens against real property in Wood County.

WORKERS' COMPENSATION DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2017

Workers Compensation and Employment Programs	Barnes, Noah	WLC-15-0211	980008783	WVSCA	Lawless, Phillip	Appeal by widow of denial of occupational pneumoconiosis benefits.
Workers Compensation and Employment Programs	Campbell, Allen	WLC-15-0186	2012036843	WVSCA	Kosikowski, Henry	Claimant appealed denial of treatment (Second Opinion-Knee).
Workers Compensation and Employment Programs	Felton, Brandolyn	WLC-15-0368	2015010289	WVSCA	James Holcomb	Claimant's widow appeal to Supreme Court denying death benefits.
Workers Compensation and Employment Programs	Hallinan, Jackie	WLC-16-0136	13-AA-125	Circuit Court of Kanawha County	Patriot Coal	Patriot Coal seeks refund of overpaid claims under pre-2005 Workers' Compensation Law. Previous to 2005, there was a special fund (the Second Injury Fund) from which overpayments were refunded. The fund was abolished in 2005 and self insured employers now seek reimbursement for overpayments directly from the workers. The issue is whether pre-2005 or post-2005 law applies, and whether the law at the time of the injury or the law at the time the refund came into existence applies.
Workers Compensation and Employment Programs	Hallinan, Jackie	WLC-15-0330	2000051941	WVSCA	Ronald Mills	Appeal by claimant of denial of treatment (MRI).
Workers Compensation and Employment Programs	Hallinan, Jackie	WLC-15-0505	2002025695	WVSCA	Farmer Jr, Warren	Claimant appealed finding that he did not meet threshold for permanent total disability benefits.
Workers Compensation and Employment Programs	Hallinan, Jackie	2013001104	2013001104	WVSCA	Hassan, Fouad	Claimant appealed denial of reopening claim for permanent total disability benefits.