



Office of the Attorney General

REPORT TO THE GOVERNOR

NOVEMBER 1, 2018

Patrick Morrissey
Attorney General



State of West Virginia
Office of the Attorney General

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November 1, 2018

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

Re: Annual Report 2018

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.

During this reporting period, and in addition to the cases listed in this report, the Attorney General's office also has 140 active Court of Claims and Legislative Claims Commission cases.

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

Very truly yours,

A blue ink signature of Anthony Martin, written in a cursive style.

Anthony Martin
Chief Deputy Attorney General

Enclosure

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APPELLATE DIVISION

**ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018**

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Ellis, Caleb	APP-18-0202	1:18-cv-464	USDC WVSD	Richard Scott Bennett v. Ralph Terry, Superintendent (1:18-cv-464)	Petitioner was convicted of first degree murder without mercy. Federal habeas petitioner alleges ineffective assistance of counsel, unlawful confession, jury pool was unduly restrictive and the Court denied a change of venue. Under briefing scheduling. (Monroe County)
Appellate	Ellis, Caleb	APP-17-0108	17-0395	Supreme Court - WV	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. Briefing completed. (Cabell County)
Appellate	Ellis, Caleb	APP-17-0167	17-0610	Supreme Court - WV	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. Briefing completed. (Wood County)
Appellate	Ellis, Caleb	APP-17-0264	17-0929	Supreme Court - WV	Joshua Stitley v. Ralph Terry, Acting Warden (17-0929)	Successive habeas corpus appeal by Petitioner who pled guilty to felony murder, robbery and other crimes, complaining of denial of evidentiary hearing and ineffective assistance of counsel. Briefing completed. (Berkeley County)
Appellate	Ellis, Caleb	APP-17-0287	17-1040	Supreme Court - WV	State of West Virginia v. Rakeem Deqwan Newman (17-1040)	Direct appeal from murder and conspiracy convictions alleging error in evidentiary and discovery matters, failure to permit jury to consider lesser included offenses and denial of post-trial motions. Briefing completed. (Jefferson County)
Appellate	Ellis, Caleb	APP-17-0291	17-1069	Supreme Court - WV	State of West Virginia v. Nicholas Clinton Hess (17-1069)	Direct appeal alleging pleas to first degree robbery were not knowing, intelligent and voluntary and asserting that sentence is disparate and disproportionate. Briefing completed. (Jefferson County)
Appellate	Ellis, Caleb	APP-18-0026	18-0016	Supreme Court - WV	Tex G. Holbrook, II v. Ralph Terry, Acting Warden (18-0016)	Successive habeas corpus appeal by convicted sex offender alleging ineffective assistance of habeas counsel and bias of presiding judge. Briefing completed. (Fayette County)
Appellate	Ellis, Caleb	APP-18-0031	18-0126	Supreme Court - WV	Andrew Miller v. Ralph Terry, Acting Warden (18-0126)	Habeas corpus appeal alleging State breached plea agreement and ineffective assistance of counsel. Under scheduling order. Briefing completed. (Raleigh County)
Appellate	Ellis, Caleb	APP-18-0048	18-0138	Supreme Court - WV	State of West Virginia v. Thomas Kelsor (18-0138)	Direct appeal from conditional guilty plea to drug offense challenging denial of motion to suppress evidence obtained during search of petitioner's vehicle. Briefing completed. (Mercer County)
Appellate	Ellis, Caleb	APP-18-0077	18-0140	Supreme Court - WV	State of West Virginia v. Robert Anthony Chester (18-0140)	Direct appeal from two robbery and other felony convictions alleging disproportionate sentence, error in denying motion to disqualify trial judge, in granting State a continuance, instructional error and multiple other alleged errors. Briefing completed. (Taylor County)
Appellate	Ellis, Caleb	APP-18-0061	18-0207	Supreme Court - WV	State of West Virginia v. Hayden Damian Drakes (18-0207)	Direct appeal from murder conviction alleging instructional error, prosecutorial misconduct, insufficient evidence of intent to kill and erroneous treatment of evidence of flight. Under briefing schedule. (Cabell County)
Appellate	Ellis, Caleb	APP-18-0068	18-0283	Supreme Court - WV	State of West Virginia v. Elizabeth Ladybird Jenkins (18-0283)	Direct appeal from felony murder conviction alleging error in failure to suppress confession. Briefing completed. (Harrison County)
Appellate	Ellis, Caleb	APP-18-0096	18-0343	Supreme Court - WV	Daniel S. v. Ralph Terry, Acting Warden (18-0343)	Appeal by sex offender complaining summary denial of habeas corpus petition. Briefing completed. (Monongalia County)
Appellate	Ellis, Caleb	APP-18-0102	18-0380	Supreme Court - WV	State of West Virginia v. Douglas Neumeyer (18-0380)	Appeal by sex offender alleging Brady violation, error in denying continuance of trial, evidentiary error and abuse of discretion in sentencing. Briefing completed. (Cabell County)
Appellate	Ellis, Caleb	APP-18-0120	18-0449	Supreme Court - WV	Ronnie L. Gunther v. Ralph Terry, Acting Warden (18-0449)	Habeas corpus appeal by petitioner convicted of murder alleging ineffective assistance of counsel and unknowing and involuntary plea. Under briefing schedule. (Wayne County)
Appellate	Ellis, Caleb	APP-18-0113	18-0459	Supreme Court - WV	State of West Virginia v. Theresa M. Vanmeter (18-0459)	Appeal alleging error in sentencing following guilty pleas to drug and other offenses. Under briefing schedule. (Grant County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Ellis, Caleb	APP-18-0128	18-0499	Supreme Court - WV	State of West Virginia v. Roger Riggs (18-0499)	Appeal from revocation of extended supervised release alleging error in failing to grant continuance of revocation hearing to evaluate competency issues. Under briefing schedule. (Jefferson County)
Appellate	Ellis, Caleb	APP-18-0139	18-0544	Supreme Court - WV	State of West Virginia v. Mark Halburn (18-0544)	Appeal from conviction for violating protective order alleging evidentiary errors and violation of due process rights as a journalist. Under briefing schedule. (Putnam County)
Appellate	Ellis, Caleb	APP-18-0152	18-0608	Supreme Court - WV	State of West Virginia v. Joshua Deem (18-0608)	Appeal from conviction for soliciting minor via computer alleging error in failing to suppress evidence taken from mobile telephone seized without a warrant. Under briefing schedule. (Harrison County)
Appellate	Ellis, Caleb	APP-18-0156	18-0623	Supreme Court - WV	State of West Virginia v. Johnny Bowman (18-0623)	Appeal from magistrate court convictions for unlicensed operation of a salvage yard in a prohibited location alleging insufficient evidence, error in allowing State to reopen it's case and double jeopardy considerations. Under briefing schedule. (Roane County)
Appellate	Ellis, Caleb	APP-18-0175	18-0682	Supreme Court - WV	State of West Virginia v. John Michael Cassell (18-0682)	Appeal from circuit court's denial of magistrate court appeal alleging magistrate court lacked or exceeded its jurisdiction in making post-conviction finding that petitioner's acts of indecent exposure. Under briefing schedule. (Jefferson County)
Appellate	Ellis, Caleb	APP-18-0181	18-0696	Supreme Court - WV	In Re: T. L. (18-0696)	Appeal from circuit court's dispositional order in juvenile delinquency case alleging petitioner is in need of mental health services rather than confinement in a secure facility. Under briefing schedule. (Gilmer County)
Appellate	Ellis, Caleb	APP-18-0187	18-0749	Supreme Court - WV	State of West Virginia v. Robert Francis Rumble (18-0749)	Appeal from conviction for burglary and various misdemeanors alleging evidentiary errors and ineffective assistance of counsel Under briefing schedule. (Morgan County)
Appellate	Ellis, Caleb	APP-18-0197	18-0786	Supreme Court - WV	State of West Virginia v. Joshua Shaine Moore (18-0786)	Direct appeal of criminal conviction alleging insufficient evidence and evidentiary issues, instruction issues, and constitutional suppression issues. Briefing completed. (Berkeley County)
Appellate	Ellis, Caleb	APP-18-0208	18-0817	Supreme Court - WV	State of West Virginia v. Ronald S. (18-0817)	Petitioner entered plea to one count of sexual assault by a parent, custodian, or person in trust. Petitioner alleges that plea was and sentence was with no supervised release. Under briefing schedule. (Marion County)
Appellate	Ellis, Caleb	APP-18-0200	18-0831	Supreme Court - WV	State of West Virginia v. Michael Buracker (18-0831)	Petitioner pled guilty to drug offenses and challenges the circuit court's decision to deny probation and to run the sentenced consecutively. Under briefing schedule. (Berkeley County)
Appellate	Flanigan, Holly	APP-17-0087	17-0261	Supreme Court - WV	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. Briefing completed. (Jackson County)
Appellate	Flanigan, Holly	APP-18-0023	18-0066	Supreme Court - WV	State of West Virginia v. Vincent Portman (18-0066)	Direct appeal by sex offender convicted of failure to register complaining of failure to request that court take judicial notice of a regulation. Briefing completed. (Ohio County)
Appellate	Flanigan, Holly	APP-18-0053	18-0141	Supreme Court - WV	State of West Virginia v. John Henry Hoyle (18-0141)	Direct appeal from convictions for failure to register as sex offender and recidivism alleging instructional error, insufficient evidence, disproportionate sentence. Briefing completed. (Randolph County)
Appellate	Flanigan, Holly	APP-18-0054	18-0142	Supreme Court - WV	State of West Virginia v. Shelby C. (18-0142)	Direct appeal from child abuse convictions alleging improper exclusion of evidence, denial of request for bill of particulars, instructional error and insufficient evidence. Briefing completed. (Harrison County)
Appellate	Flanigan, Holly	APP-18-0081	18-0296	Supreme Court - WV	State of West Virginia v. Jonathan Thomas Wright (18-0296)	Appeal from circuit court order affirming magistrate court conviction for first offense DUI, alleging error in denial of motion to suppress breath test and other errors. Briefing completed. (Fayette County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Flanigan, Holly	APP-18-0117	18-0420	Supreme Court - WV	Lawrence K. Hinkle v. Michael Martin, Warden (18-0420)	Appeal by convicted murderer from denial of successive habeas corpus petition alleging ineffective assistance of habeas counsel and error in ruling that petition represents restatement of grounds previously denied. Under briefing schedule. (Mingo County)
Appellate	Flanigan, Holly	APP-18-0119	18-0427	Supreme Court - WV	Tony Galloway v. R. S. Mutter, Warden (18-0427)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of counsel, sentence contrary to plea agreement, and disproportionate sentence. Under briefing schedule. (Wood County)
Appellate	Flanigan, Holly	APP-18-0134	18-0451	Supreme Court - WV	State of West Virginia v. Patrick S. (18-0451)	Appeal from sex offense conviction alleging insufficient evidence, failure to disclose exculpatory evidence, evidentiary and other errors. Under briefing schedule. (Berkeley County)
Appellate	Flanigan, Holly	APP-18-0116	18-0458	Supreme Court - WV	State of West Virginia v. Michael Armstrong (18-0458)	Appeal following conviction for obstructing after bench trial alleging failure to disclose evidence. Briefing completed. (McDowell County)
Appellate	Flanigan, Holly	APP-18-0129	18-0502	Supreme Court - WV	State of West Virginia v. Edwin Mack Taylor (18-0502)	Appeal alleging error in failure to give credit for time served on charges dismissed as part of global plea agreement. Briefing completed. (Randolph County)
Appellate	Flanigan, Holly	APP-18-0131	18-0518	Supreme Court - WV	John P. v. Ralph Terry, Acting Warden (18-0518)	Habeas corpus appeal by petitioner convicted of incest alleging ineffective assistance of counsel and plea was not knowing or intelligent. Under briefing schedule. (Gilmer County)
Appellate	Flanigan, Holly	APP-18-0132	18-0519	Supreme Court - WV	Ballard Johnson v. Patrick Mirandy, Warden (18-0519)	Habeas corpus appeal by petitioner convicted of murder and robbery complaining of summary denial of habeas corpus relief without adequate findings. Briefing completed. (Mingo County)
Appellate	Flanigan, Holly	APP-18-0149	18-0602	Supreme Court - WV	Tony J. Walton v. Ralph Terry, Acting Warden (18-0602)	Successive habeas corpus appeal by petitioner convicted of robbery alleging ineffective assistance of prior habeas counsel and error in denial of habeas corpus relief without a hearing or appointment of counsel. Under briefing schedule. (Kanawha County)
Appellate	Flanigan, Holly	APP-18-0151	18-0607	Supreme Court - WV	State of West Virginia v. Ricky Parsons (18-0607)	Appeal by petitioner convicted of stolen property and obstruction charges alleging error in denial of Rule 35 (b) motion for sentence reduction. Under briefing schedule. (Jackson County)
Appellate	Flanigan, Holly	APP-18-0154	18-0615	Supreme Court - WV	John S. v. Karen Pszczolkowski, Superintendent (18-0615)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, coerced confession and other errors and complaining of denial of evidentiary hearing. Under briefing schedule. (Roane County)
Appellate	Flanigan, Holly	APP-18-0174	18-0679	Supreme Court - WV	Michael R. v. Ralph Terry, Superintendent (18-0679)	Habeas corpus appeal by sex offender alleging ineffective assistance of trial counsel, error in determining competency and criminal responsibility, guilty pleas were not knowing, intelligent or voluntary, failure to advise petitioner. Under briefing schedule. (Raleigh County)
Appellate	Flanigan, Holly	APP-18-0190	18-0765	Supreme Court - WV	State of West Virginia v. Bryan R. (18-0765)	Appeal following guilty plea to sex offenses alleging error in denial of bill of particulars, denial of discovery, evidentiary errors, inadequate plea colloquy and abuse of sentencing discretion. Under briefing schedule. (Jackson County)
Appellate	Flanigan, Holly	APP-18-0178	5:17-cv-151	USDC NDWV	Leonard Braynen, Jr. v. John T. Murphy, Superintendent (5:17-cv-151)	Federal habeas corpus action by sex offender alleging violation of the Vienna Treaty, related ineffective assistance of counsel and improper ruling on evidence. Under litigation. (Ohio County)
Appellate	Grant, Elizabeth	APP-18-0016	17-1142	Supreme Court - WV	Jessica J. Morris v. J. D. Sallaz, Acting Warden (17-1142)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, State's use of false evidence and that the prosecutor should have been disqualified. Briefing completed. (Ohio County)
Appellate	Grant, Elizabeth	APP-18-0039	18-0118	Supreme Court - WV	Michael Kandis v. Ralph Terry, Acting Warden (18-0118)	Successive habeas corpus appeal by convicted robber complaining of denial of relief without appointment of counsel and an omnibus hearing and error in prior acceptance of plea without testing to confirm petitioner's competency. Briefing completed. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Grant, Elizabeth	APP-18-0057	18-0133	Supreme Court - WV	Desmond Demetrius Clark v. Ralph Terry, Acting Warden (18-0133)	Successive habeas corpus appeal by convicted murderer alleging ineffective assistance of prior habeas counsel and error in not admitting testimony of trial counsel. Briefing schedule. (Kanawha County)
Appellate	Grant, Elizabeth	APP-18-0060	18-0205	Supreme Court - WV	State of West Virginia v. Travis W. (18-0205)	Direct appeal from guilty pleas alleging sentencing error, failures to recuse trial judge and cumulative error. Briefing completed. (Mineral County)
Appellate	Grant, Elizabeth	APP-18-0086	18-0312	Supreme Court - WV	Jeffrey R. Finley v. Ralph Terry, Acting Warden (18-0312)	Habeas corpus appeal by convicted murderer alleging violation of Confrontation Clause, ineffective assistance of counsel and error in advising petitioner of his right to testify or remain silent. Briefing completed. (Logan County)
Appellate	Grant, Elizabeth	APP-18-0093	18-0340	Supreme Court - WV	State of West Virginia v. Edward Allen Mazzei (18-0340)	Appeal from conditional guilty plea to possession of child pornography alleging error in denial of motions to suppress evidence resulting from search of residence and to suppress petitioner's confession. Briefing completed. (Cabell County)
Appellate	Grant, Elizabeth	APP-18-0106	18-0404	Supreme Court - WV	Dallas Butler v. Michael Martin, Acting Warden (18-0404)	Appeal by recidivist offender from denial of successive habeas corpus petition alleging ineffective assistance of habeas counsel. Briefing completed. (Harrison County)
Appellate	Grant, Elizabeth	APP-18-0141	18-0441	Supreme Court - WV	State of West Virginia v. Robert Jack Bohigan (18-0441)	Appeal from conviction for entry of building other than a dwelling with assignments of error to be determined. Under briefing schedule. (Marion County)
Appellate	Grant, Elizabeth	APP-18-0111	18-0480	Supreme Court - WV	State of West Virginia v. Anna Marie D'Annunzio (18-0480)	Appeal alleging error in refusal of request to expunge felony arrest for delivery of controlled substance (marijuana) in connection with guilty pleas. Under briefing schedule. (Harrison County)
Appellate	Grant, Elizabeth	APP-18-0127	18-0498	Supreme Court - WV	State of West Virginia v. Michael Shawn Rexrode (18-0498)	Appeal from circuit court's order affirming magistrate court conviction for domestic battery alleging warrantless entry, evidentiary and other errors. Briefing completed. (Grant County)
Appellate	Grant, Elizabeth	APP-18-0157	18-0624	Supreme Court - WV	State of West Virginia v. Kevin Hamill (18-0624)	Appeal by convicted murderer alleging error in denial of motion to sever firearm charge and motion for judgment of acquittal. Under briefing schedule. (Berkeley County)
Appellate	Grant, Elizabeth	APP-18-0158	18-0628	Supreme Court - WV	State of West Virginia v. Courtney L. Hamill (18-0628)	Appeal by convicted murderer alleging error in denial of motion for judgment of acquittal, improper response to jury question and other errors to be determined. Under briefing schedule. (Berkeley County)
Appellate	Grant, Elizabeth	APP-18-0173	18-0666	Supreme Court - WV	State of West Virginia v. Richard F. (18-0666)	Appeal from conviction for sex offenses alleging insufficient evidence and error in denial of motion for judgment of acquittal, error in excluding social media evidence and ineffective assistance of trial counsel. Under briefing schedule. (Marion County)
Appellate	Grant, Elizabeth	APP-18-0185	18-0713	Supreme Court - WV	Tony J. Walker v. Michael Martin, Superintendent (18-0713)	Appeal of successive habeas corpus action complaining of summary dismissal of petition, delayed decision, abuse of discretion in sentencing and other arguments. Under briefing schedule. (Kanawha County)
Appellate	Grant, Elizabeth	APP-18-0201	18-0834	Supreme Court - WV	State of West Virginia v. Robert Frank Baldwin (18-0834)	Petitioner seeks reversal of conviction for failing to notify State Police about his Facebook account. Alleging statement should have been suppressed and insufficient evidence to sustain conviction. Under briefing schedule. (Ohio County)
Appellate	Grant, Elizabeth	APP-18-0214	18-0880	Supreme Court - WV	Donald Lee Taylor v. Patrick Mirandy, Superintendent (18-0880)	Petitioner alleges ineffective assistance of counsel in pretrial plea negotiations, illegal five year recidivist enhancement, and denial of effective assistance of habeas counsel. Under briefing schedule. (Monongalia County)
Appellate	Hogan, Robert	APP-15-0214	1:14-cv-0073	US CA4	Timothy O'Dell v. Marvin Plumley, Warden (1:14-cv-0073)	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	USDC WVND	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	USDC WVND	Robert Watson, Jr. v. Pat Mirandy (1:16-cv-185)	Federal habeas corpus petition alleging denial of right to speedy trial and other issues. Judgment entered by District Court; awaiting appeal or expiration of appeal period. (Marshall County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Hogan, Robert	APP-17-0042	17-0068	Supreme Court - WV	Dennis John Rydbom v. Marvin Plumley, Warden (17-0068)	Petitioner's habeas appeal corpus addresses 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. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-17-0175	17-0636	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0186	17-0667	Supreme Court - WV	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. Briefing completed. (Clay County)
Appellate	Hogan, Robert	APP-17-0201	17-0754	Supreme Court - WV	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. Briefing completed. (Mercer County)
Appellate	Hogan, Robert	APP-17-0207	17-0766	Supreme Court - WV	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. Briefing completed. (Lewis County)
Appellate	Hogan, Robert	APP-17-0219	17-0801	Supreme Court - WV	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. Briefing completed. (Mercer County)
Appellate	Hogan, Robert	APP-17-0249	17-0843	Supreme Court - WV	John Rodney Johnson v. David Ballard, Warden (17-0843)	Habeas corpus appeal by petitioner convicted of murder complaining of summary dismissal of various contentions and alleging improper introduction of Rule 404 (b) evidence; instructional error; prosecutorial misconduct. Briefing completed. (Cabell County)
Appellate	Hogan, Robert	APP-17-0238	17-0848	Supreme Court - WV	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. Briefing completed. (Mineral County)
Appellate	Hogan, Robert	APP-18-0008	17-0898	Supreme Court - WV	Wanda Keffer v. William J. Vest, Warden (17-0898)	Habeas corpus appeal by drug offender alleging ineffective assistance of counsel in connection with plea, error in recidivist sentencing and other errors. Briefing completed. (Webster County)
Appellate	Hogan, Robert	APP-17-0242	17-0911	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0243	17-0912	Supreme Court - WV	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. Briefing completed. (Greenbrier County)
Appellate	Hogan, Robert	APP-17-0258	17-0962	Supreme Court - WV	State of West Virginia v. Robert John Younkins, II (17-0962)	Direct appeal from multiple burglary and grand larceny convictions alleging error in jury selection, denial of mistrial following prejudicial comment by a state witness and insufficiency of evidence. Briefing completed. (Marion County)
Appellate	Hogan, Robert	APP-17-0272	17-0994	Supreme Court - WV	Christopher J. v. Ralph Terry, Acting Warden (17-0994)	Habeas corpus appeal by Petitioner convicted of kidnapping and felony murder, complaining of denial without omnibus hearing, use of perjured testimony at trial and alleging entitlement to an amended sentencing. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-17-0281	17-0999	Supreme Court - WV	State of West Virginia v. Jamie Lee Delane (17-0999)	Appeal from denial of sex offender's Rule 35 (b) motion for reduction of sentence without hearing of specific findings or conclusions. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-17-0297	17-1029	Supreme Court - WV	Jaymason M. Robinson v. Marvin Plumley, Warden (17-1029)	Habeas corpus appeal by petitioner convicted of two counts of voluntary manslaughter, alleging ineffective assistance of counsel and other errors. Briefing completed. (Wood County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Hogan, Robert	APP-17-0296	17-1067	Supreme Court - WV	State of West Virginia v. Malakye Emerson Boyd (17-1067)	Direct appeal from felony murder conviction alleging error in failing to sever trial of co-defendant, insufficiency of evidence and abuse of discretion in sentencing. Briefing completed. (Jefferson County)
Appellate	Hogan, Robert	APP-18-0003	17-1096	Supreme Court - WV	State of West Virginia v. Daniel J. Tabor (17-1096)	Direct appeal from attempted voluntary manslaughter conviction alleging defective indictment and insufficiency of the evidence. Briefing completed. (Nicholas County)
Appellate	Hogan, Robert	APP-18-0006	17-1111	Supreme Court - WV	Nicole L. Kees v. J. D. Sallaz, Acting Warden (17-1111)	Habeas corpus appeal asserting that petitioner convicted of felony murder based on delivery of a controlled substance should be sentenced in accordance with W. Va. Code 60A-4-416(a), and also alleging ineffective assistance of counsel. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-18-0037	18-0003	Supreme Court - WV	Jack R. Watts v. Ralph Terry, Acting Warden (18-0003)	Habeas corpus appeal by sex offender complaining of denial of Rule 60(b) motion following denial of relief for alleged ineffective assistance of counsel and multiple other grounds. Briefing completed. (Ohio County)
Appellate	Hogan, Robert	APP-18-0019	18-0043	Supreme Court - WV	State of West Virginia v. Aaron Miles (18-0043)	Direct appeal by petitioner convicted of multiple crimes associated with death of child, alleging error in failure to sever trial of co-defendant, failure to disclose exculpatory and other evidence and other evidentiary and instructional errors. Briefing completed. (Cabell County)
Appellate	Hogan, Robert	APP-18-0020	18-0044	Supreme Court - WV	Sate of West Virginia v. Michael Newsome (18-0044)	Direct appeal by drug offender alleging error in denial of continuance where members of same jury pool tried defendant's case a short time after trial of defendant's son's case. Briefing completed. (Wayne County)
Appellate	Hogan, Robert	APP-18-0017	18-0052	Supreme Court - WV	SER, Crystal J. Williams v. Honorable Robert A. Irons, Circuit Judge, and State of West Virginia (18-0052)	Petition for writ of prohibition by petitioner convicted of child abuse resulting in serious bodily injury complaining of revocation of post-conviction bail based on non-payment of home confinement fees and denial of hearing upon the issue. Briefing completed. (Greenbrier County)
Appellate	Hogan, Robert	APP-18-0027	18-0059	Supreme Court - WV	In Re: K. S. (18-0059)	Appeal of the dispositional order from a juvenile delinquency order contesting out-of-home placement in residential treatment facility. Briefing completed. (Wood County)
Appellate	Hogan, Robert	APP-18-0029	18-0095	Supreme Court - WV	State of West Virginia v. Sherman D. Williams (18-0095)	Direct appeal alleging evidence supporting failure to update sex offender registry conviction was invalid and insufficient. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-18-0043	18-0159	Supreme Court - WV	Scott P. v. Michael Martin, Warden (18-0159)	Original petition for writ of habeas corpus by sex offender alleging unknowing plea. Briefing completed. (Kanawha County)
Appellate	Hogan, Robert	APP-18-0047	18-0162	Supreme Court - WV	State of West Virginia v. Mariya Ajena Jones (18-0162)	Direct appeal by petitioner convicted of murdering her child alleging error in denial of motion to sever trial of co-defendants, violation of double jeopardy principles, failure to disclose evidence, and admission and refusal of expert testimony. Under briefing schedule. (Cabell County)
Appellate	Hogan, Robert	APP-18-0046	18-0164	Supreme Court - WV	State of West Virginia v. Brian O'Neil Giff (18-0164)	Direct appeal from murder conviction alleging insufficient evidence and evidentiary errors. Under briefing schedule. (Jefferson County)
Appellate	Hogan, Robert	APP-18-0072	18-0177	Supreme Court - WV	Marvin Mills v. Ralph Terry, Acting Warden (18-0177)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of counsel, prosecutorial misconduct, and other errors. Briefing completed. (Raleigh County)
Appellate	Hogan, Robert	APP-18-0074	18-0200	Supreme Court - WV	Robert Watring v. Spencer Hill, Acting Warden (18-0200)	Habeas corpus appeal by petitioner convicted of malicious assault and wanton endangerment, alleging ineffective assistance of counsel, insufficient evidence to support intent for malicious assault and cumulative error. Briefing completed. (Preston County)
Appellate	Hogan, Robert	APP-18-0161	18-0215	Supreme Court - WV	Jason M. Payne v. Ralph Terry, Acting Warden (18-0215)	Appeal from denial of petition for writ of mandamus alleging error by circuit clerk in connection with the imposition of court cost and restitution connection with his second degree murder conviction. Briefing completed. (Morgan County)
Appellate	Hogan, Robert	APP-18-0062	18-0224	Supreme Court - WV	State of West Virginia v. James Hugh Lipps, II (18-0224)	Direct appeal from conviction for fleeing with reckless indifference to safety of others, alleging error in admitting evidence of chase in other counties. Briefing completed. (Upshur County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Hogan, Robert	APP-18-0091	18-0336	Supreme Court - WV	State of West Virginia v. Ryan L. Henson (18-0336)	Appeal from denial of Rule 35 (b) motion filed by petitioner convicted of first degree robbery and other crimes. Briefing completed. (Berkeley County)
Appellate	Hogan, Robert	APP-18-0085	18-0371	Supreme Court - WV	SER, Danny Cook, Jr. v. R. S. Mutter, Warden (18-0371)	Original petition for writ of habeas corpus alleging circuit court erred in modifying plea agreement in attempted murder case. Briefing completed. (Kanawha County)
Appellate	Hogan, Robert	APP-18-0108	18-0453	Supreme Court - WV	SER, Christopher Shy v. John Sheeley, Administrator (18-0453)	Original petition for writ of habeas corpus by petitioner convicted of robbery alleging error in sentencing order. Briefing completed. (Cabell County)
Appellate	Hogan, Robert	APP-18-0162	18-0461	Supreme Court - WV	Mark Bill Green v. Jim Shaver, Superintendent (18-0461)	Original habeas corpus petition alleging errors in connection with recent drug convictions for which an appeal has not yet been perfected. Briefing completed. (Braxton County)
Appellate	Hogan, Robert	APP-18-0135	18-0523	Supreme Court - WV	State of West Virginia v. Travis O'Dell (18-0523)	Appeal from denial of Rule 35(b) motion alleging imposition of maximum sentence represents an abuse of discretion. Briefing completed. (Putnam County)
Appellate	Hogan, Robert	APP-18-0124	18-0546	Supreme Court - WV	SER, Michael David Faulkner v. Jim Shaver, Administrator (18-0546)	Original petition for writ of habeas corpus by petitioner whose pre-trial bond was revoked and was arrested pursuant to a bench warrant for failure to appear at a pre-trial hearing. Briefing completed. (Webster County)
Appellate	Hogan, Robert	APP-18-0125	18-0549	Supreme Court - WV	SER, Rodger D. Mitchell v. Michael Martin, Acting Warden (18-0549)	Original habeas corpus petition by sex offender alleging ineffective assistance of prior habeas counsel and other errors. Briefing complete. (Jackson County)
Appellate	Hogan, Robert	APP-18-0150	18-0606	Supreme Court - WV	State of West Virginia v. Brandon S. (18-0606)	Appeal by petitioner convicted of sex offenses alleging abuse of discretion in imposition of sentence. Under briefing schedule. (Hardy County)
Appellate	Hogan, Robert	APP-18-0167	18-0649	Supreme Court - WV	State of West Virginia v. David N. (18-0649)	Appeal by sex offender alleging his prison sentence was excessive and failure to grant alternative sentencing was an abuse of discretion. Under briefing schedule. (Preston County)
Appellate	Hogan, Robert	APP-18-0163	18-0661	Supreme Court - WV	SER, Christoher Hundley v. Jim Shaver, Superindent (18-0661)	Original petition for writ of habeas corpus by petitioner recently convicted of failure to register as a sex offender complaining plea to prior sex offense was not knowing due to ineffective assistance, and alleging other errors. Briefing completed. (Roane County)
Appellate	Hogan, Robert	APP-18-0164	18-0694	Supreme Court - WV	SER, Edward Jesse Dreyfuse v. Hon. Paul T. Farrell, Circuit Judge (18-0694)	Original petition for writ of prohibition or mandamus complaining that the respondent judge ordered the disqualification of the prosecuting attorney from petitioner's habeas corpus action without a hearing. Under briefing schedule. (Cabell County)
Appellate	Hogan, Robert	APP-18-0179	18-0758	Supreme Court - WV	SER, William McGurgan v. Patrick Mirandy, Superintendent (18-0758)	Original petition for writ of habeas corpus by petitioner serving life recidivist sentence challenging sentence because underlying offenses resulted from pleas, were out-of-state, were non-violent, and/or were not final. Under briefing schedule. (Morgan County)
Appellate	Hogan, Robert	APP-18-0193	18-0770	Supreme Court - WV	SER, Charles McGurgan v. Patrick Mirandy, Superintendent (18-0770)	Original petition for writ of habeas corpus by petitioner serving life recidivist sentence challenging sentence because underlying offenses were non-violent. Under briefing schedule. (Morgan County)
Appellate	Hogan, Robert	APP-18-0210	18-0838	Supreme Court - WV	SER, Walter F. Agee v. Patrick Mirandy, Superintendent (18-0838)	Writ of habeas corpus filed by Petitioner alleging he never received copy of his grand jury transcripts. Briefing completed. (Mineral County)
Appellate	Hogan, Robert	APP-18-0211	18-0879	Supreme Court - WV	SER, Gary Lee Ravenscroft v. Tim Bowen, Superintendent (18-0879)	Writ of habeas corpus filed by Petitioner alleging violations of the Uniform Criminal Extradition Act. Under briefing schedule. (Monongalia County)
Appellate	Hogan, Robert	APP-18-0148	18-0954	Supreme Court - WV	State of West Virginia v. Dennis S. (18-0594)	Appeal from conviction for sex offenses alleging confrontation clause error in permitting psychologist expert to testify to findings and opinions in report prepared by unavailable subordinate. Under briefing schedule. (Calhoun County)
Appellate	Hogan, Robert	APP-18-0166	2:18-cv-601	USDC WVSD	Jesse James Nelson v. Patrick Mirandy, Warden (2:18-cv-601)	Federal habeas corpus action by inmate imprisoned for failure to register as sex offender alleging insufficient evidence or evidence of innocence with respect to underlying sex offense conviction. Under litigation. (Kanawha County)
Appellate	Hogan, Robert	APP-16-0214	3:16-cv-00448	USDC WVSD	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)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Hogan, Robert	APP-18-0083	3:18-cv-602	USDC WVSD	Ray E. Parsons v. Ralph Terry, Acting Warden (3:18-cv-00602)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel, plea agreement was not knowingly and voluntarily made, excessive, actual innocence. In litigation. (Putnam County)
Appellate	Hogan, Robert	APP-17-0164	5:17-cv-2367	USDC WVND	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	USDC WVSD	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-18-0213	1:18-cv-00402	USDC WVSD	Trayvon Strange v. Ralph Terry, Superintendent (1:18-cv-00402)	Federal habeas corpus filed by Petitioner alleging insufficient assistance of counseling at plea hearing. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-18-0099	1:18-cv-749	USDC WVSD	Ronnie D. Redden v. Michael Martin, Warden (1:18-cv-749)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel and other issues. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-18-0100	1:18-cv-751	USDC WVSD	Ronnie D. Redden v. Michael Martin, Warden (1:18-cv-751)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel and other issues. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-17-0046	17-0082	Supreme Court - WV	Vernon H. Dunlap v. David Ballard, Warden (17-0082)	Habeas corpus appeal alleging ineffective assistance of counsel subsequent to murder conviction. Briefing completed. (Jefferson County)
Appellate	Johnson, Scott	APP-17-0105	17-0352	Supreme Court - WV	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. Briefing completed. (Mercer County)
Appellate	Johnson, Scott	APP-17-0120	17-0397	Supreme Court - WV	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. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-17-0136	17-0467	Supreme Court - WV	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. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-17-0180	17-0566	Supreme Court - WV	Mark T. Coleman 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. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-17-0193	17-0582	Supreme Court - WV	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. Briefing completed. (Mingo County)
Appellate	Johnson, Scott	APP-17-0163	17-0607	Supreme Court - WV	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." Set for Oral Argument. (Cabell County)
Appellate	Johnson, Scott	APP-17-0183	17-0646	Supreme Court - WV	State of West Virginia v. Raymond Thomas McIntire (17-0646)	Direct appeal from sex offense convictions alleging improper expert testimony and various evidentiary errors. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-17-0216	17-0728	Supreme Court - WV	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. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-17-0212	17-0780	Supreme Court - WV	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. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-17-0188	17-0788	Supreme Court - WV	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. Briefing completed. (Ritchie County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-17-0276	17-0897	Supreme Court - WV	Jonathan Lind v. Ralph Terry, Acting Warden (17-0897)	Appeal of denial of successive habeas petition by Petitioner convicted of murder complaining of denial of successive habeas petition without a hearing where ineffective assistance of counsel was alleged. Briefing schedule. (Mingo County)
Appellate	Johnson, Scott	APP-17-0240	17-0904	Supreme Court - WV	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. Briefing completed. (Mercer County)
Appellate	Johnson, Scott	APP-17-0263	17-0925	Supreme Court - WV	Ronald E. Lambert, Jr. v. Ralph Terry, Acting Warden (17-0925)	Habeas corpus appeal by Petitioner convicted of kidnapping and felony murder, alleging denial of right to determine competency before acceptance of guilty pleas, and ineffective assistance of counsel. Briefing completed. (Boone County)
Appellate	Johnson, Scott	APP-17-0266	17-0931	Supreme Court - WV	Michael S. Owl Feather-Gorbey v. State of West Virginia (17-0931)	Habeas corpus appeal by Petitioner convicted in the District of Columbia and incarcerated at USP Hazelton with a Virginia detainer complaining of summary dismissal without a hearing based on lack of jurisdiction. Briefing completed. (Preston County)
Appellate	Johnson, Scott	APP-17-0267	17-0981	Supreme Court - WV	State of West Virginia v. Brandon Fleece (17-0981)	Appeal from conditional guilty plea contesting denial of motion to suppress statement and evidence seized in connection with drug offense. Briefing completed. (Morgan County)
Appellate	Johnson, Scott	APP-17-0285	17-1009	Supreme Court - WV	Scott Boyd Burgess v. Ralph Terry, Warden (17-1009)	Appeal by Petitioner convicted of arson/murder. Petitioner complains of denial of successive habeas petition without hearing where ineffective assistance of habeas counsel was alleged. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-18-0070	17-1010	Supreme Court - WV	Wade Painter v. Ralph Terry, Acting Warden (17-1010)	Habeas corpus appeal by convicted double murderer alleging error in denial of ineffective assistance of trial counsel claim. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-17-0286	17-1036	Supreme Court - WV	State of West Virginia v. Justin E. Hobday (17-1036)	Appeal by sex offender alleging improper amendment of indictment and insufficiency of evidence of first degree sexual abuse. Briefing completed. (Morgan County)
Appellate	Johnson, Scott	APP-17-0299	17-1047	Supreme Court - WV	Gerald K. Mollohan v. Ralph Terry Acting Warden (17-1047)	Successive habeas corpus appeal by sex offender complaining of denial of petition without appointment of counsel or an omnibus hearing. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-17-0294	17-1065	Supreme Court - WV	In Re: A. M. (17-1065)	Direct appeal of dispositional ruling by juvenile status offender. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-17-0295	17-1066	Supreme Court - WV	State of West Virginia v. Joe Roger Lane (17-1066)	Direct appeal from recidivist conviction of drug offender alleging insufficiency of evidence and disproportionate sentence. Briefing completed. (Wyoming County)
Appellate	Johnson, Scott	APP-17-0292	17-1068	Supreme Court - WV	State of West Virginia v. Kristina Marie Speiden (17-1068)	Direct appeal by DUI offender complaining of abuse of discretion in circuit court's termination of her participation in drug court and in subsequent sentencing. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-18-0001	17-1102	Supreme Court - WV	Joseph Eugene Howard v. Ralph Terry, Acting Warden (17-1102)	Habeas corpus appeal error in denial of petition purportedly based on newly discovered evidence. Briefing completed. (Pocahontas County)
Appellate	Johnson, Scott	APP-18-0015	17-1144	Supreme Court - WV	Larry Wert v. Dennis Dingus, Warden (17-1144)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, erroneous trial court rulings, State's use of false evidence, the prosecutor should have been disqualified and cumulative error. Briefing completed. (Mercer County)
Appellate	Johnson, Scott	APP-18-0018	18-0006	Supreme Court - WV	State of West Virginia v. Megan J. Stewart (18-0006)	Petitioner who pled guilty to drug offenses and completed drug court program appeals, seeking withdrawal of her guilty plea or expungement of conviction pursuant to alleged agreement with State. Briefing completed. (Pocahontas County)
Appellate	Johnson, Scott	APP-18-0025	18-0072	Supreme Court - WV	Michael Green v. Ralph Terry, Acting Warden (18-0072)	Habeas corpus appeal alleging that petitioner's plea bargain has been unfulfilled and the errors. Briefing completed. (Mercer County)
Appellate	Johnson, Scott	APP-18-0038	18-0102	Supreme Court - WV	Randy S. Cooper v. Patrick Mirandy, Warden (18-0102)	Habeas corpus appeal by convicted murderer alleging ineffective assistance, involuntary plea, incompetency at time of plea. Briefing completed. (Cabell County)
Appellate	Johnson, Scott	APP-18-0034	18-0107	Supreme Court - WV	Edward Washington v. Ralph Terry, Acting Warden (18-0107)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of counsel, unknowing/involuntary plea, and complaining of summary denial without detailed findings and conclusions. Briefing completed. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-18-0055	18-0137	Supreme Court - WV	State of West Virginia v. Anthony Raheem Arriaga (18-0137)	Direct appeal from felony murder conviction alleging instructional error, refusal to permit inspection of victim's cell phone, denial of change of venue, spoliation of evidence, prosecutorial misconduct, and untimely disclosure of evidence. Briefing completed. (Mingo County)
Appellate	Johnson, Scott	APP-18-0071	18-0166	Supreme Court - WV	David Rabb v. Ralph Terry, Acting Warden (18-0166)	Habeas corpus appeal by petitioner convicted of robbery and kidnapping, alleging judicial bias, ineffective assistance of counsel, disproportionate sentence and other errors. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0073	18-0196	Supreme Court - WV	Paul David Burnett v. Michael Martin, Acting Warden (18-0196)	Habeas corpus appeal by petitioner convicted of murder and attempted robbery, alleging lack of criminal responsibility, ineffective assistance of counsel, various evidentiary, instructional and other errors. Briefing completed. (Cabell County)
Appellate	Johnson, Scott	APP-18-0075	18-0203	Supreme Court - WV	Tony Bethea v. Ralph Terry, Acting Warden (18-0203)	Habeas corpus by sex offender complaining of denial of relief without a hearing, appointment of counsel, or adequate findings and conclusions. Briefing completed. (Monongalia County)
Appellate	Johnson, Scott	APP-18-0059	18-0204	Supreme Court - WV	State of West Virginia v. Lamont D. (18-0204)	Direct appeal from convictions for sex offenses alleging ineffective assistance of counsel. Briefing completed. (Ohio County)
Appellate	Johnson, Scott	APP-18-0064	18-0247	Supreme Court - WV	State of West Virginia v. Codey Dale Foster (18-0247)	Direct appeal of sentencing order from robbery and other convictions, alleging disproportionate and disparate sentence and consideration of impermissible sentencing factors. Briefing completed. (Upshur County)
Appellate	Johnson, Scott	APP-18-0065	18-0264	Supreme Court - WV	State of West Virginia v. Damon Daniel Greenfield (18-0264)	Direct appeal of sentencing order from child pornography conviction. Pled guilty to possession of child pornography. Briefing completed. (Jefferson County)
Appellate	Johnson, Scott	APP-18-0082	18-0307	Supreme Court - WV	State of West Virginia v. Rayco Saunders (18-0307)	Interlocutory appeal from denial of motion to dismiss charges arising from traffic stop alleging lack of personal jurisdiction and other errors. Briefing completed. (Raleigh County)
Appellate	Johnson, Scott	APP-18-0079	18-0309	Supreme Court - WV	State of West Virginia v. Michael Vegas (18-0309)	Direct appeal from sex offense convictions alleging insufficient evidence, verdict inconsistent with evidence, jury misconduct, excessive/disproportionate sentence. Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-18-0087	18-0318	Supreme Court - WV	State of West Virginia v. Jackie S. (18-0318)	Direct appeal from summary denial of Rule 35 (b) motion for reduction of sentence. Pled guilty to sexual abuse by parent, guardian, or custodian, effective sentence 10-20 years in prison. Briefing completed. (Preston County)
Appellate	Johnson, Scott	APP-18-0092	18-0339	Supreme Court - WV	State of West Virginia v. Robert L. Brown, Jr. (18-0339)	Direct appeal from guilty plea to second degree murder alleging ineffective assistance of trial counsel. Pled guilty to second degree murder, effective sentence of 40 years in penitentiary. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-18-0097	18-0349	Supreme Court - WV	State of West Virginia v. Benny W. (18-0349)	Appeal by sex offender alleging error in admitting Facebook messages without proper authentication, insufficient evidence, error in denial of motions to strike prospective jurors, limitation on character evidence and error in sentencing. Briefing completed. (Ritchie County)
Appellate	Johnson, Scott	APP-18-0098	18-0357	Supreme Court - WV	State of West Virginia v. Rafael D. Zuniga (18-0357)	Appeal alleging error in denial of motion to withdraw Alford guilty pleas. Under briefing schedule. (Berkeley County)
Appellate	Johnson, Scott	APP-18-0088	18-0370	Supreme Court - WV	State of West Virginia v. Michael Vega (18-0370)	Direct appeal by sex offender alleging insufficient evidence. Found guilty by a jury. Under briefing schedule. (Wayne County)
Appellate	Johnson, Scott	APP-18-0103	18-0406	Supreme Court - WV	State of West Virginia v. Oscar Chapman (18-0406)	Appeal following murder, robbery, and burglary convictions alleging various evidentiary errors. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-18-0115	18-0479	Supreme Court - WV	State of West Virginia v. Keith D. (18-0479)	Appeal of conviction for unlawful firearm possession and recidivism alleging evidentiary errors, juror misconduct, insufficient evidence and disproportionate sentence. Under briefing schedule. (Summers County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-18-0126	18-0493	Supreme Court - WV	Terrick Hogan v. Ralph Terry, Acting Warden (18-0493)	Habeas corpus appeal by petitioner convicted of murder complaining of summary dismissal of petition alleging ineffective assistance of counsel and unknowing and involuntary plea. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0130	18-0510	Supreme Court - WV	Keith R. Jeffers v. Ralph Terry, Acting Warden (18-0510)	Habeas corpus appeal by petitioner convicted of triple murder alleging error in denial of habeas corpus relief without a hearing or appointment of counsel. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0143	18-0574	Supreme Court - WV	State of West Virginia v. Alex Holden (18-0574)	Appeal alleging error in decision to grant State's motion to dismiss without prejudice where co-defendant was incarcerated in Ohio but State did not exercise rights under Interstate Agreement, allegedly violated petitioner's rights. Under briefing schedule. (Wood County)
Appellate	Johnson, Scott	APP-18-0165	18-0576	Supreme Court - WV	State of West Virginia v. Keith Irons (18-0576)	Appeal by petitioner convicted of conspiracy to deliver a controlled substance alleging his sentence was illegally as it was based on the circuit court's consideration of impermissible considerations. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-18-0146	18-0587	Supreme Court - WV	Charles E. v. Ralph Terry, Acting Warden (18-0587)	Appeal from denial of successive habeas corpus petition alleging ineffective assistance of original habeas counsel asserting error in summary denial without a hearing. Briefing completed. (Gilmer County)
Appellate	Johnson, Scott	APP-18-0180	18-0648	Supreme Court - WV	Thomas C. Shrader v. State of West Virginia (18-0648)	Appeal from circuit court's denial, for lack of jurisdiction, of motion for order declaring W. Va. Code 61-7-7 (prohibiting felons and others from possessing firearms) is inapplicable to petitioner on various constitutional grounds. Under briefing schedule. (Mercer County)
Appellate	Johnson, Scott	APP-18-0172	18-0665	Supreme Court - WV	Richard Kartman v. Michael Martin, Superintendent (18-0665)	Habeas corpus appeal by petitioner convicted of robbery alleging ineffective assistance or constructive denial of counsel. Under briefing schedule. (Ohio County)
Appellate	Johnson, Scott	APP-18-0176	18-0688	Supreme Court - WV	Don Galloway v. Ralph Terry, Superintendent (18-0688)	Habeas corpus appeal by petitioner serving life recidivist sentence alleging ineffective assistance of appellate counsel and misconduct by the State in failing to submit a complete transcript of relevant trial testimony for Court's consideration. Under briefing schedule. (Summers County)
Appellate	Johnson, Scott	APP-18-0182	18-0699	Supreme Court - WV	Arthur C. v. Ralph Terry, Superintendent (18-0699)	Habeas corpus appeal by complaining of summary dismissal of petition alleging ineffective assistance of counsel and other errors in connection with underlying sex offense convictions. Under briefing schedule. (Marshall County)
Appellate	Johnson, Scott	APP-18-0184	18-0701	Supreme Court - WV	Jonathan Lind v. Ralph Terry, Superintendent (18-0701)	Successive habeas corpus appeal complaining of summary dismissal of petition alleging ineffective assistance of counsel and court's refusal to order preparation of hearing transcripts. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0186	18-0731	Supreme Court - WV	State of West Virginia v. Jamia Coleman (18-0731)	Appeal from embezzlement conviction alleging various evidentiary errors, error in denial of motion for judgment of acquittal and other errors. Under briefing schedule. (Nicholas County)
Appellate	Johnson, Scott	APP-18-0191	18-0769	Supreme Court - WV	State of West Virginia v. William N. (18-0769)	Appeal from denial of Rule 35(b) motion alleging abuse of discretion because sentence imposed after successful habeas corpus action exceeded sentence imposed after plea prior to that action. Under briefing schedule. (Monongalia County)
Appellate	Johnson, Scott	APP-18-0192	18-0771	Supreme Court - WV	Frederick M. v. Michael Martin, Superintendent (18-0771)	Appeal of habeas corpus action alleging abuse of discretion and other errors in the denial of sex offender's habeas corpus petition. Under briefing schedule. (Harrison County)
Appellate	Johnson, Scott	APP-18-0206	18-0813	Supreme Court - WV	State of West Virginia v. Jason McClain Phillips (18-0813)	Appeal of conviction alleging the court abused its discretion in sentencing him to consecutive sentences. Under briefing schedule. (Marshall County)
Appellate	Johnson, Scott	APP-18-0199	18-0844	Supreme Court - WV	State of West Virginia v. Michael David Faulkner (18-0844)	Petitioner seeks summary bail petition and expedited relief. Under briefing schedule. (Webster County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-18-0212	18-0851	Supreme Court - WV	State of West Virginia v. Lena Marie Conway (18-0851)	Parental murder case, Petitioner alleges insufficient evidence, a Brady violation, failure to allow defendant to hire a jury consultant and failing to grant a change of venue, failure to consider pro se post-trial motions and errors. Under briefing schedule. (Lewis County)
Appellate	Johnson, Scott	APP-15-0154	2:15-cv-07458	USDC WVND	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	USDC WVSD	Danny R. Swager v. David Ballard, Warden (2:15-cv-11422)	Federal habeas corpus petition arising from convictions for first degree sexual assault, second degree sexual assault, and first degree sexual abuse, and alleging premature "Allen charge" in trial and denial of right to confront accuser. In litigation. (Nicholas County)
Appellate	Johnson, Scott	APP-18-0203	2:17-cv-4582	USDC WVND	Raymond J. Whitley v. Randol Mutter, Warden (2:17-cv-4582)	Federal habeas petition, Petitioner alleging numerous errors. Ordered to respond on issues of timeliness and exhaustion only. In litigation. (Fayette County)
Appellate	Johnson, Scott	APP-17-0063	2:17-cv-6	USDC WVND	Elwood L. Johnson v. David Ballard, Warden (2:17-cv-6)	Federal habeas corpus petition arising from convictions for 1st degree sexual abuse and 2nd degree sexual assault, 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	USDC WVSD	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-17-0245	5:17-cv-4159	USDC WVSD	Andrew Miller v. Ralph Terry, Acting Warden (5:17-cv-4159)	Federal habeas corpus action by petitioner convicted of attempted first degree murder, burglary, kidnapping, wanton endangerment and conspiracy in Raleigh and Kanawha Counties claiming breach of plea agreement. In litigation. (Kanawha and Raleigh County)
Appellate	Johnson, Scott	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden (5:17-cv-54)	Federal habeas corpus petition alleging ineffective assistance of counsel, instructional error, and insufficient evidence arising from petitioner's conviction for solicitation of minor via computer and sexual abuse by a person in a position of trust. In litigation. (Preston County)
Appellate	Johnson, Scott	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden (5:17-cv-993)	Federal habeas corpus action by drug offender complaining of ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error. In litigation. (Summers County)
Appellate	Kiser, Shannon	APP-16-0203	1:16-cv-178	USDC WVND	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-17-0231	1:17-cv-169	USDC WVND	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-17-0037	1:17-v-20	USDC WVND	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-16-0231	16-0860	Supreme Court - WV	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-16-0241	16-0946	Supreme Court - WV	Larry C. v. David Ballard, Warden (16-0946)	Habeas corpus appeal complaining of summary dismissal of successive habeas petition. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-16-0256	16-0983	Supreme Court - WV	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)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Kiser, Shannon	APP-17-0040	17-0099	Supreme Court - WV	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	Kiser, Shannon	APP-17-0153	17-0457	Supreme Court - WV	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. Briefing completed. (Morgan County)
Appellate	Kiser, Shannon	APP-17-0156	17-0504	Supreme Court - WV	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-17-0178	17-0698	Supreme Court - WV	State of West Virginia v. Michael Bowman (17-0698)	Direct appeal from sex offense convictions alleging numerous evidentiary errors. Briefing completed. (Marshall County)
Appellate	Kiser, Shannon	APP-17-0203	17-0757	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0215	17-0759	Supreme Court - WV	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. Briefing completed. (Upshur County)
Appellate	Kiser, Shannon	APP-17-0220	17-0802	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	Kiser, Shannon	APP-17-0250	17-0854	Supreme Court - WV	State of West Virginia v. Antwyn Gibbs (17-0854)	Petitioner convicted of robbery appeals, complaining that Rule 35 (b) motion for sentence reduction was denied without hearing, appointment of counsel or detailed facts and findings. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-17-0241	17-0905	Supreme Court - WV	State of West Virginia v. Matthew Gates (17-0905)	Direct appeal from sex offense convictions alleging insufficient evidence and denying petitioner is a "custodian." Briefing completed. (Ohio County)
Appellate	Kiser, Shannon	APP-17-0244	17-0913	Supreme Court - WV	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." Briefing completed. (Greenbrier County)
Appellate	Kiser, Shannon	APP-17-0273	17-0996	Supreme Court - WV	Nick R. v. Ralph Terry, Acting Warden (17-0996)	Habeas corpus appeal by sex offender asserting multiple errors including improper note-taking practice used by the jury, commentary on evidence by judge and prosecutor, ineffective assistance of counsel based on failure to disclose plea offer. Briefing completed. (Brooke County)
Appellate	Kiser, Shannon	APP-17-0280	17-0997	Supreme Court - WV	State of West Virginia v. Jamie R. Criser (17-0997)	Direct appeal contesting sufficiency of the evidence supporting convictions for kidnapping and second degree sexual assault. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-17-0275	17-1001	Supreme Court - WV	Christopher Hild v. John T. Murphy, Warden (17-1001)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel and denial of right to sex offender evaluation to be conducted at State's expense. Briefing completed. (Monroe County)
Appellate	Kiser, Shannon	APP-18-0009	17-1024	Supreme Court - WV	State of West Virginia v. Johnny Nelson, Sr. (17-1024)	Direct appeal of sentence imposed for sex offenses following resentencing. Briefing completed. (Logan County)
Appellate	Kiser, Shannon	APP-18-0002	17-1083	Supreme Court - WV	Nathan Snyder v. Michael Martin, Acting Warden (17-1083)	Habeas corpus appeal by petitioner convicted of child abuse by parent, guardian or custodian resulting in injury, alleging ineffective assistance of counsel and denial of relief without evidentiary hearing. Briefing completed. (Berkeley County)
Appellate	Kiser, Shannon	APP-18-0007	17-1112	Supreme Court - WV	State of West Virginia v. Dale Freeman Elswick (17-1112)	Direct appeal from burglary conviction alleging structure at issue does not constitute a "dwelling house." Briefing completed. (Wirt County)
Appellate	Kiser, Shannon	APP-18-0014	18-0001	Supreme Court - WV	Keith W. R. Lowe v. Ralph Terry, Acting Warden (18-0001)	Successive habeas corpus appeal by convicted murderer alleging numerous errors including incompetency at trial, ineffective assistance of trial and habeas counsel and other alleged errors. Briefing completed.(Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Kiser, Shannon	APP-18-0021	18-0045	Supreme Court - WV	State of West Virginia v. Robert M. Lee (18-0045)	Direct appeal by drug offender alleging error in denial of motion for new trial based a juror's pretrial knowledge, denial of motion to sever trial of co-defendant, alleged evidentiary and other errors. Briefing completed. (Fayette County)
Appellate	Kiser, Shannon	APP-18-0024	18-0055	Supreme Court - WV	State of West Virginia v. Michael H. Kandis (18-0055)	Appeal from the denial of a motion to suspend obligation to make restitution payments based on hardship and ability to pay, where restitution order arises from robbery convictions. Briefing completed. (Ohio County)
Appellate	Kiser, Shannon	APP-18-0035	18-0097	Supreme Court - WV	David Lawrence Dixon v. Ralph Terry , Acting Warden (18-0097)	Habeas corpus appeal by convicted murderer alleging the circuit court erred in denying an omnibus hearing, certain discovery, development of the record and failure to rule on petitioner's dispositive motions. Under briefing schedule. (McDowell County)
Appellate	Kiser, Shannon	APP-18-0050	18-0139	Supreme Court - WV	State of West Virginia v. John Russell Skidmore (18-0139)	Direct appeal from conditional guilty plea challenging denial of motions to suppress petitioner's statement and evidence obtained during search of petitioner's vehicle. Briefing completed. (Monongalia County)
Appellate	Kiser, Shannon	APP-18-0051	18-0160	Supreme Court - WV	State of West Virginia v. Gordon W. Swiger (18-0160)	Direct appeal from conditional guilty plea challenging denial of motions to suppress evidence obtained during search of co-defendant's vehicle. Briefing completed. (Monongalia County)
Appellate	Kiser, Shannon	APP-18-0049	18-0161	Supreme Court - WV	State of West Virginia v. Nickolas Lee Velez (18-0161)	Direct appeal from conditional guilty plea challenging denial of motions to suppress petitioner's statement and evidence obtained during search of co-defendant's vehicle. Briefing completed. (Monongalia County)
Appellate	Kiser, Shannon	APP-18-0058	18-0206	Supreme Court - WV	State of West Virginia v. Michael Wayne Palmer (18-0206)	Direct appeal from robbery conviction and recidivist sentence alleging disproportionate sentence and errors in failing to grant continuance and admission of bad acts. Under briefing schedule. (Summers County)
Appellate	Kiser, Shannon	APP-18-0195	18-0233	Supreme Court - WV	Thomas J. v. Ralph Terry, Superintendent (18-0233)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, failure to permit discovery concerning newly discovered evidence and other errors. Under briefing schedule. (Harrison County)
Appellate	Kiser, Shannon	APP-18-0067	18-0273	Supreme Court - WV	State of West Virginia v. Brandon Lee Fitzpatrick (18-0273)	Direct appeal of alleging error arising from failure to honor request for counsel, mishandling of evidence, exclusion of expert testimony and other errors. Under briefing schedule. (Mingo County)
Appellate	Kiser, Shannon	APP-18-0080	18-0304	Supreme Court - WV	Frank S. v. Patrick Mirandy, Warden (18-0304)	Habeas corpus appeal by sex offender alleging error in denial of petition without hearing or adequate findings of fact and conclusions of law, and with findings that errors had been previously adjudicated or waived. Under briefing schedule. (Monongalia County)
Appellate	Kiser, Shannon	APP-18-0095	18-0342	Supreme Court - WV	State of West Virginia v. Julian Lee Richardson (18-0342)	Appeal from wanton endangerment and attempted voluntary manslaughter convictions alleging insufficient evidence, exclusion of alleged hearsay evidence and erroneous admission of photographs. Briefing completed. (Berkeley County)
Appellate	Kiser, Shannon	APP-18-0104	18-0385	Supreme Court - WV	William R. v. Ralph Terry , Acting Warden (18-0385)	Appeal by sex offender complaining of summary denial of habeas corpus petition and complaining of ineffective assistance of counsel and improper grand jury procedure. Briefing completed. (Ohio County)
Appellate	Kiser, Shannon	APP-18-0118	18-0418	Supreme Court - WV	James R. L. Meadows v. Ralph Terry, Acting Warden (18-0418)	Habeas corpus appeal by petitioner convicted of murder of a child alleging ineffective assistance of counsel and cumulative error. Under briefing schedule. (Monroe County)
Appellate	Kiser, Shannon	APP-18-0114	18-0460	Supreme Court - WV	State of West Virginia v. Shannon Scott Hines (18-0460)	Appeal from embezzlement and grand larceny convictions alleging State breached plea agreement terms concerning sentencing recommendation and abuse of discretion by court in sentencing. Under briefing schedule. (Wood County)
Appellate	Kiser, Shannon	APP-18-0112	18-0481	Supreme Court - WV	State of West Virginia v. Kristofer Avery Bleck (18-0481)	Appeal alleging consideration of improper information in sentencing following no contest to burglary, conspiracy, and assault during the commission of a felony. Under briefing schedule. (Jefferson County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Kiser, Shannon	APP-18-0136	18-0522	Supreme Court - WV	State of West Virginia v. Patrick S. (18-0522)	Appeal from sex offense conviction alleging insufficient evidence, failure to disclose exculpatory evidence, evidentiary and other errors. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-18-0140	18-0554	Supreme Court - WV	Kilton Kitchen v. Ralph Terry, Acting Warden (18-0554)	Habeas corpus appeal by petitioner convicted of murder complaining of summary denial of petition arguing ineffective assistance of counsel, prosecutorial misconduct, use of perjured testimony and more severe sentence than expected. Under briefing schedule. (Hampshire County)
Appellate	Kiser, Shannon	APP-18-0144	18-0575	Supreme Court - WV	State of West Virginia v. Olin Natuce Gaskins (18-0575)	Appeal from recidivist conviction after found guilty of felony possession of firearm following two prior delivery of controlled substance convictions, alleging insufficient evidence, disproportionate sentence in light of his current convictions. Under briefing schedule. (Jefferson County)
Appellate	Kiser, Shannon	APP-18-0153	18-0614	Supreme Court - WV	William S. v. Ralph Terry, Acting Warden (18-0614)	Appeal from denial of seventh successive habeas corpus petition alleging error in summary denial without a hearing. Under briefing schedule. (Mercer County)
Appellate	Kiser, Shannon	APP-18-0159	18-0631	Supreme Court - WV	State of West Virginia v. Kendall S. Williams (18-0631)	Appeal by drug offender convicted of conspiracy asserting insufficiency of the evidence. Under briefing schedule. (Fayette County)
Appellate	Kiser, Shannon	APP-18-0168	18-0651	Supreme Court - WV	Thomas A. Grantham, Jr. v. Ralph Terry, Superintendent (18-0651)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of trial counsel, improper "concerted action" instruction, failure to sever trials of co-defendants, and cumulative error. Under briefing schedule. (Berkeley County)
Appellate	Kiser, Shannon	APP-18-0169	18-0654	Supreme Court - WV	State of West Virginia v. Dean E. Gamble, Sr. (18-0654)	Appeal by drug offender alleging error in denial of motion for sentence reduction made pursuant to Rule 35 (b). Under briefing schedule. (Fayette County)
Appellate	Kiser, Shannon	APP-18-0183	18-0700	Supreme Court - WV	State of West Virginia v. Thomas F. (18-0700)	Appeal from denial of motion to suspend sentence and admit petitioner to drug court or rehabilitation treatment. Under briefing schedule. (Marshall County)
Appellate	Kiser, Shannon	APP-18-0188	18-0754	Supreme Court - WV	Edward Omarrah v. Karen Pszczolkowski, Superintendent (18-0754)	Habeas corpus appeal alleging petitioner's guilty pleas to murder were not knowing and voluntary and that trial counsel was ineffective with respect to diminished capacity defense, plea and appeal. Under briefing schedule. (Mercer County)
Appellate	Kiser, Shannon	APP-18-0194	18-0779	Supreme Court - WV	George Street v. R. S. Mutter, Superintendent (18-0779)	Appeal of successive habeas corpus action alleging ineffective assistance of counsel in connection with plea and ineffective assistance of appellate counsel. Under briefing schedule. (Mercer County)
Appellate	Kiser, Shannon	APP-18-0207	18-0818	Supreme Court - WV	State of West Virginia v. Jeffrey Lyle Sampson (18-0818)	Original petition for appeal, challenges the introduction of 404(b) evidence, evidentiary errors, and sufficiency of the evidence. Under briefing schedule. (Wood County)
Appellate	Kiser, Shannon	APP-14-0909	2:14-cv-1195	USDC WVSD	Kenneth E. Carter v. David Ballard, Warden (2:14-cv-1195)	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	USDC WVSD	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	US CA4	Larry Hayes v. Marvin Plumley (2:15-cv-15636)	Federal habeas corpus action by petitioner convicted of 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	USDC WVSD	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	USDC WVND	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)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Kiser, Shannon	APP-17-0065	2:17-cv-39	USDC WVND	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	Kiser, Shannon	APP-17-0255	2:17-cv-4075	USDC WVSD	Gary Wayne Mullins v. Mark Williamson (2:17-cv-4075)	Federal habeas corpus action by petitioner convicted of kidnapping, claiming ineffective assistance of counsel. In litigation. (Kanawha County)
Appellate	Kiser, Shannon	APP-18-0170	2:18-cv-953	USDC WVSD	Timothy Paul Shafer v. Karen Pszczolkowski, Warden (2:18-cv-953)	Federal habeas corpus action by inmate convicted of felony murder alleging ineffective assistance of counsel, lack of jurisdiction, breach on appeal of State's agreement as to sentencing and related error by trial court. Under litigation. (Kanawha County)
Appellate	Kiser, Shannon	APP-15-0022	3:13-cv-29691	USDC WVSD	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	USDC WVSD	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	USDC WVND	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	USDC WVND	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-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard (5:15-cv-106)	Federal habeas corpus petition by petitioner convicted of abduction with intent to defile enhanced as a third-time recidivist, alleging ineffective assistance of counsel, improper basis for recidivist enhancement and denial of due process by requiring him to appear shackled before the jury. Stayed pending exhaustion of state court remedies. (Ohio County)
Appellate	Kiser, Shannon	APP-17-0131	5:17-cv-03111	USDC WVSD	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	Kiser, Shannon	APP-18-0209	5:18-cv-01359	USDC WVSD	Dylan Ray Morgan v. Mike Francis, Warden (5:18-cv-01359)	Petitioner claims his credit for time served is in error. The Rule to Show Cause is limited to Petitioner's claim he should be excused from the exhaustion requirement. Under briefing schedule. (Raleigh County)
Appellate	Lampman, Thomas	APP-16-0132	16-0437	Supreme Court - WV	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. Set for Oral Argument. (Grant County)
Appellate	Lampman, Thomas	APP-17-0218	17-0730	Supreme Court - WV	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. Briefing completed. (Morgan County)
Appellate	Lampman, Thomas	APP-18-0121	18-0445	Supreme Court - WV	State of West Virginia v. Oscar Ross Combs, Sr. (18-0445)	Appeal from murder conviction alleging violation of 3-term rule, admission of unredacted statement, improper admission of 404 (b) evidence, admission of evidence without establishing chain of custody, insufficient evidence. Under briefing schedule. (Wyoming County)
Appellate	Schultz, Kathy	APP-10-581	1:10-cv-84	USDC WVND	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)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	See, Lindsay	APP-16-0216	1:16-cv-169	USDC WVND	Kilton L. Kitchen v. David Ballard (1:16-cv-169)	Federal habeas corpus petition alleging ineffective assistance of counsel in connection with first degree murder and conspiracy charges. Stayed pending exhaustion of state court remedies. (Harrison County)
Appellate	See, Lindsay	APP-17-0104	1:17-cv-13	USDC WVND	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	See, Lindsay	APP-17-0278	1:17-cv-3021	USDC WVSD	Mark Lynn Jeffrey v. Ralph Terry, Acting Warden (1:17-cv-3021)	Federal habeas corpus action by sex offender complaining of improper admission of Rule 404 (b) evidence, hearsay evidence and impeachment evidence, ineffective assistance of counsel and other grounds. In litigation. (Mercer County)
Appellate	See, Lindsay	APP-17-0141	1:17-cv-95	USDC WVND	Thomas Grantham, Jr. V. David Ballard, Warden (1:17-cv-95)	Federal habeas corpus petition alleging ineffective assistance of counsel, failure to sever trial, and several other errors arising from convictions for second degree murder, attempted second degree murder and malicious wounding. In litigation. (Berkeley County)
Appellate	See, Lindsay	APP-16-0235	16-0915	Supreme Court - WV	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. Briefing completed. (Mercer County)
Appellate	See, Lindsay	APP-17-0044	17-0078	Supreme Court - WV	Yassar Abdelhaq v. David Ballard, Warden (17-0078)	Habeas corpus appeal alleging ineffective assistance of counsel by petitioner convicted of first degree murder. Briefing completed. (Ohio County)
Appellate	See, Lindsay	APP-17-0069	17-0085	Supreme Court - WV	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. Briefing completed. (Kanawha County)
Appellate	See, Lindsay	APP-17-0086	17-0230	Supreme Court - WV	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. Briefing completed. (Preston County)
Appellate	See, Lindsay	APP-17-0102	17-0336	Supreme Court - WV	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. Briefing completed. (Clay County)
Appellate	See, Lindsay	APP-17-0116	17-0401	Supreme Court - WV	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. Briefing completed. (Raleigh County)
Appellate	See, Lindsay	APP-17-0182	17-0629	Supreme Court - WV	Charles N. Brannon v. Karen Pszczolkowski, Warden (17-0629)	Habeas corpus appeal from robbery conviction alleging ineffective assistance of counsel on multiple grounds. Briefing completed. (Wood County)
Appellate	See, Lindsay	APP-17-0174	17-0632	Supreme Court - WV	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. Briefing completed. (Wood County)
Appellate	See, Lindsay	APP-17-0202	17-0713	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	See, Lindsay	APP-17-0198	17-0714	Supreme Court - WV	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. Briefing completed. (Berkeley County)
Appellate	See, Lindsay	APP-17-0217	17-0729	Supreme Court - WV	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. Briefing completed. (Brooke County)
Appellate	See, Lindsay	APP-17-0208	17-0755	Supreme Court - WV	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. Briefing completed. (Cabell County)
Appellate	See, Lindsay	APP-17-0251	17-0837	Supreme Court - WV	State of West Virginia v. Barbara Miller (17-0837)	Direct appeal from denial of untimely Rule 35 (b) motion by petitioner convicted of third or subsequent offense shoplifting. Briefing completed. (Harrison County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	See, Lindsay	APP-17-0252	17-0921	Supreme Court - WV	State of West Virginia v. Richard Winning (17-0921)	Appeal by sex offender whose extended supervision was revoked alleging sentence is disproportionate to violation and is limited by prior sentence imposed after prior revocation. Briefing completed. (Mingo County)
Appellate	See, Lindsay	APP-17-0271	17-0988	Supreme Court - WV	State of West Virginia v. Ashley Maynard (17-0988)	Appeal from denial of Rule 35(b) motion for sentence correction/reduction complaining that Petitioner has not received due credit for time served. Briefing completed. (Mingo County)
Appellate	See, Lindsay	APP-17-0274	17-0998	Supreme Court - WV	Paul Jackson v. Karen Pszczolkowski, Warden (17-0998)	Habeas corpus appeal by sex offender who discharged sentence before proceeding concluded and whose petition was therefore dismissed, requesting ruling on the merits due to his obligation to register as sex offender. Briefing completed. (Lincoln County)
Appellate	See, Lindsay	APP-17-0284	17-1008	Supreme Court - WV	State of West Virginia v. Brian Elisha Ballard (17-1008)	Appeal by Petitioner who pled guilty to third offense DUI complaining that same judge sentenced him in separate cases of delayed preliminary hearing and indictment without preliminary hearing. Briefing completed. (Summers County)
Appellate	See, Lindsay	APP-17-0298	17-1045	Supreme Court - WV	Robert Lee Lewis v. Ralph Terry, Acting Warden (17-1045)	Habeas corpus appeal by sex offender alleging various due process violations purportedly associated with his convictions and sentence. Briefing completed. (Kanawha County)
Appellate	See, Lindsay	APP-18-0005	17-1116	Supreme Court - WV	State of West Virginia v. Edward H. (17-1116)	Direct appeal from conviction for multiple sex offenses with assignments of error to be determined. Briefing completed. (Berkeley County)
Appellate	See, Lindsay	APP-18-0177	18-0218	Supreme Court - WV	SER, Katie Franklin v. Honorable Craig Tatterson (18-0218)	Original petition for writ of prohibition challenging suppression of text messages between criminal defendant and third party. Set for Oral Argument. (Jackson County)
Appellate	See, Lindsay	APP-16-0109	2:15-cv-12744	USDC WVND	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	See, Lindsay	APP-17-0213	2:16-cv-01853	USDC WVSD	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	See, Lindsay	APP-16-0145	2:16-cv-04905	USDC WVSD	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	See, Lindsay	APP-16-0282	2:16-cv-10949	USDC WVSD	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	See, Lindsay	APP-16-0269	2:16-cv-11303	USDC WVND	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. In litigation. (Mingo County)
Appellate	See, Lindsay	APP-16-0283	2:16-cv-6789	USDC WVSD	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	See, Lindsay	APP-17-0157	2:16-cv-92	USDC WVND	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	See, Lindsay	APP-17-0234	2:17-cv-126	USDC WVND	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)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	See, Lindsay	APP-08-424	5:08-cv-0215	US CA4	Cornell F. Daye v. David Ballard, Warden (5:08-cv-0215)	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	See, Lindsay	APP-17-0055	5:16-cv-150	USDC WVND	Shane Monroe Dodson v. David Ballard, Warden (5:16-cv-150)	Federal habeas corpus petition alleging ineffective assistance of counsel in connection with plea bargaining leading to daytime burglary and domestic battery convictions. In litigation. (Jefferson County)
Appellate	See, Lindsay	APP-17-0142	5:16-cv-85	USDC WVND	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	See, Lindsay	APP-17-0233	5:17-cv-96	USDC WVND	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	Viglianco, Zachary	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden (1:15-cv-123)	Federal habeas corpus petition arising from convictions for first degree robbery and unlawful possession of firearm alleging ineffective assistance of counsel, imposition of cruel and unusual punishment and instructional error. Stayed pending resolution of state court proceedings. (Ohio County)
Appellate	Viglianco, Zachary	APP-18-0028	1:17-cv-115	USDC WVND	Thomas Eugene Gardner, Jr. v. David Ballard, Warden (1:17-cv-115)	Petitioner filed a petition for writ of habeas corpus. Petitioner was sentenced 15 years to life for the conviction of distribution and display to a minor of obscene matter. In litigation. (Marion County)
Appellate	Viglianco, Zachary	APP-18-0204	1:17-cv-4381	USDC WVSD	Brandon J. Flack v. Ralph Terry, Superintendent (1:17-cv-4381)	Federal habeas petition where Petitioner alleges his confrontation rights were denied, ineffective assistance of counsel, double jeopardy and several other errors. In litigation. (Marion County)
Appellate	Viglianco, Zachary	APP-17-0113	17-0410	Supreme Court - WV	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. Briefing completed. (Fayette County)
Appellate	Viglianco, Zachary	APP-17-0134	17-0466	Supreme Court - WV	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. Briefing completed. (Pocahontas County)
Appellate	Viglianco, Zachary	APP-17-0147	17-0526	Supreme Court - WV	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. Briefing completed. (Greenbrier County)
Appellate	Viglianco, Zachary	APP-17-0236	17-0824	Supreme Court - WV	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. Briefing completed. (Preston County)
Appellate	Viglianco, Zachary	APP-17-0253	17-0920	Supreme Court - WV	State of West Virginia v. Robert Blake (17-0920)	Direct appeal by petitioner convicted of child pornography and sex offender registration offenses alleging error in denial of motion to suppress seized property, motion to suppress statement, and sentence that is disproportionate. Briefing completed. (Morgan County)
Appellate	Viglianco, Zachary	APP-17-0257	17-0951	Supreme Court - WV	State of West Virginia v. Ronald Steven Carson (17-0951)	Direct appeal by petitioner found guilty of DUI causing death alleging error in failing to suppress statement, provide Osakalumi instruction, provide a speedy trial and improper closing argument. Briefing completed. (Cabell County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Viglianco, Zachary	APP-17-0268	17-0985	Supreme Court - WV	State of West Virginia v. Jared Green (17-0985)	Appeal from order directing destruction of 30-06 rifle following plea to brandishing that allegedly included State's agreement to return the firearm. Briefing completed. (Raleigh County)
Appellate	Viglianco, Zachary	APP-18-0076	18-0271	Supreme Court - WV	Edward Jesse Dreyfuss In Re: Application to Present Complaint to Grand Jury (18-0271)	Appeal from denial of application to present a complaint before a session of the Cabell County Grand Jury alleging former prosecuting attorney procured and induced perjured testimony by a witness before the grand jury. Under briefing schedule. (Cabell County)
Appellate	Viglianco, Zachary	APP-18-0122	18-0528	Supreme Court - WV	SER, Sabrina Marie Hall v. Shawn Straughn, Administrator (18-0528)	Original petition for writ of habeas corpus by petitioner who pled guilty to child neglect charges alleging pleas were not knowing and intelligent based on ineffective advice of counsel. Briefing completed. (Ohio County)
Appellate	Viglianco, Zachary	APP-18-0123	18-0534	Supreme Court - WV	SER, Apollo Rice v. Shawn Straughn, Administrator (18-0534)	Original petition for writ of habeas corpus by petitioner who pled guilty to child neglect charges alleging pleas were not knowing and intelligent based on ineffective advice of counsel. Briefing completed. (Ohio County)
Appellate	Viglianco, Zachary	APP-18-0215	18-0897	Supreme Court - WV	State of West Virginia v. Douglas F. Kobayashi (18-0897)	Petitioner is an attorney who was convicted of witness intimidation. He alleges a Brady violation and insufficient evidence. Under briefing schedule. (Jefferson County)
Appellate	Viglianco, Zachary	APP-14-0898	2:14-cv-12075	USDC WVSD	Joshua Slater v. Marvin Plumley	Petition for writ of habeas corpus filed 3/11/14. Motion to hold petition in abeyance 3/11/14. Order entered 10/30/14 directing Respt to abnswer petition on exhaustion and timeliness and to respond to motion to hold in abeyance by 11/30/14. Response filed by JAW 11/13/14. PROPOSED FINDINGS AND RECOMMENDATION recommending that the presiding District Judge grant petitioner's [3] MOTION by Joshua Lee Slater to Hold [2] Petition for Writ of Habeas Corpus (2254) in Abeyance, and hold in abeyance petitioner's [2] Petition for Writ of Habeas Corpus (2254); further recommending that this matter be transferred the inactive docket until further order of the court, and that the petitioner notify the court and the respondent, within 30 days of the resolution of his state habeas appeal, of whether he intends to proceed with this matter, and to file an amended section 2254 petition within that time period, if he seeks to include any other exhausted grounds for relief. Objections to Proposed F&R due by 2/13/2015. Signed by Magistrate Judge Dwane L. Tinsley on 1/27/2015. 03/05/15 MEMORANDUM OPINION AND ORDER adopting the [12] Proposed Findings and Recommendation; granting petitioner's [3] Motion to Hold 2254 Petition in Abeyance; holding in abeyance petitioner's [2] Section 2254 petition; directing that this case is STAYED until further order of the Court; the Clerk to transfer this matter to the inactive docket; petitioner to notify the Court and respondent within 30 days of the resolution of his state habeas appeal of whether he intends to proceed with this matter, and to file an amended Section 2254 petition within that time period if he seeks to include any other exhausted grounds for relief. Signed by Judge Thomas E. Johnston on 3/5/2015. (cc: petitioner, pro se; attys; any unrepresented party) (taq) . RESPONSE by Joshua Lee Slater to the Court's [13] Order Adopting Proposed Findings and Recommendation and LETTER-FORM MOTION to Continue Case and to Proceed. (Attachment: # (1) Envelope) (tmh) 07/16/15 ORDER the petitioner's [14] Correspondence does not satisfy the Court's requirements, as provided in the [13] Opinion, to end the stay in this case; directing that this case remains STAYED until further order of the Court. Signed by Judge Thomas E. Johnston on 7/16/2015. (cc: petitioner; counsel of record) (taq 07/17/15 ORDER the petitioner's [14] Correspondence does not satisfy the Court's requirements, as provided in the [13] Opinion, to end the stay in this case; directing that this case remains

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Viglianco, Zachary	APP-13-877	2:14-cv-15413	Supreme Court - US	James Timothy Samples v. David Ballard, Warden (2:14-cv-15413)	Petition for writ of habeas corpus filed by Petitioner on 5/17/13. In litigation. (Kanawha County)
Appellate	Viglianco, Zachary	APP-15-0185	2:15-cv-11423	USDC WVSD	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	USDC WVSD	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-18-0101	2:18-cv-899	USDC WVSD	Jeremy Shultz v. Ralph Terry, Acting Warden (2:18-cv-899)	Federal habeas corpus action by kidnapper/robber alleging ineffective assistance of counsel and imposition of life sentence based on facts not determined by a jury. In litigation. (Kanawha County)
Appellate	Viglianco, Zachary	APP-16-0103	3:16-cv-29	US CA4	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-17-0023	17-0030	Supreme Court - WV	State of West Virginia v. Delbert D. (17-0030)	Direct criminal appeal by convicted sex offender challenging admissibility of confession. Briefing completed. (Nicholas County)
Appellate	Yancey, Ben	APP-17-0057	17-0216	Supreme Court - WV	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	Supreme Court - WV	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. Briefing complete. (Cabell County)
Appellate	Yancey, Ben	APP-17-0094	17-0343	Supreme Court - WV	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-17-0155	17-0522	Supreme Court - WV	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. Briefing completed. (Wyoming County)
Appellate	Yancey, Ben	APP-17-0168	17-0611	Supreme Court - WV	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. Briefing completed. (Wyoming County)
Appellate	Yancey, Ben	APP-17-0199	17-0726	Supreme Court - WV	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. Briefing completed. (Kanawha County)
Appellate	Yancey, Ben	APP-17-0237	17-0792	Supreme Court - WV	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. Briefing completed. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Yancey, Ben	APP-17-0269	17-0978	Supreme Court - WV	State of West Virginia v. Travis Ray Norwood (17-0978)	Direct appeal by recidivist drug offender alleging insufficient evidence to support predicate conviction and imposition of constitutionally disproportionate sentence. Briefing completed. (Greenbrier County)
Appellate	Yancey, Ben	APP-17-0283	17-1041	Supreme Court - WV	State of West Virginia v. Nathan Wegman (17-1041)	Direct appeal from attempted murder and other convictions alleging instructional error, failure to permit jury view and abuse of discretion in sentencing. Briefing completed. (Randolph County)
Appellate	Yancey, Ben	APP-17-0293	17-1049	Supreme Court - WV	State of West Virginia v. Jennifer Ruth Leeson (17-1049)	Direct appeal from conviction for traffic offenses at bench trial following appeal of magistrate court verdict, alleging procedural error. Briefing completed. (Lewis County)
Appellate	Yancey, Ben	APP-18-0010	17-1099	Supreme Court - WV	Ronald S. v. Ralph Terry, Acting Warden (17-1099)	Habeas corpus appeal by sex offender alleging error in denial of petition without hearing on issues of ineffective assistance and sentencing error. Briefing completed. (Berkeley County)
Appellate	Yancey, Ben	APP-18-0022	18-0065	Supreme Court - WV	State of West Virginia v. Kenneth Lee Morgan (18-0065)	Direct appeal by drug offender alleging insufficient evidence and excessive sentence. Under briefing schedule. (Gilmer County)
Appellate	Yancey, Ben	APP-18-0033	18-0128	Supreme Court - WV	Nathanial Showalter v. Michael Martin, Acting Warden (18-0128)	Habeas Corpus appeal by bank robber alleging ineffective assistance of trial counsel, excessive sentence and error in denying habeas corpus relief without a hearing for appointment of counsel. Under briefing schedule. (Mercer County)
Appellate	Yancey, Ben	APP-18-0066	18-0265	Supreme Court - WV	State of West Virginia v. Robert Elliot Brecko (18-0265)	Appeal from conditional guilty plea to drug charge alleging error in determination that an individual was not acting as an agent of law enforcement when she removed a container from a vehicle. Briefing completed. (Upshur County)
Appellate	Yancey, Ben	APP-18-0105	18-0387	Supreme Court - WV	Michael S. Thompson v. Ralph Terry, Acting Warden (18-0387)	Appeal alleging involuntary and unknowing guilty plea, and error in robbery charge. Pled guilty to 1st degree murder, life with possibility of parole. Under briefing schedule. (Kanawha County)
Appellate	Yancey, Ben	APP-18-0137	18-0532	Supreme Court - WV	Orban S. v. Michael Martin, Acting Warden (18-0532)	Habeas corpus appeal by petitioner convicted of sex offense alleging errors associated with pretrial publicity, prosecutorial misconduct, discovery of new evidence, ineffective assistance of counsel and other errors. Under briefing schedule. (Fayette County)
Appellate	Yancey, Ben	APP-18-0145	18-0585	Supreme Court - WV	In Re: C. S. (18-0585)	Appeal alleging error in the disposition of a juvenile delinquency proceeding following adjudication for destruction of property. Under briefing schedule. (Mason County)
Appellate	Yancey, Ben	APP-18-0155	18-0622	Supreme Court - WV	Derek Caldwell v. Karen Pszczolkowki, Superintendent (18-0622)	Habeas corpus appeal by petitioner found guilty of robbery complaining of alleged ineffective assistance of trial counsel in connection with plea bargaining. Under briefing schedule. (Berkeley County)
Appellate	Yancey, Ben	APP-18-0171	18-0660	Supreme Court - WV	State of West Virginia v. Clifton D. Tasker, Jr. (18-0660)	Appeal alleging error in denial of alternative sentencing to petitioner who pled to second degree robbery. Under briefing schedule. (Jefferson County)
Appellate	Yancey, Ben	APP-18-0189	18-0759	Supreme Court - WV	Osweld Davis v. Michael Martin, Superintendent (18-0759)	Appeal of habeas corpus action alleging ineffective assistance and improper competency determination in connection with guilty plea and complaining of summary dismissal. Under briefing schedule. (Mercer County)
Appellate	Yancey, Ben	APP-18-0198	18-0814	Supreme Court - WV	State of West Virginia v. Gerald R. (18-0814)	Appeal of Sentencing Order complaining that the Circuit Court failed to give adequate consideration to Petitioner's pretrial home confinement in imposing sentence. Under briefing schedule. (Jefferson County)
Appellate	Yancey, Ben	APP-18-0205	18-0821	Supreme Court - WV	State of West Virginia v. Michael Joe Adkins (18-0821)	Appeal of probation revocation, alleging that his statement was impermissibly used against him to revoke probation and denied probation revocation hearing. Under briefing schedule. (Cabell County)

ARTS, EDUCATION, AND BOARDS DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	EA-14-562	15-AA-93	Circuit Court Kanawha County	Registered Professional Nurses v. Amy King	Disciplinary matter against nurse for arriving to work impaired.
Arts, Education and Boards	Eates, Anthony	AEB-15-0402	15-C-2223	Circuit Court Kanawha County	Summers, Richard v. Rehabilitation Services, Division of	Blind vendor was dismissed from the Randolph Sheppard program and owed the program approximately \$40,000.
Arts, Education and Boards	Eates, Anthony	AEB-18-0088	16-P-91	Circuit Court Jackson County	State of WV v. Benjamin Taylor	RJA seeks to object to circuit court order transferring inmate from the Southern Regional Jail to the South Central Regional Jail.
Arts, Education and Boards	Farber, Elizabeth	AEB-15-0507	15-M-3965	Magistrate Court Kanawha County	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	Circuit Court Kanawha County	Fluor Constructors v. Division of Labor	Fluor filed a petition for appeal of a wage bond cease and desist order.
Arts, Education and Boards	Faulkner, Anna	AEB-18-0252	18-AA-224	Circuit Court Kanawha County	Sheffler v. Concord University	Unemployment compensation appeal by terminated employee.
Arts, Education and Boards	Fisher, Keith	EA-04-1005	03-CA-354	Circuit Court Kanawha County	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	Fisher, Keith	EA-14-021	16-AA-9	Circuit Court Kanawha County	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	Fisher, Keith	AEB-18-0092	17-C-102	Circuit Court Mason County	Morgan, Elizabeth v. Parole Board	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Fisher, Keith	AEB-18-0054	18-0051	Supreme Court - WV	Beavers, Jesse Lee v. WV Parole Board	Habeas Corpus appeal related to claim that the Parole Board and McDowell County Circuit Court acted arbitrarily and capriciously in denying parole. He is serving a 40 years sentence for 2nd degree murder.
Arts, Education and Boards	Fisher, Keith	AEB-18-0081	18-0168	Supreme Court - WV	Portis, Aaron v. WV Parole Board	Pro se petitioner filed a "Motion to Compel" seeking to have the Parole Board schedule a parole hearing.
Arts, Education and Boards	Fisher, Keith	AEB-18-0084	18-C-21	Circuit Court McDowell County	Jackson, Charles v. Board of Parole	Pro se petitioner seeks writ of habeas corpus following revocation of his parole.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Fisher, Keith	AEB-18-0195	18-C-71-DS	Circuit Court Mercer County	Montrose, Anthony v. Parole, Board of	Habeas corpus proceedings in the Circuit Court of Mercer County, WV.
Arts, Education and Boards	George, Dawn	AEB-18-0300	12-C-210	Circuit Court Mercer County	Gearheart, Gary Martin v. Farrell, Michael J., Chair, WVHEPC	Gearheart is challenging the appointment of Interim Chancellor.
Arts, Education and Boards	George, Dawn	AEB-16-0256	16-AA-14	Circuit Court Kanawha County	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	Supreme Court - WV	Hansen, Galen 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	Circuit Court Jefferson County	Buracker, Donald v. Shepherd University	Declaratory judgment suit to force Shepherd College to change its police officer employment policies.
Arts, Education and Boards	George, Dawn	AEB-18-0219	18-C-368	Circuit Court Kanawha County	Magro, Albert v. FSU Board of Governors	Suit claiming alleged violations of W. Va. Code 6-9A-1 in the selection of the FSU president.
Arts, Education and Boards	George, Dawn	AEB-18-0207	18-C-635	Circuit Court Kanawha County	Hansen, Galen v. Fairmont State University, Board of Governors	Suing for alleged violations of W. Va. Code 6-9A-1 for adoption of certain human resources policies by the Board of Governors.
Arts, Education and Boards	Koerber, Barry	EA-14-206	13-AA-134	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Taggart Site Services	Appeal of mine safety violation for improperly maintaining structure that collapsed and injured two miners.
Arts, Education and Boards	Koerber, Barry	EA-14-472	14-AA-105	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Colegrove, Matthew	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	Circuit Court Kanawha County	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	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Martin, John	Appeal of Board of Appeals decision that miner did not fail drug test.
Arts, Education and Boards	Koerber, Barry	AEB-16-0638	16-AA-115	Circuit Court Kanawha County	Consolidation Coal Nolan's Run v. Miners' Health, Safety & Training	Coal Operator appeals a safety violation issued for failing to maintain a haul road.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Koerber, Barry	AEB-17-0207	18-AA-1	Circuit Court Boone County	Miners' Health, Safety & Training v. Cook, Roger	Allegation that mine foreman violated mine safety law.
Arts, Education and Boards	Marino, Briana	AEB-18-0190	18-P-20	Circuit Court Braxton County	Shears, David v. State of WV ex rel.	Petition for Writ of Habeas Corpus
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	Rife, Jack	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety and Training v. Timothy Prather	Decertification proceeding against miner.
Arts, Education and Boards	Spatafore, Sam	AEB-17-0389	17-AA-90	Circuit Court Kanawha County	Blon, Glen v. WVU	Blon individually appealed from a grievance decision that included multiple grievants and claimed that the Decision denying his grievance was arbitrary and capricious and clearly wrong.
Arts, Education and Boards	Spatafore, Sam	AEB-17-0390	17-AA-90	Circuit Court Kanawha County	Moneypenny, Michael v. WVU	Appeal of a Grievance Board decision denying grievance. Consolidated with Blon et al. v. WVU
Arts, Education and Boards	Spatafore, Sam	AEB-17-0392	17-AA-92	Circuit Court Kanawha County	Exline, William v. WVU	Exline individually appealed a grievance decision that included multiple grievants and claimed that the Decision was arbitrary, capricious and clearly wrong. Consolidated with Blon et al. v. WVU, 17-AA-90.
Arts, Education and Boards	Spatafore, Sam	AEB-18-0302	17-AA-94	Circuit Court Kanawha County	Riedel, H. v. WVU	Ridel appealed a Grievance Board decision to circuit court and requested the matter be remanded to the Grievance Board for a hearing on the merits.
Arts, Education and Boards	Spatafore, Sam	AEB-18-0301	18-AA-235	Circuit Court Kanawha County	Riedel, H. v. WVU	Ridel appealed a Grievance Board Decision to circuit court and requested that the matter be remanded to the Grievance Board for a hearing on the merits.
Arts, Education and Boards	Talbott, Kelli	EA-02-157	02-C-22	Circuit Court Kanawha County	Eula M. Thacker v. AC&S, Inc, et al.	Plaintiff claims injury from asbestos exposure.
Arts, Education and Boards	Talbott, Kelli	EA-08-895	09-CAP-8	Circuit Court McDowell County	Avery Ray Bailey v. McDowell County Bd of Education	Appeal of grievance regarding non-selection for position.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Talbott, Kelli	EA-14-089	14-P-62	Circuit Court Kanawha County	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-17-0342	16-JA-249	Circuit Court Kanawha County	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 was joined as a party to the case.
Arts, Education and Boards	Talbott, Kelli	AEB-16-0473	16-P-609	Circuit Court Kanawha County	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	AEB-17-0221	17-AA-39	Circuit Court Kanawha County	Ball, Michelle v. Department of Education	Revocation of teacher's certification for engaging in amorous relationship with student.
Arts, Education and Boards	Talbott, Kelli	AEB-17-0223	17-C-706	Circuit Court Kanawha County	Radcliff, Wendy v. Environmental Protection, Dept. of	Alleging violation of wage payment and collection act.
Arts, Education and Boards	Talbott, Kelli	AEB-18-0142	18-0018	Supreme Court - WV	Education, Department of v. Murray Energy	Request from State Superintendent of Schools to file amicus brief in case affecting revenues to school funding.
Arts, Education and Boards	Talbott, Kelli	AEB-18-0139	18-0228	Supreme Court - WV	Education, Department of v. Antero Resources	Request from State Superintendent of Schools to file Amicus brief in support of the Tax Department regarding effect of lower court ruling on revenues to the schools.
Arts, Education and Boards	Talbott, Kelli	AEB-17-0377	18-AA-195	Circuit Court Kanawha County	Keller, Martin v. WV Board of Education	Former Superintendent of Schools for the Deaf and the Blind filed grievance to contest his termination from employment.
Arts, Education and Boards	Talbott, Kelli	AEB-18-0323	na	USDC SDWV	Davis, Robin v. Office of the Governor	Retired Supreme Court Justice seeks injunctive and declaratory relief seeking to stop impeachment proceedings against her.
Arts, Education and Boards	Thornton, Karen	EA-12-086	14-AA-107	Circuit Court Kanawha County	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	Circuit Court Kanawha County	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	AEB-15-0305	16-AA-73	Circuit Court Kanawha County	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	Circuit Court Kanawha County	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.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Thornton, Karen	AEB-18-0043	18-AA-238	Circuit Court Kanawha County	Leggett, Irisca, et al. v. DOC/Parole Services & DOP	Employees seek a 5% salary increase for successful completion of probationary period.
Arts, Education and Boards	Weiler, Mark	EA-13-1214	13-P-472	Circuit Court Kanawha County	Administrative Hearings, Office of v. Margocee, Zane	Petition for Writ of Prohibition
Arts, Education and Boards	Weiler, Mark	AEB-17-0337	17-0793	Supreme Court - WV	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-17-0334	17-P-381	Circuit Court Kanawha County	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.
Arts, Education and Boards	Weiler, Mark	AEB-18-0299	18-0735	Supreme Court - WV	Botsch, Dustin v. Admin. Hearings, Ofc of	Petition for Writ of Prohibition concerning OAH's denial of administrative hearing relating to his DMV Order of Revocation.
Arts, Education and Boards	Weiler, Mark	AEB-18-0257	18-P-270	Circuit Court Kanawha County	Nicholas, Karen v. Admin. Hearings, Ofc of	A petition for writ of prohibition has been filed to stop OAH from issuing a decision concerning DMV's Order of Revocation.
Arts, Education and Boards	Weiler, Mark	AEB-18-0208	28-M20C-01695	Magistrate Court Kanawha County	Weatherly, Chris v. WorkForce WV	Mr. Weatherly has filed a complaint in magistrate court to recoup monies WorkForce WV was able to obtain through collection to pay back unemployment benefits that were fraudulently obtained.

CIVIL RIGHTS DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Leslie, James	CIV-15-0012	06-C-230	Circuit Court Monongalia County	WVHRC v. Walden	Enforcement of consent judgment.
Civil Rights	Leslie, James	CIV-15-0007	14-C-77	Circuit Court Mingo County	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	Circuit Court Monongalia County	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-18-0012	HD-46-18	Circuit Court Monongalia County	Wincorp Properties v. Jessica Reed	Fair Housing Act violation involving assistance animal

**CONSUMER PROTECTION
AND ANTITRUST
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-15-0019	11-C-829	Circuit Court Kanawha County	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 WV 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	Circuit Court Kanawha County	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 California settlement partially affected the State's action. In May 2018, Volkswagen and its subsidiaries settled the litigation with the State, including agreeing with injunctive relief. Litigation is proceeding against the Robert Bosch defendants.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0012	16-P-435	Circuit Court Kanawha County	SER Patrick Morrissey v. Mylan, N.V.	The WV 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 produced documents responsive to the subpoena. The matter remains open pending additional information to be produced.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0001	17-C-41	Circuit Court Kanawha County	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. The matter was transferred to the Business Court Division in April 2018. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0003	17-C-714	Circuit Court Kanawha County	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 circuit court for approval and entry. The court appointed a guardian to review the settlement on behalf of the public.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-18-0008	18-P-308	Circuit Court Kanawha County	SER Patrick Morrissey v. Baldwin Used Cars	After receiving a complaint about a car repossession in Kanawha County, and receiving no cooperation from Baldwin Used Cars, the Attorney General issued an investigatory subpoena to determine if Baldwin was violating the WVCCPA relating to repossession of vehicles from his "Buy Here – Pay Here" auto dealership. A Petition to Enforce Investigative Subpoena and For Related Relief was filed August 2018 and a hearing is scheduled for October 5, 2018.
Consumer Protection & Antitrust	Davis, Douglas	CON-18-0007	18-P-43M	Circuit Court Hancock County	SER Patrick Morrissey v. Emuil M. Byard, Jr. d/b/a JB Rebuilt Auto Sales	The WV Attorney General issued an investigative subpoena to JB Rebuilt Auto to determine if the business was violating the WVCCPA in reference to the repossession of vehicles at this "Buy Here - Pay Here" auto dealership. Byard refused to fully respond to the subpoena even though the Attorney General extended the response time. A Petition to Enforce Investigative Subpoena was filed on August 21, 2018. Prior to the hearing on the Petition, Byard agreed to produce documents. Case remains open pending review of the information produced.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-CV-5073	USDC EDPA	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	USDC CT	State of Arkansas et al. v. Aurobindo Pharma USA, Inc. et al.	Suit filed on July 17, 2017 by the WV Attorney General and Arkansas, District of Columbia, Missouri and New Mexico alleges 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 complaints were consolidated in June 2018. Discovery is in progress.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0009	16-50010	USDC WDNC	In re: Quick Silver Restoration, LLC	Suit filed in October 2014 in WV court alleges fraudulent and deceptive acts by Defendant home improvement contractor. A final Dismissal Order was entered on May 11, 2015. Wannis 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 and 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 is on the list of claims to be paid, with a date of payment estimate for April, 2021.
Consumer Protection & Antitrust	Googel, Norman	CON-16-0013	16-C-1487	Circuit Court Kanawha County	SER Patrick Morrissey v. Walter D. Withrow	Suit filed in September 2016 against Walter D. Withrow, a Charleston home improvement contractor, alleges 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 WV Contractor Licensing Board. Near the time suit was filed, Withrow was arrested in Florida on similar charges. Order entered May 16, 2018 permits matter to remain on the docket while attempts continue to serve the defendant.
Consumer Protection & Antitrust	Googel, Norman	CON-18-0012	18-C-1253	Circuit Court Kanawha County	SER Patrick Morrissey v. Chad Akers d/b/a Xpert Tile and Hardwood Installation	Suit filed on October 4, 2018 against Chad Akers, a Putnam County home improvement contractor, who does business as Xpert Tile and Hardwood Installation. In the suit, the Attorney General alleged that Akers did substandard work and failed to make necessary repairs or modifications when consumers complained. The suit also alleged that Akers did not use proper written contracts and failed to notify consumers of their unconditional right to cancel within three business days as required by state and federal law in door-to-door sales.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-18-0003	18-C-454	Circuit Court Kanawha County	SER Patrick Morrissey v. Richmond's Quality Cars, LLC	Suit filed on April 2, 2018 against Richmond's Quality Cars, LLC and related other companies and individuals engaged in the sale of used motor vehicles without a dealer license and violating provisions of the WVCCPA including selling cars "as is," failing to convey titles, etc. Hearing held April 13, 2018. Judge entered Motion for Temporary Injunction, voiding all contracts of sale of vehicles, and prohibiting defendants from selling vehicles or collecting payments, and provide clear titles. No answer yet filed by any defendants.
Consumer Protection & Antitrust	Googel, Norman	CON-18-0010	18-C-95	Circuit Court Randolph County	SER Patrick Morrissey v. Oscar Thomas and April Thomas d/b/a Thomas Plumbing Heating & A/C	Suit filed September 25, 2018 against Oscar Thomas and April Thomas, husband and wife, who do business as Thomas Plumbing Heating & A/C alleges the defendants are engaging in plumbing and heating, ventilation, and air conditioning services ("HVAC") without the required contractor and specialty licenses. The suit also alleged that the defendants failed to return to do any work after accepting down payments on several occasions and, when they did any work, it was substandard. Answers have not yet been filed by the defendants.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Circuit Court Putnam County	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed 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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1313	12-C-289	Circuit Court Putnam County	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-12-1315	12-C-291	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1317	12-C-293	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1318	12-C-294	Circuit Court Putnam County	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed 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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by order entered March 14, 2018. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1320	12-C-296	Circuit Court Putnam County	SER John D. Perdue v. Lincoln National Life Insurance Company	Suit filed 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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1585	12-C-322	Circuit Court Putnam County	SER John D. Perdue v. American General Life Ins Co	Suit filed 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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1587	12-C-323	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1590	12-C-329	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1584	12-C-330	Circuit Court Putnam County	SER John D. Perdue v. American Income Life Ins Co	Suit filed 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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0015	12-C-331	Circuit Court Putnam County	SER John D. Perdue v. The Western and Southern Life Insurance Company	Suit filed 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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WVSCA were denied by order entered March 14, 2018. An Agreed Scheduling Order was entered August 17, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1687	12-C-355	Circuit Court Putnam County	SER John D. Perdue v. Western & Southern Life Assurance Co.	Suit filed 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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered August 17, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Circuit Court Putnam County	SER John D. Perdue v. Lincoln Benefit Life Co	Suit filed 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. WV 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	Circuit Court Putnam County	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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1691	12-C-362	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1685	12-C-364	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by WVSTO.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1695	12-C-373	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1680	12-C-377	Circuit Court Putnam County	SER John D. Perdue v. Riversource Life Ins Co	Suit filed 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. WV 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	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1682	12-C-379	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1683	12-C-380	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-305	12-C-421	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. An Agreed Scheduling Order was entered on August 24, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-304	12-C-422	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-289	12-C-426	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV 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 the State Treasurer.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-287	12-C-429	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered on August 17, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-284	12-C-432	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	12-C-436	Circuit Court Putnam County	SER John D. Perdue v. Colonial Penn Life Insurance Company	Suit filed 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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by order of March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-278	12-C-438	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-13-276	12-C-440	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by the State Treasurer.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-275	12-C-441	Circuit Court Putnam County	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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-245	12-C-442	Circuit Court Putnam County	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. WV Supreme Court upheld the legal theory in a decision issued June 16, 2015. Matter stayed for mediation. If not resolved, a new scheduling order is to be entered in September 2018.
Consumer Protection & Antitrust	Haight, Ann	AD-13-242	12-C-445	Circuit Court Putnam County	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. WV 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	Circuit Court Putnam County	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's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered 8/17/2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0017	17-P-427	Circuit Court Kanawha County	SER Patrick Morrissey v. Kevin Kyle d/b/a Kyle Construction	On November 16, 2017, a Petition to Enforce Assurance of Discontinuance was filed in the Circuit Court of Kanawha County against Kevin Kyle d/b/a Kyle Construction. Although defendant began making payments after suit was filed, he again defaulted and a show cause hearing is scheduled for October 15, 2018.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0005	1:12-cv-00361-RMC	USDC DC	USA, et al. v. Bank of America Corp., et al.	National Mortgage Settlement Agreement is a resolution 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 of the settlement will continue through 2018.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0025	1:14-cv-01028	USDC DC	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, the District of Columbia, Department of Justice and HUD filed suit in June 2014, against Suntrust Mortgage, 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.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Jarrell, Steve	CON-18-0001	1:18-cv-00009	USDC DC	The State of Alabama, et al. v. PHH Mortgage Corporation	Lawsuit filed January 3, 2018 by 49 state Attorneys General, the District of Columbia and 29 state mortgage regulators against PHH Mortgage Corporation, a New Jersey-based mortgage lender and servicer, alleges PHH improperly serviced mortgage loans between 2009 and 2012. A settlement was reached. Case is waiting approval and entry of final order.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0027	12-C-266	Circuit Court Marshall County	SER Patrick Morrissey v. Bristol-Myers Squibb Company; Sanofi-Aventis, US, LLC	Suit filed December 2012, against Bristol-Myers Squibb, alleges 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, including discovery disputes, has been in progress. Case has recently resolved and paperwork is being prepared.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0052	15-C-958-H	Circuit Court Raleigh County	SER Patrick Morrissey v. Rock City Pharmacy, LLC	Suit 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 without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0053	15-C-959-B	Circuit Court Raleigh County	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 without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas.
Consumer Protection & Antitrust	Jarrell, Steve	CON-15-0054	15-P-506	Circuit Court Kanawha County	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. Express Scripts failed to fully respond to the subpoena. 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	Circuit Court Raleigh County	SER Patrick Morrissey v. CureRX LLC et al.	Suit filed in April 2016, requests 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 under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas.
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0008	17-32186	Bankruptcy Court-US TXSD	In re: Uplift RX, LLC	The WV Attorney General sued three pharmacies in Raleigh County [See notes on Cure RX, David and Rock City Pharmacy cases]. Uplift RX, LLC entered into pre-purchase agreements with the pharmacies, but then filed bankruptcy in the Southern District of Texas. WV Attorney General's Office is identified as an unsecured creditor. Bankruptcy proceedings continue.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Jarrell, Steve	CON-17-0014	17-C-1417	Circuit Court Kanawha County	SER Patrick Morrisey v. Origins Granite Charleston LLC	Suit filed October 16, 2017, against a kitchen and bathroom countertop business, alleges consumers paid for countertops and for installation but no work was completed and no refunds were paid. Litigation is in progress.
Consumer Protection & Antitrust	Jarrell, Steve	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrisey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed July 25, 2018, against a home improvement contractor, alleges Vision Home Improvements, its operator and two senior assistants deceived consumers, and were unified in executing a scheme of false promises for the purchase and installation of awnings, windows, fire pits and other projects. The suit asks for injunctive relief and consumer restitution. Litigation is in progress.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0017	15-11755	Bankruptcy Court-US DE	SER Patrick Morrisey 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 U.S. Bankruptcy Court, 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. Case is being monitored as there may be additional funds available to the states or consumers at the conclusion of the bankruptcy proceeding.
Consumer Protection & Antitrust	Lackey, Laurel	CON-18-0011	18-C-335	Circuit Court Berkeley County	SER Patrick Morrisey v. UBER Technologies, Inc.	A Complaint For Injunctive And Other Relief was filed September 26, 2018 and an agreed upon Final Judgment And Consent Decree was entered the same day by Judge Laura Faircloth.
Consumer Protection & Antitrust	Lackey, Laurel	CON-18-0004	18-C-48	Circuit Court Boone County	SER Patrick Morrisey v. Equifax, Inc.	Suit was filed on April 12, 2018 and an Amended Complaint was filed on April 17, 2018. On May 10, 2018, Equifax filed a Stipulation and Notice of Appearance, followed by a Motion to Stay filed on June 18, 2018. On July 2, 2018, the Attorney General filed a Response in Opposition to the Motion to Stay. To date, the Court has not ruled on the Motion to Stay. A hearing date has been requested.
Consumer Protection & Antitrust	Martin, Anthony	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed in August 2003, alleges that Defendants, the manufacturers and suppliers of dust masks and respirators, marketed and sold their products to coal operators in West Virginia by falsely claiming the devices were an effective means to reduce miners' exposure to airborne coal dust, thereby decreasing the number and severity of coal-related occupational pneumoconiosis cases. The State alleges that the Defendants knew or should have known that the claims were false at the time they were made, thus violating the WVCCPA. Discovery is in progress, including discovery disputes.
Consumer Protection & Antitrust	Martin, Anthony	AD-12-1622	12-C-122N	Circuit Court Mason County	SER Patrick Morrisey v. Intersections Insurance Services, Inc.	Suit filed on October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Martin, Anthony	AD-12-1619	12-C-123N	Circuit Court Mason County	SER Patrick Morrisey v. Center Partners, Inc.	Suit filed on October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Martin, Anthony	AD-12-1618	12-C-124N	Circuit Court Mason County	SER Patrick Morrisey v. Sitel Corporations	Suit filed on October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Martin, Anthony	AD-12-1620	12-C-125N	Circuit Court Mason County	SER Patrick Morrissey v. Sykes Enterprises, Inc.	Suit filed on October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Martin, Anthony	AD-12-1621	12-C-126N	Circuit Court Mason County	SER Patrick Morrissey v. Stonebridge	Suit filed on October 2, 2012, asserts Aegon was a third party vendor offering credit card ancillary services for banks and credit card companies, and alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. During the course of discovery, Stonebridge was identified as the appropriate party in interest and was substituted as the Defendant. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Martin, Anthony	CON-14-0072	13-C-1N	Circuit Court Mason County	SER Patrick Morrissey v. Pfizer, et al.	Suit filed In January 2013, alleges violations of the antitrust act by the use of unfair methods of competition and trade practices to the delay of entry into the market of generic versions of Lipitor. Due to defendant's actions, generic Lipitor did not become available until November 2011, resulting in WV consumers paying more for name brand than for generic Lipitor. Discovery is in progress.
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	18-C-994	Circuit Court Kanawha County	SER Patrick Morrissey v. New River Firewood, LLC et al.	Suit was filed on August 3, 2018 against New River Firewood, LLC, Power Trust Equipment, LLC, James Sowder, Cynthia Sowder and Jerry Zimmerman as members or member/managers of the LLCs. The State alleges that defendants sold gas powered log splitters to consumers using defective materials or welds causing the log splitters to malfunction shortly after consumers began using them, in violation of the WVCCPA. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. Discovery is in progress.
Consumer Protection & Antitrust	Morrison, Matt	CON-15-0049	2:15-cv-00884-NVW	USDC AZ	FTC, all 50 States, and the District of Columbia v. Cancer Fund of America, Inc. et al.	Suit 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	Sizemore, Vaughn	CON-15-0006	14-P-479	Circuit Court Kanawha County	SER Patrick Morrissey v. McKesson Pharmaceutical	The WV Attorney General issued an investigatory subpoena. McKesson failed to respond to the subpoena. A Petition to Enforce Investigative Subpoena was filed in September 2014. The court enforced the subpoena and information was produced. Final Dismissal Order entered March 8, 2018.

**DEPARTMENT OF HEALTH AND
HUMAN RESOURCES
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Anderson, Allison	HHR-15-0890	15-CI-90133	USDC KYED	Ken Roberts et al v Charles Phalen et al.	This matter was filed in Commonwealth of Kentucky, Circuit Court of Rowen County, as a tax lien case, and was previously transferred to Deputy AG Michelle Gaston.
Health, Human Resources	Campbell, Allen	HHR-14-0123	01-F-130-H	Circuit Court Raleigh County	State v. J.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0242	07-F-49	Circuit Court Wood County	State v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-14-0124	08-CRM-571	Circuit Court Kanawha County	State v. M.P.	M.P. is a criminal defendant currently residing in a forensic group home and seeking additional release privileges.
Health, Human Resources	Campbell, Allen	HHR-15-0165	10-F-183	Circuit Court Kanawha County	State v. S.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0693	13-F-352	Circuit Court Lewis County	State v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	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	Campbell, Katherine	HHR-17-0611	17-AA-89	Circuit Court Kanawha County	Deborah Smith v. DHHR/BCSE	Administrative Appeal filed by DHHR appeal Decision of Grievance Board Granting grievance. Matter transferred to Kate Campell 1/22/2018
Health, Human Resources	Casteel, Chaelyn	HHR-16-0210	15-JD-7	Circuit Court Doddridge County	In Re: A.C.C.	Juvenile delinquency matter regarding placement.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0399	16-AA-1	Circuit Court Braxton County	Casey D. Toler, v. WVDHHR	Appeals BOR's decision to uphold substantiation of child abuse by CPS.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0490	17-AA-1	Circuit Court Hancock County	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	Circuit Court Pleasants County	Jason & Sherry Francis v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WVDHHR	Appeal of OIG finding of SNAP Fraud.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	17-C-312	Circuit Court Wood County	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	Circuit Court Ohio County	Casaundra Spencer v. WVDHHR/OIG/BOR	Appeal of BOR Dismissal Order regarding a CPS substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-18-0531	18-0850	Supreme Court - WV	In Re: N.R., A.R., & A.W.	DHHR challenging circuit court's failure to terminate of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Circuit Court Marion County	In Re E.A.M.	Appropriate placement of incompetant juvenile in a delinquency matter to comply with W.Va. Code 27-6A-1, et seq.
Health, Human Resources	Compton, Steven	HHR-18-0208	18-0335	Supreme Court - WV	Hamada E. Mahmoud, M.D. v. WVDHHR/OCME	WVSCA appeal of Kanawha County Circuit Court Order denying employment grievance.
Health, Human Resources	Compton, Steven	HHR-18-0314	18-C-	Circuit Court Kanawha County	WVDHHR v. Pin Oak Properties, LLC	Litigation pursuant to State Auditor investigation into DHHR lease at Middleton Mall in Fairmont, WV.
Health, Human Resources	Compton, Steven	HHR-14-0122	81-MISC-585	Circuit Court Kanawha County	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	Dugas, Melinda	HHR-17-0009	16-AA-3	Circuit Court Mineral County	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-17-0601	17-C-139	Circuit Court Nicholas County	Sabra Health Care REIT, Inc., et al v. WV Health Care Authority, et al.	Administrative Appeal. Conflict over Certificate of Need for health care facility.
Health, Human Resources	Dugas, Melinda	HHR-18-0360	17-JA-19 and 20	Circuit Court Braxton County	Stevens, Celine	Child protective services case pending in Braxton County, WV needs to be transferred to Lexington County, SC. Assisting with possible transfer and contempt issues. DHHR is potentially in contempt of court for not initiating the ICPC process.
Health, Human Resources	Dugas, Melinda	HHR-17-0565	17-P-228-2	Circuit Court Harrison County	Fazzini, Ronald	Ronald Fazzini, alleging multiple evidentiary errors and the use of the incorrect burden of proof, filed a Petition appealing the Decision of State Hearing Officer of WV DHHR regarding its finding of child abuse.
Health, Human Resources	Dugas, Melinda	HHR-18-0272	18-0500	Supreme Court - WV	In Re: K.L. & R.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-18-0239	18-AA-1	Circuit Court Braxton County	Wine, Shanna	Shanna Wine has filed an Administrative Appeal against the Decision of the State Hearing Officer to uphold the DHHR's CPS finding of maltreatment against her for failing to protect her son [REDACTED].

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Dugas, Melinda	HHR-18-0359	18-C-228	Circuit Court Berkeley County	Darnell Shepherd v. WVDHHR	Appeal of Board of Review decision to cut SNAP and Medicaid Benefits.
Health, Human Resources	Dugas, Melinda	HHR-18-0376	18-P-27	Circuit Court Taylor County	Hess, John and A.H.	Non-party appearance on behalf of DHHR as legal guardian for minor A.H. in action to secure appointment of guardian ad litem for the minor child for representation during foreclosure on real property during settlement of his mother's estate.
Health, Human Resources	Dugas, Melinda	HHR-18-0507	2018-AA-4	Circuit Court Berkeley County	Shepherd, Darnell v. DHHR; AA	Mr. Shepherd has filed an administrative appeal of an adverse decision of the OIG BOR regarding SNAP and Medicaid benefits.
Health, Human Resources	Dugas, Melinda	HHR-18-0375	unknown	Circuit Court Randolph County	M■■■■, D■■■■	File petition on behalf of DHHR for judicial approval of sale of real estate owned by minor child D.M.
Health, Human Resources	Evans, Sandra	HHR-16-0162	16-0380	Supreme Court - WV	In Re: A.R., M.R., & K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0115	17-0220	Supreme Court - WV	In Re: A.W. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0401	17-0705	Supreme Court - WV	In Re: H.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0539	17-0878	Supreme Court - WV	In Re: K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0185	18-0171	Supreme Court - WV	In Re: J.P. & A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0141	18-0243	Supreme Court - WV	In Re: S.J., A.J., & A.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0165	18-0255	Supreme Court - WV	In Re: K.B. & J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0179	18-0285	Supreme Court - WV	In Re: K.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0171	18-0292	Supreme Court - WV	In Re: B.R. & C.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0194	18-0314	Supreme Court - WV	In Re: G.P., L.W., B.P., and J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0204	18-0324	Supreme Court - WV	In Re: C.B. and A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0306	18-0352	Supreme Court - WV	In Re: R.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0307	18-0354	Supreme Court - WV	In Re: R.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0222	18-0366	Supreme Court - WV	In Re: D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0229	18-0373	Supreme Court - WV	In Re: S.B. & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0234	18-0401	Supreme Court - WV	In Re: K.B., E.B., & L.B.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-18-0238	18-0415	Supreme Court - WV	In Re: C.K., J.K., K.K., & W.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0241	18-0421	Supreme Court - WV	In Re: B.S. & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0261	18-0443	Supreme Court - WV	In Re: K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0286	18-0475	Supreme Court - WV	In Re: E.V., S.V., & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0276	18-0494	Supreme Court - WV	In Re: A.M. & X.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0285	18-0503	Supreme Court - WV	In Re: R.A. & A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0293	18-0524	Supreme Court - WV	In Re: Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0292	18-0530	Supreme Court - WV	In Re: Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0329	18-0556	Supreme Court - WV	In Re: M.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0331	18-0573	Supreme Court - WV	In Re: C.H. & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0343	18-0581	Supreme Court - WV	In Re: G.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0340	18-0599	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0344	18-0620	Supreme Court - WV	In Re: H.C. & G.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0342	18-0621	Supreme Court - WV	In Re: M.B. and X.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0374	18-0632	Supreme Court - WV	In Re: D.M., I.M., K.M., & H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0378	18-0646	Supreme Court - WV	In Re: D.K. & N.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0384	18-0652	Supreme Court - WV	In Re: J.B. & M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0383	18-0681	Supreme Court - WV	In Re: H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0388	18-0685	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0420	18-0706	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0473	18-0732	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0474	18-0741	Supreme Court - WV	In Re: D.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0472	18-0753	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-18-0238	18-0415	Supreme Court - WV	In Re: C.K., J.K., K.K., & W.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0241	18-0421	Supreme Court - WV	In Re: B.S. & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0261	18-0443	Supreme Court - WV	In Re: K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0286	18-0475	Supreme Court - WV	In Re: E.V., S.V., & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0276	18-0494	Supreme Court - WV	In Re: A.M. & X.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0285	18-0503	Supreme Court - WV	In Re: R.A. & A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0293	18-0524	Supreme Court - WV	In Re: Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0292	18-0530	Supreme Court - WV	In Re: Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0329	18-0556	Supreme Court - WV	In Re: M.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0331	18-0573	Supreme Court - WV	In Re: C.H. & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0343	18-0581	Supreme Court - WV	In Re: G.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0340	18-0599	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0344	18-0620	Supreme Court - WV	In Re: H.C. & G.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0342	18-0621	Supreme Court - WV	In Re: M.B. and X.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0374	18-0632	Supreme Court - WV	In Re: D.M., I.M., K.M., & H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0378	18-0646	Supreme Court - WV	In Re: D.K. & N.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0384	18-0652	Supreme Court - WV	In Re: J.B. & M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0383	18-0681	Supreme Court - WV	In Re: H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0388	18-0685	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0420	18-0706	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0473	18-0732	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0474	18-0741	Supreme Court - WV	In Re: D.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0472	18-0753	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-18-0477	18-0777	Supreme Court - WV	In Re: L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0490	18-0795	Supreme Court - WV	In Re: G.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0525	18-0828	Supreme Court - WV	In Re: K.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0523	18-0843	Supreme Court - WV	In Re: C.C., K.C., M.C., D.C., & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0524	18-0874	Supreme Court - WV	In Re: C.C., K.C., M.C., D.C., & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0538	18-0889	Supreme Court - WV	In Re: I.K. & E.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0535	18-0901	Supreme Court - WV	In Re: H.M. & P.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0052	18-0049	Supreme Court - WV	In Re: M.D. and E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0142	18-0242	Supreme Court - WV	In Re: K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0163	18-0252	Supreme Court - WV	In Re: J.Y. & M.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0164	18-0257	Supreme Court - WV	In Re: J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0162	18-0259	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0174	18-0282	Supreme Court - WV	In Re: K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0308	18-0355	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0213	18-0362	Supreme Court - WV	In Re: R.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0228	18-0396	Supreme Court - WV	In Re: S.W., S.T., & D.W-B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0237	18-0399	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0243	18-0422	Supreme Court - WV	In Re: M.U. & D.U.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0262	18-0444	Supreme Court - WV	In Re: A.P., A.P., A.P., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0263	18-0448	Supreme Court - WV	In Re: A.P., A.P., & A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0284	18-0482	Supreme Court - WV	In Re: J.B. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0275	18-0490	Supreme Court - WV	In Re: L.A., H.A. & H.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0277	18-0492	Supreme Court - WV	In Re: D.M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Felton, Brandolyn	HHR-18-0288	18-0526	Supreme Court - WV	In Re: N.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0324	18-0552	Supreme Court - WV	In Re: D.J., G.J., & P.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0322	18-0553	Supreme Court - WV	In Re: D.J., G.J., & P.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0325	18-0558	Supreme Court - WV	In Re: S.H. & E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0346	18-0561	Supreme Court - WV	In Re: B.G., L.G., & T.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0345	18-0580	Supreme Court - WV	In Re: C.A., Z.A., S.A., L.A., & L.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0377	18-0635	Supreme Court - WV	In Re: P.W., E.W., A.W., and K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0387	18-0656	Supreme Court - WV	In Re: A.B., S.B. & T.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0458	18-0708	Supreme Court - WV	In Re: T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0457	18-0719	Supreme Court - WV	In Re: T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0482	18-0745	Supreme Court - WV	In Re: N.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0481	18-0757	Supreme Court - WV	In Re: F.C., M.C., K.C., & W.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0488	18-0787	Supreme Court - WV	In Re: R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0526	18-0830	Supreme Court - WV	In Re: L.A. & K.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0527	18-0856	Supreme Court - WV	In Re: L.J. & L.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0539	18-0872	Supreme Court - WV	In Re: J.W., B.W., & J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0331	17-C-368	Circuit Court Cabell County	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	Circuit Court Lincoln County	Gina Sowards v. WVDHHR/BOR	Appeal of BOR Order Denying Request for Consideration.
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WVDHHR	Mr. Warren appeals BOR Decision upholding a DHHR WV Works repayment claim totaling \$2620.00.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jackson, Michael	HHR-18-0070	18-AA-179	Circuit Court Kanawha County	Tiffany Proctor v. WVDHHR/BOR	Matter Remarks: Petitioner appealed CPS finding that occurred in 2002. DHHR BOR issued a Dismissal Order stating it did not have jurisdiction to remove finding. Appeal is now filed in Kanawha County Circuit Court.
Health, Human Resources	Jackson, Michael	HHR-18-0090	18-AA-2	Circuit Court Kanawha County	Chester Mitchell v. WVDHHR/BOR	Chester Mitchell appeals BOR Order of Dismissal regarding the establishment of SNAP repayment obligation due to untimely hearing request with the BOR.
Health, Human Resources	Jones, William	HHR-18-0445	10-F-283	Circuit Court Kanawha County	State v Shannon Roberts	Shannon Roberts is a forensic patient at a state hospital and is under the court's criminal jurisdiction. APS was appointed guardian. Status review hearing are held by the circuit court.
Health, Human Resources	Jones, William	HHR-18-0449	13-G-2	Circuit Court Roane County	In Re: Charlotte Allen	GAL filed petition to remove current guardian and conservator.
Health, Human Resources	Jones, William	HHR-17-0420	16-G-5	Circuit Court Hampshire County	In re: Taylor S. Mount	Taylor Mount filed pettiion to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0325	16-JA-249 & 16-JA-250	Circuit Court Kanawha County	In Re: BW & GW	Contempt proceeding against DHHR for not adequately staffing CPS workers in Kanawha County.
Health, Human Resources	Jones, William	HHR-18-0444	17-G-20-33	Circuit Court Kanawha County	In Re: Terry Gandee	Petition to appoint DHHR and KCSD as successor guardian/conservator.
Health, Human Resources	Jones, William	HHR-18-0205	18-G-02	Circuit Court Hampshire County	In re: Shelly Pierson	DHHR filed petition for guardianship.
Health, Human Resources	Jones, William	HHR-18-0446	18-G-11	Circuit Court Barbour County	In Re: Marion Goodman	DHHR filed petition for guardian and conservator.
Health, Human Resources	Jones, William	HHR-18-0448	18-G-12	Circuit Court Grant County	In Re: Guy Bland	DHHR filed petition for guardianship and conservatorship.
Health, Human Resources	Jones, William	HHR-18-0357	18-G-20-21	Circuit Court Kanawha County	In Re Cecil Boggess	DHHR was appointed temporary guardian. A review hearing is set in Novemebr to determine whether family members of the protected persons are appropriate to be appointed full guardian.
Health, Human Resources	Jones, William	HHR-18-0309	18-G-2018	Circuit Court Berkeley County	In Re: Dalton T. Mouser	DHHR filed petition for guardianship.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-18-0548	18-G-4	Circuit Court Braxton County	In Re: Marion Butcher	DHHR filed emergency petition for guardian and conservator.
Health, Human Resources	Jones, William	HHR-18-0547	18-G-49	Circuit Court Berkeley County	In Re: John Johnson	DHHR filed emergency petition for the appointment of a guardian and conservator.
Health, Human Resources	Jones, William	HHR-18-0469	18-G-6	Circuit Court Upshur County	In Re: Martha Wood	DHHR filed petition for conservatorship.
Health, Human Resources	Jones, William	HHR-18-0394	95-GC-9-F	Circuit Court Mercer County	In Re: Janie Hazelwood	Petition to modify DHHR's guardianship filed.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court-US WVND	Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court-US DE	Graceway Pharma	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	New England Compounding Pharm	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	Rural/Metro Corp	Chapter 11 (Asset) restructure bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	Laboratory Partners	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court-US VAED	Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court-US VAED	Alpha Natural Resources, Inc., et al.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0626	15-70444 (PMB)	Bankruptcy Court-US VAWD	In Re: XINERGY LTD., et al.	Chapter 11 (Asset) Bankruptcy Case. Xinerger Ltd., a Tennessee-based Appalachian coal producer, and its 25 subsidiaries have filed for Chapter 11 bankruptcy in United States Bankruptcy Court for the Western District of Virginia in Roanoke, Virginia. Xinerger maintains coal operations throughout West Virginia.
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court-US KYED	Asthma and Allergy Center LLC, Chapter 11	Chapter 11 Bankruptcy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Lackey, Laurel	HHR-15-1011	3:15-bk-00666	Bankruptcy Court-US WVND	Blaise Christian Sitchet MBufet	Chapter 13 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0741	3:15-bk-00666	USDC WVND	Blaise Christian Sitchet Mbufet, Chapter 13 Bankruptcy	Chapter 13 Bankruptcy.
Health, Human Resources	McQuain, Mary	HHR-18-0430	18-AA-227	Circuit Court Kanawha County	R., Marsha	Appeal to Circuit Court of the BOR's decision in recipient's appeal. Hearing on DHHR's Motion to Dismiss is scheduled November 9, 2018.
Health, Human Resources	Niezgoda, Lee	HHR-15-0766	15-0740	Supreme Court - WV	In Re: T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-16-0275	16-0294	Supreme Court - WV	In Re: P.C. & L.C.	Parent challenging circuit court termination of parental rights
Health, Human Resources	Niezgoda, Lee	HHR-16-0557	16-1120	Supreme Court - WV	In Re: A.J. and K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0178	17-0344	Supreme Court - WV	In Re: D.W., C.L., & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0235	17-0471	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0021	17-0953	Supreme Court - WV	In Re: D.H. & M.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0013	17-1131	Supreme Court - WV	In Re: H.G., J.M., T.M., T.K., A.K., B.K., & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0053	18-0064	Supreme Court - WV	In Re: K.P., W.P., and P.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0169	18-0254	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0167	18-0256	Supreme Court - WV	In Re: J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0166	18-0260	Supreme Court - WV	In Re: A.B., E.B., & N.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0168	18-0272	Supreme Court - WV	In Re: S.J., A.J., & A.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0172	18-0281	Supreme Court - WV	In Re: B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0180	18-0298	Supreme Court - WV	In Re: A.J. & Z.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0203	18-0325	Supreme Court - WV	In Re: M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0210	18-0326	Supreme Court - WV	In Re: K.C., K.T.-G, K.T., K.G., and K.G.	Parent challenging circuit court termination of parental right.
Health, Human Resources	Niezgoda, Lee	HHR-18-0214	18-0350	Supreme Court - WV	In Re: R.H., W.H., & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0298	18-0351	Supreme Court - WV	In Re: A.W., D.N., & B.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0212	18-0360	Supreme Court - WV	In Re: O.G.	Parent challenging circuit court termination of parental right.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-18-0209	18-0361	Supreme Court - WV	In Re: K.C., K.T.-G., K.T., K.G., & K.G.	Parent challenging circuit court termination of parental right.
Health, Human Resources	Niezgoda, Lee	HHR-18-0221	18-0364	Supreme Court - WV	In Re: P.B., N.B., & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0230	18-0398	Supreme Court - WV	In Re: P.B., N.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0244	18-0414	Supreme Court - WV	In Re: C.W., T.W., A.W., & J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0245	18-0416	Supreme Court - WV	In Re: C.W., T.W., A.W., & J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0265	18-0446	Supreme Court - WV	In Re: A.W. & C.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0267	18-0452	Supreme Court - WV	In Re: S.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0264	18-0454	Supreme Court - WV	In Re: D.F., J.F., & A.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0283	18-0483	Supreme Court - WV	In Re: P.H., L.H., & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0274	18-0491	Supreme Court - WV	In Re: K.W. & S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0282	18-0504	Supreme Court - WV	In Re: H.H., D.B., & P.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0294	18-0520	Supreme Court - WV	In Re: B.R., T.R., & T.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0319	18-0536	Supreme Court - WV	In Re: T.H., A.H., B.P., & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0320	18-0557	Supreme Court - WV	In Re: S.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0318	18-0559	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0317	18-0560	Supreme Court - WV	In Re: C.J., X.J., & J.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0321	18-0562	Supreme Court - WV	In Re: R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0335	18-0577	Supreme Court - WV	In Re: G.B., M.B., M.B., & J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0355	18-0591	Supreme Court - WV	In Re: J.P. & J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0356	18-0596	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0354	18-0604	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0352	18-0618	Supreme Court - WV	In Re: J.H. & C.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0362	18-0629	Supreme Court - WV	In Re: M.M., G.M., & J.M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-18-0361	18-0630	Supreme Court - WV	In Re: G.F. & T.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0381	18-0662	Supreme Court - WV	In Re: D.D. & A.P	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0382	18-0663	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0402	18-0692	Supreme Court - WV	In Re: A.S., C.S., X.S., B.S., & K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0403	18-0697	Supreme Court - WV	In Re: E.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0421	18-0707	Supreme Court - WV	In Re: L.S. & S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0439	18-0718	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0463	18-0721	Supreme Court - WV	In Re: A.E., L.E., Z.E., & D.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0464	18-0722	Supreme Court - WV	In Re: A.E., L.E., Z.E., & D.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0476	18-0774	Supreme Court - WV	In Re: J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0504	18-0792	Supreme Court - WV	In Re: N.B., I.L., C.C. & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0529	18-0798	Supreme Court - WV	In Re: T.W.	Parent challenging circuit court terminaion of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0530	18-0842	Supreme Court - WV	In Re: N.R., A.R., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0536	18-0845	Supreme Court - WV	In Re: N.H., C.H., & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0534	18-0849	Supreme Court - WV	In Re: N.R., A.R., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0533	18-0854	Supreme Court - WV	In Re: N.R., D.R., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0540	18-0877	Supreme Court - WV	In Re: L.T. & L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0080	18-0015	Supreme Court - WV	In Re: T.L., M.L., A.L., & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0054	18-0050	Supreme Court - WV	In Re: A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0157	18-0253	Supreme Court - WV	In Re: L.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0160	18-0258	Supreme Court - WV	In Re: S.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0156	18-0261	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0151	18-0266	Supreme Court - WV	In Re: B.M. & C.M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-18-0155	18-0270	Supreme Court - WV	In Re: C.E. & B.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0177	18-0290	Supreme Court - WV	In Re: C.M., A.W., & N.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0189	18-0300	Supreme Court - WV	In Re: R.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0201	18-0319	Supreme Court - WV	In Re: T.S. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0211	18-0338	Supreme Court - WV	In Re: B.H.	Parent challenging circuit court termination of parental right.
Health, Human Resources	Parsley, Mindy	HHR-18-0305	18-0353	Supreme Court - WV	In Re: J.T. & K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0231	18-0372	Supreme Court - WV	In Re: A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0232	18-0402	Supreme Court - WV	In Re: O.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0242	18-0423	Supreme Court - WV	In Re: B.S. & S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0254	18-0431	Supreme Court - WV	In Re: O.S. & D.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0260	18-0455	Supreme Court - WV	In Re: A.T. & A.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0273	18-0496	Supreme Court - WV	In Re: D.R. & R.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0281	18-0501	Supreme Court - WV	In Re: J.R-S., M.R.-S, & T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0290	18-0525	Supreme Court - WV	In Re: E.W., S.S., & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0328	18-0527	Supreme Court - WV	In Re: R.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0326	18-0537	Supreme Court - WV	In Re: T.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0349	18-0578	Supreme Court - WV	In Re: M.H. & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0350	18-0583	Supreme Court - WV	In Re: A.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0348	18-0590	Supreme Court - WV	In Re: C.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0351	18-0600	Supreme Court - WV	In Re: B.S., J.S., & G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0347	18-0603	Supreme Court - WV	In Re: L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0385	18-0634	Supreme Court - WV	In Re: C.C. & L.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0373	18-0658	Supreme Court - WV	In Re: R.P., R.P. & D.P.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-18-0386	18-0671	Supreme Court - WV	In Re: J.R-S., M.R-S & T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0404	18-0695	Supreme Court - WV	In Re: T.L., J.L., & B.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0480	18-0733	Supreme Court - WV	In Re: S.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0478	18-0743	Supreme Court - WV	In Re: H.G. & K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0479	18-0773	Supreme Court - WV	In Re: H.G. & K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0521	18-0819	Supreme Court - WV	In Re: M.B. & J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0522	18-0829	Supreme Court - WV	In Re: D.H. & H.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0519	18-0857	Supreme Court - WV	In Re: C.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-18-0541	18-0883	Supreme Court - WV	In Re: E.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-15-0203	07-AA-77	Circuit Court Kanawha County	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	Circuit Court Lincoln County	American Select Insurance v. Amy Woodrum and DHHR	Medicaid subrogation case.
Health, Human Resources	Stitzinger, Kim	HHR-15-0122	15-0595	Supreme Court - WV	HCR Manor v. DHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-18-0137	2:05-cv-03895	US District Court of New Jersey	Simpson v Bayer	Received subpoena from the US District Court of New Jersey to produce documents regarding policies and records.
Health, Human Resources	Stitzinger, Kim	HHR-15-0709	2:15-cv-09655	USDC WVSD	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. Dismissed 9-25-2018, Petitioner has 30 days to appeal.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Circuit Court Wyoming County	In Re: C.P. D.P. & D.L.	Child Protective Services Contempt case. The Petitioner states she is not receiving the monthly amount of finances to which she is entitled.
Health, Human Resources	Walters, Angela	HHR-16-0375	16-C-70	Circuit Court Wyoming County	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. Reply Brief pending.
Health, Human Resources	Walters, Angela	HHR-18-0304	17-JA-82-83	Circuit Court Greenbrier County	Simons & Crook	Possible writ of prohibition out of Greenbrier County Circuit Court. Awaiting more information and decision of general counsel for DHHR.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Walters, Angela	HHR-18-0266	18-P-8	Circuit Court Webster County	Payne, Cheryl	Administrative appeal of the Board of Review decision to substantiate a maltreatment finding and Ms. Payne is appealing the same. Scheduling Order pending.
Health, Human Resources	Wegman, Jake	HHR-15-0785	15-BH-007	Circuit Court Kanawha County	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-16-0269	16-AA-53	Circuit Court Kanawha County	WV DHHR/Sharpe Hospital v. Joshua Daugherty	Administrative appeal of Grievance Board's decision granting grievance.
Health, Human Resources	Wegman, Jake	HHR-18-0520	18-0800	Supreme Court - WV	In Re: S.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-18-0012	18-AA-4	Circuit Court Kanawha County	WVDHHR v. Charles Steven Trout II	By Decision dated 11/16/2017, DHHR ordered to put Grievant back to work after its termination of Grievant. DHHR filed administrative appeal to ask the Circuit Court to reverse the Board's decision.
Health, Human Resources	Wegman, Jake	HHR-18-0516	18-AA-4-B	Circuit Court Raleigh County	Christopher Burroughs v. WVDHHR/Board of Review	Circuit Court appeal of BOR decision to place Mr. Burroughs on the West Virginia Nurse Aide Abuse and Neglect Registry for abuse.
Health, Human Resources	Winterholler, Claire	HHR-18-0110	17-C-1374	Circuit Court Kanawha County	In Re: Amy Auer	Non party WVDHHR/BPH/OCME's Motion to Quash a Subpoena in the matter styled In re: Amy Auer v. City National Bank pending before Judge Dan Greear.
Health, Human Resources	Winterholler, Claire	HHR-18-0297	18-0531	Supreme Court - WV	State of WV ex rel. Edward Jesse Dreyfuse v. WVDHHR/BPH/OCME	Petition for Writ of Mandamus attempting to force DHHR/Office of the Chief Medical Examiner to release an autopsy report that the petitioner claims is subject to multiple pending court actions.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	USDC WVSD	Town of Fort Gay	Consent Decree entered in civil enforcement action primarily for violations of the Clean Water Act and the Safe Drinking Water Act. Currently under monitoring for compliance.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0140	00-P-62	Circuit Court Wood County	Rydbom, Dennis v. WV Division of Corrections; Kirby	Inmate Rydbom is requesting records and subpoena duces tecum.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0201	1:17cv37	USDC WVND	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.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0277	14-F-184	Circuit Court Fayette County	State v. Amanda Syner	Motion to set aside court order requiring parole condition allowing visitation with minor children as contrary to W. Va. Code 62-12-17.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0273	17-0844	Supreme Court - WV	Williams, Rocky v. Corrections, Division of	Inmate appeals the dismissal by Marshall County Circuit Court of dismissal of challenge to disciplinary rule violation conviction and loss of good time.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0276	17-1054	Supreme Court - WV	Love, Shawn v. Division of Corrections	Claim that sentence was calculated incorrectly.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0056	17-C-110	Circuit Court Kanawha County	Delgado, Miguel v. WV Division of Corrections, et al.	Inmate Delgado was peppered sprayed while housed at Mt. Olive Correctional Center.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-17-0001	17-C-113	Circuit Court Marshall County	Chance, Kenneth v. WV Regional Jail; Warden Pszczolkowski	This matter involves a Section 1983 lawsuit over medical treatment while incarcerated.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-18-0023	17-C-113-H	Circuit Court Marshall County	Kenneth Chance v. Pszczolkowski 17-C-113-H	Inmate seeks habeas relief, complaining about multiple medical care issues at Northern Correctional Facility being in violation of 8th Amendment.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0202	17-C-1181	Circuit Court Kanawha County	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.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0145	17-C-163	Circuit Court Marshall County	Persinger, Roger v. WV Regional Jail; Pszczolkowski	An inmate challenges a 40% deduction from his friends/family money due to court ordered obligations.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0177	17-P-213	Circuit Court Kanawha County	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.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0272	18-0367	Supreme Court - WV	Miller, Andrew v. Corrections, Division of	Inmate complains that reviews not being done on him at Mt. Olive.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0271	18-0450	Supreme Court - WV	Larue, William v. Corrections, Division of	Newly sentenced inmate seeks intake and programming assignments.
Department of Military Affairs and Public Safety	Boothroyd, John	AEB-18-0256	18-0547	Supreme Court - WV	SER Andrew Miller v. Terry	Inmate challenges deductions to inmate account based upon restitution order by Correctional Hearing Officer after disciplinary rule violation conviction for breaking a window.
Department of Military Affairs and Public Safety	Boothroyd, John	AEB-18-0254	18-0693	Supreme Court - WV	SER Russell Clinton v. Patrick Mirandy	Inmate Clinton claims dental care at St. Marys Correctional Center violates Eighth Amendment. Seeks order requiring needed dental care be carried out in a timely fashion.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0259	18-0746	Supreme Court - WV	State ex rel. William Larue v. WVDOCR, 18-0746	Inmate seeks writ returning to him 5420 days of good time credits which were lost. Inmate claims he had not earned the good time at the times good time credits were lost due to disciplinary violations.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0260	18-0747	Supreme Court - WV	State ex rel. James Berry v Patrick Mirandy 18-0747	Inmate seeks mandamus requiring St. Marys Correctional Center to answer grievances properly and complains about food and medical care.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0287	18-C-20	Circuit Court Mason County	Guthrie, Brittany v. Division of Corrections	Inmate challenges denial of outside clearance.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0267	18-C-32	Circuit Court Mason County	Marcum, Danielle v. Corrections, Division of	Inmate seeks return of rent money from Lakin Correctional Facility because she was not on "furlough" status.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0268	18-C-41	Circuit Court Mason County	Hise, Anna v. Corrections, Division of	Former inmate seeks return of rent charged at Lakin Correctional Facility because she was not on "furlough" status.
Department of Military Affairs and Public Safety	Boothroyd, John	AEB-18-0255	18-C-69	Circuit Court Mason County	Wood, Kristina v. Sallaz	Former inmate seeks return of "rent" money which was deducted from her earnings on outside work assignment.
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0237	18-F-56	Circuit Court Mason County	Division of Corrections v. Jacob Bennett	Order to Show Cause why inmate was not transported to August 13, 2018 arraignment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Boothroyd, John	DMAPS-18-0238	18-P-29	Circuit Court Morgan County	SER Alex Gloyd v. Williamson and Hill	Inmate claims conditions of confinement at Denmar violate the 8th Amendment and programming does not comply with Youthful Offender treatment requirements.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0111	5:16-cv-000018	USDC-NDWV	Randy Cordle v. Rubenstein, et al.	Inmate Cordle claims that his civil rights were violated while being housed at the Northern Correctional Facility.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0132	5:16-cv-51	USDC-NDWV	Michael Jermain Greene v. Felster, et al.	Inmate Greene was pepper sprayed while being unruly during cell extraction at Huttonsville Correctional Center.
Department of Military Affairs and Public Safety	Boothroyd, John	CNB-17-0191	92-C-48M	Circuit Court Marshall County	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.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0130	Notice of Intent filed	USDC-NDWV	Fred Douty	This matter involves a complaint regarding the conditions of his confinement at Huttonsville Correctional Center.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0131	Notice of Intent filed	USDC-NDWV	Roundtree Goodman v. WVDOC, et al.	Inmate Goodman claims that in 1993 he should have received \$500 from mental health services, but he did not.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0147	Notice of Intent filed.	USDC-NDWV	Cathy Williams v. WVDOC	Inmate Williams alleges physical and mental abuse while in custody. Her leg was broken.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0137	Notice of Intent filed.	USDC-NDWV	Robert Logan Michael v. WVDOC	Inmate Michael claims he was injured while working on the DOH road crew on November 20, 2015 in Smithers. He was housed at Mount Olive Correctional Center at the time. Investigation pending with AIG.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0141	Notice of Intent filed.	USDC-NDWV	Shelby Skaggs v. WVDOC	Inmate Skaggs lost property while being housed at Saint Marys Correctional Center. This matter is not yet filed with the Court of Claims and no monetary value has been assigned.
Department of Military Affairs and Public Safety	Boothroyd, John	COR-16-0133	Notice of Intent filed	USDC-NDWV	Christopher Harper v. WVDOC, et al.	Inmate Harper claims that he slipped and fell while housed at Saint Marys Correctional Center on March 26, 2015 and was injured.
Department of Military Affairs and Public Safety	Eates, Anthony	CNB-16-0093	16-0980	Supreme Court - WV	State of West Virginia ex rel. State Fire Commission v WV Municipal Home Rule Board	The Fire Commission has filed a Petition for Writ of Prohibition against the Municipal Home Rule Board. The Petition wishes to invalidate an action of the Board giving the cities of Bridgeport and Clarksburg amendments to their home rule plan to exempt employers from State licensing requirements.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Eates, Anthony	CNB-17-0172	18-C-247	Circuit Court Kanawha County	Wendell, William v. WV State Police	Complaint for Declaratory Judgment.
Department of Military Affairs and Public Safety	Eates, Anthony	DMAPS-18-0041	18-C-793	Circuit Court Kanawha County	Porco, Brandon v. WV State Police	Plaintiff seeks declaratory judgment that State Police violated Sex Offender Registration Act (SORA) and that SORA violates substantive due process.
Department of Military Affairs and Public Safety	Fisher, Keith	CNB-16-0096	14-C-800	Circuit Court Cabell County	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.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0012	15-C-139	Circuit Court Mason County	Wilson, Tammy v. Board of Parole	Petition for habeas corpus relief.
Department of Military Affairs and Public Safety	Fisher, Keith	CNB-17-0165	17-0740	Supreme Court - WV	Taylor, Donald Lee v. WV Parole Board, et al.	Inmate filed an appeal of the Order of the Randolph County Circuit Court denying his Petition for Writ of Mandamus.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0038	17-P-140	Circuit Court Kanawha County	Bowman, Christopher v. Board of Parole	Inmate filed a petition for writ of habeas corpus.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0047	18-0311	Supreme Court - WV	Garretson, Jennifer v. Board of Parole	Inmate filed petition for writ of habeas corpus in West Virginia Supreme Court of Appeals.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Guerrero, Modesto v. Parole, Board of	Petition for Writ of Habeas Corpus filed in the Circuit Court of Kanawha County relating to Parole Board hearing.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0050	18-P-59	Circuit Court Kanawha County	Casto, Gregory v. Parole, Board of	Petition for Writ of Habeas Corpus filed in the Circuit Court of Kanawha County regarding Parole Board's Final Decision.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0018	17-F-124-125-O	Circuit Court Logan County	Conley, Eddie Lee Jr. v. RJA	Subpoena for criminal hearing; request for all KIOSK messages.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0226	17-F-7	Circuit Court Pendleton County	State of West Virginia v. Thompson, Kevin	Motion to quash subpoena.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0014	17-M20F-02632	Circuit Court Kanawha County	Toney, Rikki v. RJ/SCRJ	Subpoena duces tecum for video of booking department showing intake at South Central Regional Jail.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0015	17-M20M-12046	Circuit Court Kanawha County	Parsons, Luke	Discovery request from Kanawha County prosecutor to South Central Regional Jail.
Department of Military Affairs and Public Safety	Marino, Briana	CNB-17-0196	17-P-156	Circuit Court Wood County	England, Bryson J., Jr. v. Wood County Commission	Petition for writ of habeas corpus alleging jail overcrowding is cruel and unusual punishment.
Department of Military Affairs and Public Safety	Marino, Briana	CNB-17-0099	18-0004	Supreme Court - WV	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.
Department of Military Affairs and Public Safety	Marino, Briana	CNB-17-0093	18-AA-206	Circuit Court Kanawha County	Hileman, Paul and Napier, Charles v. WV Regional Jail Authority, et al.	This matter involves employees who were demoted to lower positions. Both grievants are demanding reinstatement and back wages.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0285	18-F 96, 97, 98, 99	Circuit Court Monongalia County	State of West Virginia v. Pettis, Korte-Market	Motion to Quash Subpoena, or in the alternative, motion for protective order.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0227	18-F-108	Circuit Court Kanawha County	State of West Virginia v. Perkins, Chrishawn	Protective order or quashing subpoena.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0225	18-F-53	Circuit Court Berkeley County	State of West Virginia v. King, Terry	Inmate is charged with a new escape, but denies the charge; subpoena issued for records, which are confidential.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0005	18-M19M-00141	Circuit Court Jefferson County	Regional Jail Authority v. Rose Pittman	Faulty subpoena for protected records.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0251	18-M23C-00258	Magistrate Court Kanawha County	Eanes, Marquette Damon v. RJ/	Claim in the Magistrate Court of Logan County; inmate alleges he was moved to a different pod and his personal property was not transferred to him.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0252	18-P-13	Circuit Court Webster County	Faulkner, Michael David	Petition for Writ of Habeas Corpus in the Circuit Court of Webster County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0250	18-P-63	Circuit Court Kanawha County	State of WV v. Joseph Gibson	Subpoena request for mental health records; Judge Bloom presiding.
Department of Military Affairs and Public Safety	Talbott, Kelli	CNB-16-0084	18-0429	Supreme Court - WV	Law Enforcement Pro Standards v. Fairmont State University	This matter involves a request by Fairmont State University to operate a police academy.
Department of Military Affairs and Public Safety	Talbott, Kelli	DMAPS-18-0043	18-C-486	Circuit Court Kanawha County	Cabell Huntington Hospital v. Regional Jail Authority	Hospital has filed complaint seeking payment for medical services rendered to inmates.
Department of Military Affairs and Public Safety	Weiler, Mark	DMAPS-18-0282	18-M20C-02590	Magistrate Court Kanawha County	Meadows, Rebecca L. v. Regional Jail Authority/South Central Regional Jail	Ms. Meadows' son was arrested at the Federal Building and taken to South Central Regional Jail where allegedly "booking" lost his phone and G-Shock watch, totaling \$1800.

**MAIN OFFICE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-16-0025	5:14-cv-30075	USDC-SDWV	Sara M. Lambert Smith & Scott Smith, her husband v. United States of America	Intervenor: State of West Virginia. Intervened in medical malpractice suit to defend constitutionality of state medical malpractice law
Main Office	See, Lindsay	MO-16-0026	16-cv-00142-IMK-MJA	USDC-NDWV	Greer v. State	This matter involves a legal challenge to a state law banning felon possession of certain firearms
Main Office	See, Lindsay	MO-16-0019	7:16-cv-00054-0	USDC-NDTX Wichita	Texas & WV v. US	Ongoing litigation with Texas about the transgender guidance letters from the federal government 8/25/16 Preliminary injunction granted to WV - JMB
Main Office	See, Lindsay	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	See, Lindsay	MO-16-0028	1:17-cv-00108	USDC DC	Ohio et al. v. Department of the Interior	Litigation regarding the Office of Surface Mining's Stream Protection Rule.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. EPA, et al.	Legal challenge to call for NE state implementation plans under clean air act.
Main Office	See, Lindsay	MO-15-0077	15-1563	US CADC	West Virginia v. U.S. EPA	State challenge of Clean Power Plan filed on October 23, 2015.
Main Office	See, Lindsay	MO-16-0021	15-1581	USDC DC	West Virginia v. U.S. EPA	Legal challenge to EPA's new source performance standards for new power plants; briefing underway.
Main Office	See, Lindsay	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	See, Lindsay	MO-16-0020	16-1204	USDC DC	Michigan v. U.S. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of MATS rule.
Main Office	See, Lindsay	MO-16-0022	16-1242	USDC DC	North Dakota v. U.S. EPA	Legal challenge to the EPA's NSPS methane rule for oil and gas category.
Main Office	See, Lindsay	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	See, Lindsay	MO-16-0012	16-C-959	Circuit Court Kanawha County	WV AFL-CIO v. Tomblin	AFL-CIO filed a civil action challenging the constitutionality of the right to work law recently passed by the Legislature of the State of West Virginia.
Main Office	See, Lindsay	MO-17-0005	17-1145	US CADC	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	See, Lindsay	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	Circuit Court Lincoln County	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-17-0007	16-C-213	Circuit Court Ohio County	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	Sizemore, Vaughn & Capehart, Curtis	MO-17-0011	16-C-202	Circuit Court Boone County	WV v Larry's Drive-In Pharmacy	Action against suppliers of opioid pain medication for resulting controlled substance addiction.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Sizemore, Vaughn & Capehart, Curtis	MO-17-0010	16-C-54	Circuit Court Hardy County	WV v Judy's Drug Store	Action against suppliers of opioid pain medication for resulting controlled substance addiction.
Main Office	Sizemore, Vaughn & Capehart, Curtis	MO-17-0009	17-C-12-D	Circuit Court Raleigh County	WV v Crab Orchard Pharmacy	Action against suppliers of opioid pain medication for resulting controlled substance addiction.

**NATURAL RESOURCES
DIVISION**

ANNUAL REPORT
TO
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Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Division of Natural Resources	Charnock, Jane	DNR-15-0017	16-AA-61	Circuit Court Kanawha County	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.
Division of Natural Resources	Charnock, Jane	DNR-17-0006	17-C-28	Circuit Court Summers County	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-18-0003	17-P-448	Circuit Court Kanawha County	Image Associates, LLC v. Reviewing Committee, etc. (TOURISM)	Petitioner filed Writ of Mandamus for Judicial Review of Final Order requesting tax credit relief.
Division of Natural Resources	Charnock, Jane	DNR-16-0011	18-0019 Sup. Ct.	Supreme Court - WV	Penn Va. v. Dye, et al (Consolidated)	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-18-0008	18-50757	Bankruptcy Court-US OHND	FirstEnergy Solution Corp., et al	All related services involving Chapter 11 Bankruptcy.
Division of Natural Resources	Charnock, Jane	DNR-18-0007	18-AA-1	Circuit Court Raleigh County	Beaver Coal Co. Ltd. v. Forestry	Petition for Review filed to reverse ruling of State Tax Commissioner that real property owned by Beaver Coal is not eligible as "managed timberland" for the 2018 tax year based on Division of Forestry's decision not to certify the property as such.

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

ANNUAL REPORT
TO
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Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0100	17-C-149	Circuit Court Cabell County	Hutchinson v. Underwood, et al	A Division of Highways Attorney received a subpoena to testify in a legal malpractice matter pending in the Cabell County Circuit Court. The State is not a party in this action. The Division of Highways' attorney has been assigned an Assistant Attorney General to represent him in his official capacity. The Trial was set to begin on October 24, 2018, but was continued.
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0127	18-0932	Supreme Court - WV	Division of Highways, Department of Transportation v. Michael A. Powell and Terra Goins	Division of Highways requested representation to file a Notice of Appeal appealing a decision of Judge Joanna Tabit from the Kanawha County Circuit Court. Michael A. Powell filed a Grievance against Division of Highways for non-selection of an engineering position. The Grievance Board dismissed the Grievance as untimely. The Grievant appealed. Kanawha County Circuit Court Judge Joanna Tabit reversed the Grievance Board's decision and further ordered that Mr. Powell be awarded the position of Highway Engineer. The order remanded this case back to the Grievance Board for calculation of back pay and attorneys fees. Upon DOH's Motion, the Judge signed an Order staying the case. The Notice of Appeal was filed on October 19, 2018.
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0051	18-C-12	Circuit Court Hampshire County	DiTech Financial, LLC v. Guy A. Pedersen, et al	DiTech filed a Petition to Reform Deed of Trust to correct the legal description, which is said to contain a scrivener's error. The State Tax Department has five liens against Guy Pedersen and Shirley Pedersen who own the subject property. An Answer was filed on behalf of the Tax Department to protect its lien position in order of its priority according to W.Va. Code § 11-10-12.
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0124	18-C-133	Circuit Court Putnam County	West Virginia Board of Accountancy v. Christopher E. Allman, and Allman & Associates, PLLC	The Board of Accountancy sought an injunction prohibiting respondents from (a) referring to Christopher Allman as a "CPA" and (b) performing or offering to perform any accounting services that require a license. The Court entered a Preliminary Injunction Order and a Permanent Injunction Order. The Permanent Injunction Order was entered on September 25, 2018 and has been duly served.
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0031	18-C-198	Circuit Court Kanawha County	Reverse Mortgage Solutions, Inc. ad the Secretary of the United States of Housing and Urban Development v. Carol Acord, Randal Acord, Bonnie Slack, Harold Hovatter and WV State Tax Department.	Reverse Mortgage and HUD filed a Complaint to reform incorrect property descriptions contained in a Deed of Trust and Second Deed of Trust. The Tax Department has two liens against Harold Hovatter, who is a party to this civil action. The Court entered an agreed order on October 12, 2018. Pursuant to the agreed order, and upon satisfactory payment, one lien has been withdrawn. The other lien was recognized as subordinate to the Deed of Trust and Second Deed of trust in the agreed order.
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0106	18-C-28	Circuit Court Hardy County	Mark Kuykendall v. WV Department of Transportation, Division of Highways	Mark Kuykendall filed a Complaint for Declaratory Judgment and Temporary and Permanent Injunctive Relief against DOH for allegedly exceeding its legitimate powers by seeking to assess costs against Plaintiff for the removal of landslide debris on Hardy County Route 7. The previous case, Civil Action No. 18-C-24, was dismissed for lack of pre-suit notice pursuant to W.Va. Code § 55-17-3. This complaint was filed subsequent to receipt of pre-suit notice. The Plaintiff seeks declaratory relief and temporary and permanent injunctions prohibiting DOH from assessing costs against Plaintiff. An Answer has been filed on behalf of DOH.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Gilbert, David	TAX-18-0088	18-P-31	Circuit Court Hardy County	George Judy v. Dept of Transportation, et al	George Judy, individually and dba Judy's Poultry Farm, Inc., a WV corp and others similarly situated filed a Petition for Writ of Mandamus; Petition for Temporary and Permanent Injunction; and Petition for Temporary and Permanent Restraining Order on July 19, 2018, naming Department of Transportation and other officials as Defendants. The petition states that a landslide occurred on State Route 7 on June 22, 2018. It further states that DOH officials said that DOH was going to permanently barricade the road for an indeterminate time. Petitioners want mandamus or injunctive relief to compel DOH to take whatever steps are necessary to open the road. We moved to dismiss for lack of jurisdiction—Petitioners failed to give 30-day statutory notice. The Court heard this motion on September 11, 2018, and instructed counsel to brief the meaning of “irreparable harm.” Briefs were due by September 25, 2018.
Tax, Revenue, Court of Claims, and Transportation	Hallinan, Jackie	TAX-18-0126	18-P-21	Circuit Court Roane County	Transource WV, LLC v. Phillip Teel, Teresa, Teel, et al.	Transource WV, LLC filed a Petition for Condemnation and Right of Entry in relation to land owned by various land owners for a permanent easement for electric transmission, distribution and communication lines and appurtenant equipment and fixtures. The Tax Department has approximately four liens of record against the taxpayers. A hearing was held on September 25, 2018. An order is being circulated among the parties.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-861	13-AA-83	Circuit Court Kanawha County	Miller v. Callihan, Joshua	The Division of Motor Vehicles “DMV” appealed an Officer of Administrative Hearings “OAH” order on June 26, 2013. The OAH made an unfounded credibility determination in favor of the Respondent which is not supported by the record. The matter has been fully briefed by the parties. On Aug. 2, 2017, sent letter to Webster asking for order of court.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1069	13-P-472	Circuit Court Kanawha County	Margocee, Zane v. DMV	The Petitioner was arrested for Driving Under the Influence “DUI” on November 5, 2010. He was subsequently revoked by the Division of Motor Vehicles “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 DMV and OAH claiming that the delay in holding the hearing was prejudicial.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1253	13-P-627	Circuit Court Kanawha County	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 Driving Under the Influence “DUI” matter because it had been delayed for years. The Petitioner failed to prosecute the matter, a Rule 41 motion to dismiss was filed by the DMV on 8/17/15, and it was dismissed on that basis in December 2015. Costs and fees were awarded to the DMV. Attorney Richard Hardison has failed to pay.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0121	14-AA-4	Circuit Court Kanawha County	Reed, Gary v. DMV	The Division of Motor Vehicles “DMV” appealed an Office of Administrative Hearings “OAH” order rescinding the revocation of his driver’s license on the basis that there was insufficient evidence to show whether the Respondent drove a motor vehicle. The Investigating Officer relied on a tip by a firefighter.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0120	16-AA-26	Circuit Court Kanawha County	Condia, Robert v. DMV	The Division of Motor Vehicles “DMV” appeals an Office of Administrative Hearings (OAH) order which affirmed the Driving Under the Influence “DUI” offense but rescinded the refusal of the secondary chemical test because the “15 minute to refuse” box was not checked on the DUI Information Sheet. The Investigating Officer did not appear at the hearing. Additionally, there is no evidence that Implied Consent Statement was orally read.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0119	16-AA-42	Circuit Court Kanawha County	Crabtree, Jamie v. DMV	Ms. Crabtree filed an appeal of the denial of her car salesperson license. The Court entered a briefing schedule but the Petitioner never filed a brief.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0112	16-AA-69	Circuit Court Kanawha County	Burgwin, Matthew v. Reed	The Division of Motor Vehicles "DMV" appeals an Office of Administrative Hearings' "OAH" order. One error is that more than one officer may contribute to a DUI investigation. Error 2 is that the field sobriety tests were improperly excluded from evidence. Third, the OAH failed to reconcile conflicting testimonies of the officers and the Respondent. The matter is fully briefed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0129	16-AA-98	Circuit Court Kanawha County	Debord, Jeffrey v. DMV	The Division of Motor Vehicles "DMV" appealed an order of the Office of Administrative Hearings "OAH" which rescinded a driver's license revocation. The order is in error in finding that there was insufficient evidence to uphold the revocation. There was a discrepancy between the officer's testimony and the checkbox on the Driving Under the Influence "DUI" Information Sheet regarding the officer's reason for approaching the Respondent. There were several clerical errors on the DUI Information Sheet. The OAH discredited the officer's credibility. DMV wants to expand the rule that it is up to the driver to rebut the evidence to include that if a driver does not affirmatively dispute the revocation, then it is not a contested case. Rebuttal means you present evidence that the other side's evidence is not true. If it is true, then it is inappropriate in a civil case to present other argument.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0069	16-AA109	Circuit Court Mason County	Windle, James	Mr. Windle appeals an order of the Office of Administrative Hearings "OAH" upholding the revocation of his driver's license for driving under the influence "DUI." Petitioner challenges the DUI checkpoint because the Investigating Officer did not produce proof that notice was published as required by law.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0021	16-P-1	Circuit Court Wirt County	Murphy, Mark v. DMV	Petitioner appeals the final order of the Office of Administrative Hearings "OAH" affirming the revocation of his driver's license for Driving Under the Influence "DUI" on the grounds that there was no reasonable suspicion to stop the Petitioner's car and the delay in issuing a final order caused the Petitioner actual and substantial prejudice. The matter has been briefed by both parties.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0125	16-P-372	Circuit Court Kanawha County	U.S. Bank National Association v. Fouty, et al.	Plaintiff seeks to compel the Division of Motor Vehicles "DMV" to convert mobile homes from personal property to real property. The DMV filed a motion to dismiss averring that the Court does not have jurisdiction over the DMV because the Petitioner failed to state a claim upon relief could be granted.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0060	17-0691	Supreme Court - WV	Grillot, Doreen	The Division of Motor Vehicles "DMV" appeals the order of the Circuit Court of Boone County. The DMV argues that the circuit judge substituted his judgment for that of the factfinder. The matter is fully briefed to the Supreme Court.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0104	17-0834	Supreme Court - WV	Winesburg, Joseph	The Division of Motor Vehicles "DMV" appeals an order of the Circuit Court of Ohio County. The circuit judge substituted his judgment for that of the factfinder.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0066	17-AA-1	Circuit Court Wetzel County	Shreves, Roger	Mr. Shreves filed an appeal of an order of the Office of Administrative Hearings "OAH" which affirmed the revocation for refusal to submit to the designated secondary chemical test. The Petitioner challenges whether the Investigating Officer had grounds to approach the Petitioner. The Investigating Officer responded to a domestic violence call; however it was determined that no domestic violence order had been issued, although a complaint had been filed. The Petitioner admitted drinking, and there was a warrant for brandishing out on the Petitioner.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0013	17-AA-3	Circuit Court Wetzel County	Mallicone, Jenny	Ms. Mallicone appealed an order of the Office of Administrative Hearings "OAH" upholding the revocation of her driver's license for Driving Under the Influence "DUI." A stay hearing was held on January 8, 2018, at which a stay of her driver's license was granted for 150 days. The Petitioner challenges the delays in holding an administrative hearing and in issuing an order following the hearing. The Judge said if the transcript does not show that she raised the issue of pre-hearing delay at the administrative hearing, then it will be waived. If she did raise it, the Judge will look at good cause for continuances. Other issues brought by the Petitioner are the reason for stop, the walk-and-turn test should not have been considered, failure of the Office of Administrative Hearings to give her testimony weight, denial that she refused the Intoximeter because the Investigating Officer told her the preliminary breath test was .14 when it was .16. Her irreparable harm was she has custody of two minor children who are her great nieces, ages 5 and 7.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0081	17-AA-73	Circuit Court Kanawha County	Diveley, Elizabeth v. DMV	The driver appealed the order of the Office of Administrative Hearings "OAH" revoking her driver's license on September 22, 2017. She admits she was stopped for a defective tail light on January 16, 2016. She said she had red eyes because she has pink eye. She admits consuming marijuana, Prozac, and Xanax. She denies driving under the influence. The OAH record was submitted to the Court on November 22, 2017. The petition was sent to "Dept. Of Motor Vehicles" at 300 Capitol Street, which is an incorrect address. The revocation is not stayed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0122	17-AA-75	Circuit Court Kanawha County	Propst, Brian v DMV	Mr. Propst initially filed this appeal from an order of the Office of Administrative Hearings "OAH" in Putnam County. It was dismissed from Putnam County on February 22, 2018, because the Petitioner neither resided nor did business in that county. The Petitioner filed the appeal in Kanawha County before it was dismissed from Putnam County. The Division of Motor Vehicles "DMV" filed a motion to dismiss from Kanawha County on January 5, 2018 because the Petitioner failed to request a certified record on appeal as required by the Administrative Procedures Act. The DMV filed an Amended Motion to Dismiss on the basis that Kanawha County never obtained jurisdiction over the matter because it was pending in Putnam County at the time it was filed in Kanawha County. The parties briefed this issue.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0133	17-C-548	Circuit Court Cabell County	Carson, Ronald	The Driver appeals the Office of Administrative Hearings "OAH" order. On April 5, 2015, the petitioner caused a crash causing death. The Petitioner admitted that he took Xanax. Blood test was performed at the request of the Investigating Officer. Officer Koher did a Drug Recognition evaluation. The blood test showed that the Petitioner had Xanax in his system. Officer Koher was out of his jurisdiction but there was a mutual aid agreement between the Huntington Police Department and Cabell Co. Sheriff. The Petitioner was convicted. He appealed to his conviction to the Supreme Court, where it is pending. The Petitioner argues that Judge Stowers excluded evidence and Division of Motor Vehicles "DMV" waited until after the criminal trial to bring hearing. He further argues that the DMV should be bound by trial court's exclusion of evidence. A hearing was held on September 25, 2018 at which Judge Stowers denied the relief requested by Petitioner.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0015	17-P-179	Circuit Court Wood County	Stewart, George, Jr.	Mr. Stewart appeals an order of the Office of Administrative Hearings "OAH" which upheld the revocation of his driver's license for driving under the influence "DUI." The Petitioner failed to file a Designation of Record with the Court. The Petitioner argues that he did not refuse the secondary chemical test of the breath. The Petitioner lives in Ohio. The DMV filed a motion to dismiss averring that the Petitioner neither resides nor does business in Wood County thereby depriving that court of jurisdiction on January 25, 2018.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0054	17-P-33	Circuit Court Kanawha County	Agin, Deitra v. DMV	The Division of Motor Vehicles "DMV" appeals the Office of Administrative Hearings "OAH" final order. The OAH reversed the Order because although the officer requested a blood test, and she agreed, no evidence of blood test was admitted at the hearing. The sample was submitted but never tested because the Brooke County prosecutor stopped it. Respondent did not challenge the test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0065	18-0785	Supreme Court - WV	Pell, Shelby	The Division of Motor Vehicles "DMV" appealed an order of the Circuit Court of Brooke County to the West Virginia Supreme Court on September 7, 2018. The driver had appealed an order of the Office of Administrative Hearings "OAH" revoking her drivers license for driving under the influence under the age of 21 to the circuit court. The circuit court improperly substituted its judgment for the factfinder.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0108	18-AA-1	Circuit Court Logan County	Crum, David v. DMV	Mr. Crum appealed an order of the Office of Administrative Hearings (OAH) revoking his driver's license. The Division of Motor Vehicles "DMV" filed a motion to dismiss because the Petitioner failed to properly serve the DMV. A hearing was held on September 13, 2018 at which the Judge granted the Petitioner's motion to continue in order to obtain counsel.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0065	18-AA-189	Circuit Court Kanawha County	Tabor, David v. DMV	The Division of Motor Vehicles "DMV" appealed an Office of Administrative Hearings "OAH" order rescinding the revocation of the Respondent's driver's license. Counsel for the Respondent proffered at the administrative hearing that Investigating Officer reconstructed the Driving Under the Influence "DUI" Information Sheet and submitted it one year later. The Investigating Officer submitted two different Implied Consent forms, one with signatures and one with typed names. No weight was given to the Agency file. The Investigating Officer failed to appear at the hearing for the 7th time. There were no subpoenas or receipts in the file. No enforcement action against the officer was taken. The DUI Information Sheet was admitted. DMV argues that only the proffer showed that the Investigating Officer made up the DUI Information Sheet, and that there is no actual evidence to show that. DMV further argues that the OAH failed to fulfill their mandate to make findings on the record.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0064	18-AA-191	Circuit Court Kanawha County	Linville, Amber v. DMV	Ms. Linville appealed an order of the Office of Administrative Hearings "OAH" which upheld the Division of Motor Vehicles' "DMV" revocation of her license for Driving Under the Influence "DUI." The DMV filed a counterclaim on the OAH's rescission of the Petitioner's causing bodily injury to another on the date of arrest. The matter is fully briefed and DMV submitted a proposed order on September 25, 2018.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0082	18-AA-207	Circuit Court Kanawha County	Noffsinger, Jason v. DMV	The Division of Motor Vehicles "DMV" appeals an Office of Administrative Hearings "OAH" order reversing a driver's license revocation for knowingly permitting his vehicle to be driven by a person who was under the influence. The OAH misstated the legal standard and the evidence. The OAH improperly added the element of being aware that driver was under the influence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0071	18-AA-213	Circuit Court Kanawha County	Fowler, Dewayne v. DMV	The Division of Motor Vehicles "DMV" appeals an order of the Office of Administrative Hearings "OAH." The DMV challenges the Office of Administrative Hearings' position that drivers are entitled to blood test results regardless of who requests the blood test. The Petition was filed May 17, 2018. On May 21, 2018, the respondent's former attorney Hassan advised that the Respondent is in North Carolina.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0122	18-AA-217	Circuit Court Kanawha County	Selmon, Timothy v. DMV	The Division of Motor Vehicles "DMV" appealed an Office of Administrative Hearings "OAH" order rescinding a driver's license revocation. The driver parked behind a Rio General Store. The OAH found he could have gotten drunk after he got there. The OAH rescinded both the revocations for DUI and for refusal to submit to the designated secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0078	18-AA-219	Circuit Court Kanawha County	Hayes, Robert v. DMV	The Division of Motor Vehicles "DMV" appealed an Office of Administrative Hearings "OAH" order rescinding a driver's license revocation. The DMV challenges the Office of Administrative Hearings' position that drivers are entitled to blood test results regardless of who requests the blood test. The OAH hearing was held although blood test results were pending at the State Police Lab and test was completed a month after the hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0091	18-AA-229	Circuit Court Kanawha County	Rishel, Gibbs, Heather v. DMV	The Division of Motor Vehicles "DMV" appealed an order of the Office of Administrative Hearings "OAH" rescinding the revocation of Rishel's driver's license on July 26, 2018. The OAH rescinded the revocation solely on the basis of whether there was reasonable suspicion to stop the Respondent's vehicle. This is a drug only case. The OAH failed to analyze the evidence, and did not reconcile the evidence in accordance with Muscatell v. Cline, 196 W.Va. 588, 474 S.E.2d 518 (1996).
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0090	18-AA-230	Circuit Court Kanawha County	Hussing, Charles (Jr.) v. DMV	The Division of Motor Vehicles "DMV" appealed an order of the Office of Administrative Hearings "OAH" rescinding a driver's license revocation. The DMV challenges the Office of Administrative Hearings' position that drivers are entitled to blood test results regardless of who requests the blood test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0107	18-AA-234	Circuit Court Kanawha County	Fazio, Matthew v. DMV	The Division of Motor Vehicles "DMV" appealed an order of the Office of Administrative Hearings "OAH" which rescinded a driver's license revocation. No blood test was performed. The DMV challenges the Office of Administrative Hearings' position that drivers are entitled to blood test results regardless of who requests the blood test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0121	18-AA-240	Circuit Court Kanawha County	Welty, Taylor v. DMV	The Division of Motor Vehicles "DMV" appeals the Office of Administrative Hearings "OAH" order reversing her driver license's revocation for knowingly permitting. OAH misstated the legal standard and the evidence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0086	18-P-103	Circuit Court Harrison County	Stire, Jerry v. DMV	Mr. Stire appeals an order of the Office of Administrative Hearings "OAH" upholding the revocation of his driver's license for driving under the influence "DUI." The issues are that the Investigating Officer was out of his jurisdiction when he arrested the Petitioner and did not call anyone within the proper jurisdiction. The Petitioner also argues that he was prejudiced by the delay in the OAH's issuance of a final order. Another issue is whether the Petitioner was driving the car.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0012	18-P-12	Circuit Court Harrison County	Tracewell, Alan	Mr. Tracewell appeals an order of the Office of Administrative Hearings "OAH" upholding the revocation of his driver's license for driving under the influence "DUI." The Petitioner challenges the stop of his vehicle because the Investigating Officer's reports are contradictory; the Investigating Officer did not appear at the hearing; and the Petitioner testified and refuted all claims. A stay hearing was held on 1/29/18; the court deferred ruling. The matter is fully briefed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0096	18-P-248	Circuit Court Kanawha County	Smith, Jonathan v. DMV	Mr. Smith filed an appeal from an order of the Office of Administrative Hearings "OAH" which upheld the revocation of his license for driving under the influence of alcohol. The Petitioner did not properly serve the DMV Commissioner as required by statute.
Tax, Revenue, Court of Claims, and Transportation	Lackey, Laurel	TAX-17-0106	17-C-416	Circuit Court Berkeley County	Samuel I. White P.C. v. George Novak, Cynthia Frush, et al	Samuel 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. An Answer was filed on behalf of the Tax Department protecting its lien status.
Tax, Revenue, Court of Claims, and Transportation	Lackey, Laurel	TAX-18-0001	17-C-555	Circuit Court Berkeley County	Samuel I. White P.C. v. Leigh Michelle Baker, The Summer Hill Property Owners Association, WV State Tax Department, and United States of America	A Complaint was filed in order to allocate the net sale proceeds from the foreclosure sale to the proper lienholders in order of priority. The Tax Department holds a lien along with the Homeowner's Association and the IRS. An Answer has been filed defending Tax's lien in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-16-0127	16-AA-73	Circuit Court Kanawha County	Carmelia Ernestine Newhouse v. Office of the Insurance Commissioner and WV Division of Personnel	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. After the Respondent prevailed at the Grievance Board, Ms. Newhouse filed an Administrative Appeal with the Kanawha County Circuit Clerk's Office on August 29, 2016. A briefing schedule was completed and proposed orders submitted by all parties. We are awaiting final decision from Kanawha County Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0149	17-C-1597	Circuit Court Kanawha County	US Bank, NA v. Julie E. Thompson, Howard G. Thompson, WV State Tax Department, IRS, Dept of Treasury	US Bank, NA holds a Deed of Trust on property owned by Julie and Howard Thompson. The legal description in the Deed of Trust does not encumber all of the real estate owned by the Thompsons. Accordingly, US Bank filed a Petition to Reform Deed of Trust. Tax Department has a lien against the Thompson's property and it is anticipated its lien will stay in its current position once Deed of Trust has been reformed. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0145	17-C-241	Circuit Court Marshall County	Murray Energy Corporation, et al. v. Dale W. Steager, et al.	Petitioner is the owner of various coal tracts in Marshall County and is appealing the tax assessments and the Steam Coal Royalty Rate utilized by the State Tax Department. Murray Energy is challenging the application of the Legislative Rule to arrive at the value of a 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. This case is related to Murray v. Steager, 18-0018, which is pending in the WV Supreme Court of Appeals.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0036	17-C-618	Circuit Court Kanawha County	CJ Vapors LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b in which an excise tax is levied or imposed on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. The Court ultimately denied the Plaintiff's Petition for Injunctive Relief and denied the Tax Department's Motion to Dismiss. An Answer was filed on December 18, 2017, defending the constitutionality of W.Va. Code § 11-17-4b. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0037	17-C-619	Circuit Court Kanawha County	Ella Vape LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b in which an excise tax is levied or imposed on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0038	17-C-620	Circuit Court Kanawha County	Vandalia Mist Extracts and Vapors v. Dale W. Steager, State Tax Commissioner	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b in which an excise tax is levied or imposed on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0039	17-C-621	Circuit Court Kanawha County	Vape Escape LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b in which an excise tax is levied or imposed on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. The Court ultimately denied the Plaintiff's Petition for Injunctive Relief and denied the Tax Department's Motion to Dismiss. An Answer was filed on December 18, 2017, defending the constitutionality of W.Va. Code § 11-17-4b. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-18-0125	18-AA-3	Circuit Court Hancock County	Hancock County BOE v. Dale W. Steager	Hancock County Board of Education (BOE) filed a claim for refund for monies paid to the Tax Department for motor fuel excise tax. The claim for refund was untimely filed and denied. Thereafter, the BOE filed a Petition for Refund with the Office of Tax Appeals, which was denied. Hancock County BOE filed an Administrative Appeal in the Hancock County Circuit Court. An Agreed Order was signed establishing a briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0084	15-0935	Supreme Court - WV	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 CSX. CSX 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. CSX 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. The Office of Tax Appeals ruled the tax unconstitutional, and Circuit Court of Kanawha County agreed. An appeal was 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 the Office of Tax Appeals. The parties dispute the magnitude of the assessment. CSX Transportation has tendered payment to the Tax Department in satisfaction of its tax liability.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0132	15-C-914	Circuit Court Kanawha County	A-1 Amusement, Inc., et al. v. West Virginia Lottery, et al.	Plaintiffs allege that Lottery and IGT, an independent vendor, 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. An Agreed Order was tendered to the Judge to allow the Plaintiffs to file the Second Amended Complaint which conforms to the WV Supreme Court of Appeals decision and to establish a briefing schedule on Lottery's motion to dismiss which is due November 7, 2018.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0036	16-AA-1	Circuit Court Monongalia County	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 Board of Equalization and Review 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. This case has been stayed until the outcome of a related matter, Musick v. University Park, that is pending in the Supreme Court of Appeals of West Virginia. That matter has been scheduled to be heard on October 9, 2018.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0107	16-AA-2	Circuit Court Monongalia County	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 Board of Equalization and Review and not the Tax Commissioner. The Tax Commissioner filed a Motion to Dismiss the Petition for Appeal on Aug. 10, 2017. This case has been stayed until the outcome of a related matter, Musick v. University Park, that is pending in the Supreme Court of Appeals of West Virginia. That matter has been scheduled to be heard on October 9, 2018.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-778	17-0437	Supreme Court - WV	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, the Office of Tax Appeals reduced the penalty. An appeal was filed in the Circuit Court of Kanawha County because the reduction of the penalty by the Office of Tax Appeals 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 Office of Tax Appeals can substitute its opinion for that of the Tax Commissioner. The Circuit Court reversed the Office of Tax Appeals' Decision. Ashland Specialty appealed to the Supreme Court of Appeals. The Supreme Court of Appeals of WV affirmed the Circuit Court on May 1, 2018. Ashland Specialty filed a Petition for Rehearing. The Court denied Ashland's re-hearing and issued a mandate on October 17, 2018. This case is remaining open for the statutory appeal period.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0074	17-2349	US CA4	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 Defendant's 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. The State Defendants appealed this matter to the Fourth Circuit. Oral Argument has been scheduled for October 31, 2018.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-14-406	17-419	SCOTUS	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). The Office of Tax Appeals 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. The U.S. Supreme Court granted the petition. The Tax Department's response brief was filed on October 16, 2018. We are awaiting the Petitioner's reply brief and the US Solicitor General's reply brief. Oral argument has been scheduled for December 3, 2018.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-16-0027	18-0018	Supreme Court - WV	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. The Circuit Court Judge ruled in favor of the Tax Department and Murray Energy appealed to the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting decision from the Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0123	15-AA-63	Circuit Court Kanawha County	Riddel, Anthony v. DMV	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which modified an administrative license revocation for Respondent driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The Division alleges that the tribunal erred by excluding the Division's evidence in contravention to statute and case law. This matter is pending before Judge Jennifer Bailey in the Kanawha County Circuit Court, and has been ripe for decision since October 1, 2015.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-15-0208	15-AA-98	Circuit Court Kanawha County	King, Paula v. DMV	The Division of Motor Vehicles appealed a decision of the Office of Administrative hearings which reversed an administrative license revocation for Respondent Paula King driving while under the influence of alcohol, drugs, and/or controlled substances. The issue is that the tribunal was clearly wrong to ignore the substantial evidence of impairment. This matter is before Judge Carrie Webster in the Circuit Court of Kanawha County, and has been ripe for decision since February 11, 2016.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0006	16-AA-1	Circuit Court Jackson County	Sayre, James v. DMV	The Division of Motor Vehicles revoked Petitioner's driving privileges for driving while under the influence of alcohol, he appealed to the Office of Administrative Hearings which upheld the revocation. Mr. Sayre appealed to the Circuit Court of Jackson County alleging that he has been substantially prejudiced by the 23 month delay between his hearing and the entry of the tribunal's order. This matter has been ripe for decision since December 19, 2016.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0092	16-AA-108	Circuit Court Kanawha County	Pitzer, Justin	The Division of Motor vehicles appealed a decision of the Office of Administrative Hearings reversing the Division's order revoking Mr. Pitzer's driving privileges for driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The Division alleges that the tribunal lacked jurisdiction to hear the matter and that it erred in ignoring the evidence. This matter is before Judge Jennifer Bailey in the Circuit Court of Kanawha County, and has been ripe for decision since April 6, 2017.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0023	16-AA-18	Circuit Court Kanawha County	Boyle, Adam v. DMV	Mr. Boyle appealed a decision of the Office of Administrative Hearings upholding an order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. Mr. Boyle alleges that the tribunal's decision is arbitrary and capricious and not supported by the evidence presented below. This matter is before Judge Jennifer Bailey in the Circuit Court of Kanawha County, and has been ripe for decision since August 23, 2016.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0081	16-AA-52	Circuit Court Kanawha County	Adams, Harry v. DMV	The Division of Motor vehicles appealed a decision of the Office of Administrative Hearings reversing the Division's order of the revocation of Mr. Adams's driving privileges for refusing to submit to the designated secondary chemical test of the breath. The Division alleges that the tribunal was clearly wrong to ignore the evidence of refusal. This matter is before Judge Jennifer Bailey in the Circuit Court of Kanawha County, and has been ripe for decision since April 7, 2017.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0098	16-C-366	Circuit Court Ohio County	Still, Cleatus	Mr. Still appealed a decision of the Office of Administrative Hearings upholding an order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. The Division filed a motion to dismiss for lack of jurisdiction due to Petitioner's failure to serve the Division within 120 days. This matter was filed in the Circuit Court of Ohio County, and Judge James Mazzone failed to rule on the Division's motion prior to his retirement.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0070	16-P-186	Circuit Court Wood County	Blavos, Mark	The Division of Motor Vehicles revoked Petitioner's driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances, he appealed to the Office of Administrative Hearings which upheld the revocation. Mr. Blavos appealed to the Circuit Court of Wood County alleging that he has been substantially prejudiced by the 37 month delay between his hearing and the entry of the tribunal's order. Mr. Blavos has not taken action on his appeal in a year.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0089	17-0797	Supreme Court - WV	Lemley, Brett	On September 7, 2017, the Division of Motor Vehicles appealed a Decision by the Circuit Court of Kanawha County which upheld a decision of the Office of Administrative Hearings, reversing the Division's revocation for driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The Division alleges that there is no evidence that Mr. Lemley ingested anything to invalidate the secondary chemical test and that the circuit court erred in excluding the results of said test. The matter has been fully briefed and is awaiting argument or decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0020	17-AA-101	Circuit Court Kanawha County	Murphy, Lynn	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which reversed an administrative license revocation for driving while under the influence of alcohol, drugs, and/or controlled substances. The issues are that the tribunal misapplied W. Va. Code § 17C-5-9 and abrogated its duty under W. Va. Code § 17C-5A-2(f). This matter is pending before Judge Carrie Webster in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0125	17-AA-31	Circuit Court Kanawha County	Marcum, John v. DMV	Mr. Marcum appealed a decision of the Office of Administrative Hearings upholding an order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. Mr. Marcum did not serve the Division properly, nor did he file a brief. This matter has not be prosecuted for more than one year.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0083	17-AA-34	Circuit Court Kanawha County	Dotson, William	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which reversed an administrative license revocation for driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The issues are that the tribunal overreached its authority by deciding an issue not on appeal; that the tribunal ignored the substantial evidence of Mr. Dotson's blood alcohol content; and that the judicially created remedy in Reed v. Hall must be overturned. This matter is pending before Judge Jennifer Bailey in the Circuit Court of Kanawha County, and has been ripe for decision since October 16, 2017.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0094	17-AA-54	Circuit Court Kanawha County	Propps, Jamey v. DMV	Mr. Propps appealed a decision of the Office of Administrative Hearings upholding an order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. The issues are whether the tribunal was clearly wrong in its credibility assessment; whether there was sufficient evidence of impairment; whether the investigating officer is required to identify the impairing substance; and whether the criminal disposition is admissible in the civil, administrative license revocation proceeding. This matter is pending before Judge Jennifer Bailey in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0086	17-AA-70	Circuit Court Kanawha County	Bowman, Tina	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which reversed an administrative license revocation for driving while under the influence of alcohol, drugs and/or controlled substances with a minor child in the vehicle. The issues are that the tribunal misapplied W. Va. Code § 17C-5-9 and abrogated its duty under W. Va. Code § 17C-5A-2(f). This matter is pending before Judge Jennifer Bailey in the Circuit Court of Kanawha County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0128	17-AA-78	Circuit Court Kanawha County	Workman, Misty v. DMV	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which reversed an administrative license revocation for driving while under the influence of alcohol, drugs and/or controlled substances with a minor child in the vehicle. The issues are that the tribunal misapplied W. Va. Code § 17C-5-9 and abrogated its duty under W. Va. Code § 17C-5A-2(f). This matter is pending before Judge Carrie Webster in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0019	17-C-157	Circuit Court Wyoming County	Yost, Beverly	Mr. Yost filed a Petition for Writ of Prohibition in the Circuit Court of Wyoming County, asking that the Office of Administrative Hearings be prohibited from conducting an administrative hearing and asking that the Division of Motor Vehicles expunge his driving record of the license revocation. The Division moved to dismiss for lack of jurisdiction, and the Circuit Court granted the Division's motion and awarded court costs and fees. The Division is in the process of collecting on the judgment.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0009	17-P-114	Circuit Court Marion County	Carter, David	The Division of Motor Vehicles revoked Petitioner's driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances, and he appealed to the Office of Administrative Hearings which upheld the revocation. Mr. Carter appealed to the Circuit Court of Marion County alleging that the tribunal erred in finding that there was sufficient evidence to uphold the revocation. Mr. Carter has failed to file a brief with the court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0069	18-0239	Supreme Court - WV	Morrison, Donald v. DMV	On March 19, 2018, the Division of Motor Vehicles appealed from the Circuit Court of Ohio County Order, which had reversed a decision of the Office of Administrative Hearings upholding the Division's revocation for Mr. Morrison driving while under the influence of alcohol, drugs and/or controlled substances. The Division alleges that the Circuit Court lacked jurisdiction to hear the matter, and that it substituted its judgment for that of the fact finder below.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0023	18-0313	Supreme Court - WV	Steven S. Walker v. Pat Reed, DMV Commissioner	Mr. Walker appealed a decision of the Office of Administrative Hearings which upheld an Order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. He alleged that he was substantially prejudiced by the 4 ½ year post-hearing delay. The parties conducted an evidentiary hearing and are awaiting the transcript in order to commence briefing.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0081	18-0637	Supreme Court - WV	Crook, Katie	On July 11, 2018, the Division of Motor Vehicles appealed an Order from the Circuit Court of Ohio County, which reversed a decision of the Office of Administrative Hearings upholding the Division's order of revocation driving while under the influence of alcohol. The Division alleges that the Circuit Court substituted its judgment for that of the fact finder below; relied on speculation instead of fact; applied criminal standards to the civil, administrative license revocation proceeding; and failed to find good cause why Ms. Crook did not prosecute her appeal for more than a year.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0063	18-0702	Supreme Court - WV	Feagley, Joshua v. DMV	Mr. Feagley filed a Petition for Writ of Prohibition in the Circuit Court of Monongalia County alleging that the Division of Motor Vehicles should be prohibited from conducting an administrative hearing. Mr. Feagley should have named the Office of Administrative Hearings. The Division of Motor Vehicles moved to dismiss for lack of jurisdiction and failure to name an indispensable party. The Circuit Court granted the writ against the wrong agency, and the Division of Motor Vehicles appealed to the West Virginia Supreme Court of Appeals.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0111	18-0735	Supreme Court - WV	Botsch, Dustin v. DMV	Mr. Botsch was convicted of driving while under the influence of alcohol, controlled substances and/or drugs, and he holds a commercial driver's license. The Division of Motor Vehicles revoked his license upon conviction, and the Office of Administrative Hearings denied his hearing request. Mr. Botsch filed a petition for Writ of Prohibition in West Virginia Supreme Court of Appeals asking that the Division and the Office be prohibited from exercising jurisdiction over him without due process. The matter has been fully briefed and is awaiting argument or decision by the Supreme Court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0036	18-AA-186	Circuit Court Kanawha County	Corley, Patrick v. DMV	The Division of Motor Vehicles appealed a Decision of the Office of Administrative Hearings which modified an administrative license revocation for driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The Division alleges that the tribunal ignored the medical records required to be considered by Code and case law and which were un rebutted by Mr. Corley. The matter has been fully brief and is awaiting decision by Kanawha County Circuit Judge Charles King.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0035	18-AA-192	Circuit Court Kanawha County	Jenkins, Bryan v. DMV	The Division of Motor Vehicles appealed a decision of the Office of Administrative Hearings which reversed an administrative license revocation for driving while under the influence of alcohol and refusing to submit to the designated secondary chemical test. The Division alleged that it was substantially prejudiced by Mr. Jenkins's lack of candor to the tribunal by arguing that the stop of his vehicle was illegal while knowing that he had pled guilty to reckless driving in the companion criminal matter. The Division also alleged that the Office of Administrative Hearings failed to comply with its own rule in denying the Division's request for a continuance after the investigating officer's first failure to appear at hearing. This matter is pending before Judge Daniel Greear in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0120	18-AA-2	Circuit Court Berkeley County	McArthur, James v. DMV	Mr. McArthur appealed a decision of the Office of Administrative Hearings upholding an Order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. He alleged that there was insufficient evidence to prove that he drove under the influence of alcohol and that he was substantially prejudiced by the 5 year post-hearing delay.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0059	18-AA-203	Circuit Court Kanawha County	Scitzs, Gary v. DMV	Mr. Scitzs appealed a Decision of the Office of Administrative Hearings upholding an order by the Division of Motor Vehicles revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. He alleged that he was substantially prejudiced by the 52 month post-hearing delay. The Division moved to dismiss for untimely filing. The parties are awaiting a decision by Judge Jennifer Bailey of the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0074	18-AA-211	Circuit Court Kanawha County	McWhorter, Erik v. DMV	The Division of Motor Vehicles appealed a Decision of the Office of Administrative Hearings, which reversed an administrative license revocation for driving while under the influence of alcohol, drugs and/or controlled substances. The Division alleges that the hearing examiner misapplied the Code; based a credibility determination on speculation; conflated speculation for rebuttal evidence; ignored evidence of Mr. McWhorter's .211% blood alcohol concentration; and demonstrated a preference for testimonial evidence over documentary evidence. This matter is pending before Judge Daniel Greear in the Circuit Court of Kanawha County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0070	18-AA-215	Circuit Court Kanawha County	Kraft, Matthew v. DMV	The Division of Motor Vehicles appealed a Decision of the Office of Administrative Hearings, which reversed an administrative license revocation for driving while under the influence of alcohol, drugs and/or controlled substances. The Division alleges that the hearing examiner applied procedural rules not in effect at the time of the hearing; applied statutory requirements for the officer directed designated secondary chemical test to medical records; failed to cite to applicable case law; and improperly excluded evidence already admitted at the hearing. The matter is pending before Judge Louis H. Bloom in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0085	18-AA-223	Circuit Court Kanawha County	Fouch, John v. DMV	Mr. Fouch appealed a Decision of the Office of Administrative Hearings to the Circuit Court of Kanawha County. He alleges that the Order should be reversed because he was denied due process by not being able to cross-examine the officer who arrested him, even though he did not subpoena the officer. The matter is pending before Judge Jennifer Bailey.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0087	18-AA-226	Circuit Court Kanawha County	McCormick, Casey v. DMV	The Division of Motor Vehicles appealed a Decision of the Office of Administrative Hearings revoking an order of revocation for Mr. McCormick driving a motor vehicle in this state while under the influence of alcohol, controlled substances and/or drugs. The issues are that the tribunal misapplied W. Va. Code § 17C-5-9; abrogated its duty under W. Va. Code § 17C-5A-2(f); and acted arbitrarily and capriciously. This matter is pending before Judge Louis H. Bloom in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0109	18-AA-231	Circuit Court Kanawha County	Curry, Virginia v. DMV	The Division of Motor Vehicles appealed a Decision of the Office of Administrative Hearings, which modified an administrative license revocation for driving while under the influence of alcohol with a blood alcohol content in excess of .15%. The Division alleges that the tribunal ignored un rebutted evidence of Ms. Curry's blood alcohol content. This matter is pending before Judge Tod Kaufman in the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0119	18-AA-243	Circuit Court Kanawha County	Cornwell, Jared v. DMV	The Division of Motor Vehicles is appealing a Decision of the Office of Administrative Hearings, which reversed an administrative license revocation for driving a motor vehicle while under the influence of alcohol, drugs and/or controlled substances and refusing to submit to the designated secondary chemical test. The Division alleges that the tribunal erred by reversing when the driver patently admitted that he did not contest that he drove while under the influence. The tribunal further erred in its application of the statute regarding refusal to submit to the designated secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0060	18-AA-28	Circuit Court Mason County	Long, Christopher v. DMV	Mr. Long filed a Petition for Writ of Prohibition in the Circuit Court of Mason County, asking that the Division of Motor Vehicles be prohibited from revoking his license because of delay in issuing the order of revocation. The Division filed a Motion to Dismiss for lack of jurisdiction, and Mr. Long agreed to voluntarily dismiss the matter in Mason County. The Court has yet to enter a dismissal order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0110	18-AA-4	Circuit Court Boone County	Price, Dylan v. DMV	The Division of Motor Vehicles revoked Mr. Price's driving privileges for driving a motor vehicle while under the influence of alcohol, drugs and/or controlled substances and proximately causing the death of another. Mr. Price appealed to the Office of Administrative Hearings which denied his appeal as untimely filed. Mr. Price filed a Petition for Writ of Prohibition against the Division of Motor Vehicles in the Circuit Court of Boone County instead of the Office of Administrative Hearings. The Division filed a Motion to Dismiss for lack of jurisdiction. The matter is pending before Judge William Thompson.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0137	18-P-358	Circuit Court Kanawha County	Toothman, Ryan v. DMV	This is a Driving Under the Influence matter. The required pre-suit notice was not provided to the Defendant in this matter. Rather, the Plaintiff simply filed his Petition [Complaint] for Writ of Prohibition. Therefore, this Court lacks jurisdiction to hear this matter, and the complaint must be dismissed for lack of statutorily required notice.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0054	18-P-58-1	Circuit Court Harrison County	Cullers, George v. DMV	Mr. Cullers appealed a Decision of the Office of Administrative Hearings, which upheld the Division of Motor Vehicles' order of revocation for driving while under the influence of alcohol, drugs and/or controlled substances. Mr. Cullers alleged that he was substantially prejudiced by post hearing delay. The matter is pending before Judge Christopher McCarthy in the Circuit Court of Harrison County.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0092	18-C-194-3	Circuit Court Harrison County	WV State Athletic Commission v. Jeremy Jones dba CWW Backyard Sports	The Athletic Commission asked us to file an injunction and complaint against Jeremy Jones who was attempting to organize an illegal backyard boxing match for August 10, 2018. We filed a Verified Complaint, Motion for Temporary Restraining Order, Motion for Preliminary Injunction in an effort to stop Mr. Jones from proceeding with this illegal sporting event. The Order granting permanent injunction was signed by the Judge. We are awaiting the expiration of appeal period.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0027	18-C-484	Circuit Court Kanawha County	Humana v. Onvia, et al	Civil Action 18-C-87 before Judge Tabit was dismissed without prejudice on March 6, 2018, for lack of pre-suit notice. Humana refiled initiating Civil Action No. 18-C-484. Humana is seeking a declaratory judgment that certain documents in PEIA's possession are exempt from FOIA under the trade secret exemption. Humana also seeks to enjoin PEIA from disclosing such documents. An Answer was filed on behalf of PEIA stating that PEIA is obligated to produce documents in possession pursuant to W.Va. Code § 29B-1-4(a). PEIA does admit that the FOIA policy is also subject to certain exemptions which are strictly construed in favor of disclosure. A Motion for Joinder of Indispensible Party and Production of a Vaughn Index was filed on behalf of PEIA to join Paige Willis, requestor of documents, who is believed to be an indispensable party. The Order was granted by the Court. Currently, Humana and PEIA are seeking resolution of all issues in this matter through an agreed order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0077	18-P-57	Circuit Court Marion County	David Demary v. Public Employees Insurance Agency	Mr. Demary filed a Petition for Appeal Under Administrative Procedures Act, Injunctive Relief, and Declaratory Judgment or Alternatively Petition for Writ of Mandamus in the Marion County Circuit Court, appealing PEIA's denial of benefits for Mr. Demary's requested treatment plan for prostate cancer which consists of proton beam radiotherapy (PBRT) from the University of Florida Proton Therapy Institute. The petition alleges that pursuant to the Administrative Procedures Act (APA) pursuant to W.Va. Code 29A-5-4(b), a review of an administrative agency in the State of West Virginia shall be in the Circuit Court in which the petitioner resides. The Petitioner seeks the Court to determine his prostate cancer to be life threatening for which PBRT is medically necessary, and to Mandate that PEIA provide benefits to cover the recommended PBRT cancer therapy. A Motion to Dismiss was filed on behalf of PEIA for lack of subject matter jurisdiction, improper venue, and failure to state a claim upon which relief can be granted. A hearing was held on September 20, 2018, on PEIA's Motion to Dismiss, Petitioner's Motion to Amend Complaint, and Petitioner's Motion for Preliminary Injunctive Relief. The Judge granted PEIA's Motion to Dismiss on October 11, 2018. We are awaiting the appeal period before closing the file.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0073	1:17-cv-121	USDC NDWV	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 James D. LaRosa, deceased. James D. LaRosa, deceased, owed Lois M. LaRosa, deceased, a sum of money pursuant to their divorce decree. Lois' Estate is suing James' Estate for the settlement money. They've also included creditors of liens filed against James J. LaRosa in the lawsuit. An Answer was filed protecting the Tax liens filed against Mr. LaRosa in order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-12-441	10-C-388	Circuit Court Ohio County	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	Circuit Court Logan County	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.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-13-1068	13-C-51	Circuit Court Summers County	Michael D. Skinner v. WV State Tax Dept.	Michael Skinner filed a Complaint naming Richard McFall, as Defendant along with the Tax Department. In his prayer for relief, Mr. Skinner requested that two parcels of land owned by Mr. McFall be sold by a Special Commissioner to satisfy the judgment lien in favor of Mr. Skinner and to satisfy any other liens which may be filed against Mr. McFall. An Answer was filed on behalf of the Tax Department defending its lien position in its order of priority. On October 28, 2013, Attorney for Mr. McFall sent correspondence to Attorney for Mr. Skinner enclosing a check to satisfy the Judgment Lien. Attorney for Mr. Skinner subsequently filed that correspondence with the Circuit Clerk's Office. Subsequent to that correspondence, Mr. McFall, pro se, sent correspondence to the Circuit Clerk's Office informing them that he needed a hearing to present evidence. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-005	14-AA-1	Circuit Court Kanawha County	Asian Grill v. Craig A. Griffith	A Petition to Appeal the Administrative decision of the Office of Tax Appeals (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	Circuit Court Raleigh County	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. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-680	14-C-883-K	Circuit Court Raleigh County	Lin Qin d/b/a China One Buffet v. Dale W. Steager, State Tax Comm'r	Taxpayer appealed the dismissal from Office of Tax Appeals to the Raleigh County Circuit Court. A Motion to Dismiss was filed on behalf of the Tax Department due to the taxpayer's failure to file appeal bond. We are awaiting the Court's decision.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0083	15-C-42	Circuit Court Jefferson County	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. The Tax Department received a check for \$5,221.48 which covers its lien in full. A release will be filed with the County Clerk's Office. Awaiting Final Order closing case.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-15-0045	16-0910	Circuit Court Mineral County	Keith G. Taylor v. Dale W. Steager, WV State Tax Commissioner	The taxpayer alleges he is owed a refund plus statutory interest for tax years 2009, 2010, 2011 and 2012. The Office of Tax Appeals ruled against the taxpayer. Mineral County Circuit Court 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-16-0020	16-AA-19	Circuit Court Kanawha County	Timothy A. and Marey Casey v. Mark W. Matkovich, State Tax Commissioner	The Office of Tax Appeals (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 at 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-16-0033	16-AA-2W	Circuit Court Hancock County	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.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0106	16-C-77	Circuit Court Lewis County	Dale W. Steager, WV State Tax Commissioner 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 Department 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. A proposed Agreed Order was tendered to opposing counsel in April 2018. An agreed order signed by counsel of record has been tendered to the Court for signature. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0117	17-bk-10037	Bankruptcy Court-US WVSD	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. The Debtor was discharged. The Trustee subsequently retained a law firm to represent him. According to PACER, a realtor has been retained to sell the real estate. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0105	17-C-277	Circuit Court Fayette County	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 was named in the Complaint due to liens against Albert Thomas Falbo and, therefore, against the property that is the subject of this dispute. A Partial Motion for Summary Judgment was filed by the Tax Department and was Granted by the Judge. The Tax Lien's have been preserved in their order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0151	17-C-319	Circuit Court Ohio County	SWN Production Company, LLC v. Dale W. Steager, Tax Commissioner, Ohio County Assessor, Ohio County Commission	SWN is appealing the Ohio County Commission, sitting as the Board of Assessment Appeals, Order affirming the Assessor's Assessment following the October 4, 2017, hearing before the Board. SWN owns 94 Marcellus wells in Ohio County. SWN is complaining that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead the Tax Department utilizes a mass appraisal system pursuant to the Legislative Rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. The Business Court Judge set a briefing schedule for dispositive motions and will schedule oral argument as needed.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0141	17-P-404	Circuit Court Kanawha County	Freedom Mortgage Corporation v. Melvin E. Bailey, Jr., et al	Freedom Mortgage filed a Petition to correct legal description of two tracts of land that a deed of trust encumbers along with adjacent property. The Tax Department has a lien against Melvin Bailey. The Tax Department filed an Answer to protect and preserve its lien position. The Plaintiff recently filed an affidavit of service by publication and order of publication to achieve service on the Baileys. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0031	18-0019	Supreme Court - WV	Penn Virginia Operating Co., LLC v. Donald Rice, Upshur County Assessor, Dale W. Steager, 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. 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. This matter was consolidated into the Randolph County matter which was appealed to the WV Supreme Court of Appeals, docket number 18-0019. The briefing schedule was recently completed in this matter. We are awaiting further instruction from the Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0032	18-0019	Supreme Court - WV	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. This matter was consolidated into the Randolph County matter which was appealed to the WV Supreme Court of Appeals, docket number 18-0019. The briefing schedule was recently completed in this matter. We are awaiting further instruction from the Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0030	18-0019	Supreme Court - WV	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. The briefing schedule was recently completed in this matter. We are awaiting further instruction from the Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0013	18-0121	Supreme Court - WV	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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0012	18-0122	Supreme Court - WV	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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0003	18-0122	Supreme Court - WV	Consol Energy, LLC, dba CNX Gas Company, LLC v. Dale W. Steager, 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 owned by CNX Gas. 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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0010	18-0124	Circuit Court Ritchie County	Antero Resources Corporation v. The Honorable Dale Steager, 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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0021	18-0125	Supreme Court - WV	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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0014	18-0125	Supreme Court - WV	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. The Business Court ruled in favor of the Taxpayer in this matter. A Notice of Appeal was filed on behalf of the Tax Department at the Supreme Court of Appeals of West Virginia. The briefing schedule is complete. We are awaiting either a decision from the Court or oral arguments.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0072	18-0228	Circuit Court Kanawha County	Antero Resources Corporation v. WV State Tax Commissioner	Antero Resources filed two petitions for reassessment in the Office of Tax Appeals on behalf of Antero Resources and Antero Resources Bluestone in the amount of \$1,272,540.62 and \$1,325.59 respectively. The Office of Tax Appeals issued an Order modifying the assessments to \$25,613.82, combined. Petition for Appeal was filed in the Kanawha County Circuit Court. The briefing schedule will be completed in early October, 2018.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0041	18-0555	Supreme Court - WV	Mary Ann Taylor v. Dale W. Steager, State Tax Commissioner	Mrs. Taylor filed a Motion for an Order Granting Refund in Mineral County Circuit Court requesting that the Office of Tax Appeals (OTA) rule on a Petition for Refund filed by Petitioner in 2016. The facts of the matter reveal that after the Petition for Refund was filed, the Tax Department issued a refund pursuant to Mrs. Taylor's income tax return filed in January, 2016, for the 2015 Tax Year. Mrs. Taylor then sent correspondence to OTA and courtesy copied counsel for the Tax Department that she no longer wishes to pursue this petition as she was given the appropriate refund. After a period of time, OTA issued an order dismissing the matter. Subsequently, Mary Ann Taylor filed an appeal of dismissal from OTA to the Circuit Court of Mineral County. Counsel for Tax Department filed a Motion to Dismiss as moot since the refund request by Mary Ann Taylor had been paid. The Circuit Court Judge granted the Tax Department's Motion to Dismiss. Finally, Mrs. Taylor appealed the Circuit Court decision to the Supreme Court of Appeals of West Virginia. The Deadline for Mrs. Taylor to perfect the appeal is October 1, 2018.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0037	18-AA-1	Circuit Court Raleigh County	Beaver Coal Company, Limited, v. West Virginia Division of Forestry, West Virginia State Tax Commissioner, and Raleigh County Assessor	Beaver Coal filed a Petition for Review of PTR 18-38 issued by Commissioner Dale Steager which stated that property owned by Beaver Coal is not eligible for managed timberland valuation because Beaver Coal Company did not timely file an application for certification to the Division of Forestry. The Tax Department denied that Beaver Coal Company qualified for valuation as Managed Timberland under the statutory framework. Division of Forestry recently filed an Answer as well. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0042	18-AA-1	Circuit Court Pocahontas County	The Silver Creek Association, Inc. v. Tom Lane, Assessor of Pocahontas County, Dale W. Steager, Tax Commissioner	Silver Creek Association filed a Petition for Appeal of Property Tax Ruling 18-49 issued by the Tax Department regarding the valuation and taxation of common elements owned by the condominium owners of Silver Creek Lodge at Snowshoe. Discovery is progressing and shall be completed on October 10, 2018. Trial is set to commence on January 10, 2018.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0022	18-C-13	Circuit Court Logan County	US Bank, NA v. David C. Mayberry, et al	US Bank filed a declaratory relief complaint seeking reformation of Deed of Trust and Assignment to reflect the correct property intended to be encumbered by the Deed of Trust. The Tax Department has a lien against one of the owners. An answer has been filed to protect Tax's lien in its order of priority. Attorney for the Plaintiff's tendered a motion for default judgment against the Debtors and the Court granted it. We are awaiting final order dismissing case.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0101	18-C-151	Circuit Court Fayette County	Green Tree Financial Servicing Corporation v. Ruth E. Johnston and West Virginia State Tax Department	Green Tree Financial filed a Petition to Reform Deed of Trust to Correct Legal Description on a Deed of Trust recorded in 1998. The Tax Department has a tax lien against the Taxpayer. An Answer was filed on August 29, 2018 protecting the lien in its order of priority. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0047	18-C-166	Circuit Court Cabell County	Publisher's Place, Inc. v. Dale Steager, State Tax Commissioner	Publisher's Place filed a Complaint contesting the property tax ruling issued by the Tax Commissioner on Feb. 21, 2018, stating that property owned by Publisher's Place was not exempt from ad valorem taxation, regardless of its 501(c)(3) standing. In its Petition for Appeal, Publisher's Place stated they have supplied to the Tax Commissioner and the Assessor that absolutely no extraneous commercial or other activity takes place in their rented office space at 821 4th Avenue, Huntington. A discovery request was sent on August 23, 2018, to the Taxpayer. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0048	18-C-21	Circuit Court Wetzel County	SWN Production Company, LLC v. Dale W. Steager, Tax Commissioner, Wetzel County Assessor and Wetzel County Commission	SWN is appealing the Wetzel County Commission, sitting as the Board of Assessment Appeals, Order affirming the Assessor's Assessment following the October 4, 2017, hearing before the Board. SWN owns numerous Marcellus wells in Wetzel County. SWN is complaining that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead the Tax Department utilizes a mass appraisal system pursuant to the legislative rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. The Business Court Judge set a briefing schedule for dispositive motions and a hearing on Wetzel County Commission's motion to dismiss is scheduled for October 26, 2018. The Tax Department did not oppose nor support Wetzel County's motion to dismiss.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0118	18-C-239	Circuit Court Mercer County	JP Morgan Chase v. Williams Herald, et al	JP Morgan Chase Bank filed a Petition to Reform Deed of Trust stating the Quit Claim Deed and Deed of Trust contain typographical errors. The Petition requests the Deed and Deed of Trust be reformed and for the Deed of Trust to maintain lien priority over all liens filed subsequent to the Deed of Trust. The Tax Department has two tax liens against the homeowners. An Answer will be filed to protect the Tax Department's lien position.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0099	18-C-30	Circuit Court Mineral County	LSCG Fund 19, LLC v. George's Amoco, et al	LSCG Fund 19, LLC, filed a complaint to Reform Deed and Collect Deficiency balance against George's Amoco, and George Terrell. The issues stems from a foreclosure sale that took place in 2017. Subsequent to the Foreclosure Sale, it was discovered that the Deed contained an error in the legal description which would result in George's Amoco retaining a portion of the intended encumbered real estate. The State Tax Department was named as a party due to the numerous Tax liens filed against George's Amoco totaling almost \$200,000.00. An Answer was filed protecting the Tax Department's liens in order of priority. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0094	18-C-395	Circuit Court Cabell County	Lakeview Loan, LLC v. Paula Taylor	Lakeview Loan filed a Petition to Reform Deed of Trust to fix a scrivener error in the legal description which the Deed of Trust encumbers. The Tax Department has a lien against the Taxpayer. An Answer was filed on behalf of the Tax Department protecting its lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0079	18-C-485	Circuit Court Kanawha County	US Bank v. Jonathan Riggs, Et al.	US Bank filed a Petition to authorize the Substitute Trustee to enforce its rights to sell the property and apply the proceeds to the outstanding indebtedness. The property is vested in James Lloyd Riggs' heirs, Lt. Col. Jonathan Riggs, United States Marine Corp, and Sean Riggs, United States Air Force. The Tax Department has a lien against the Decedent, James Lloyd Riggs. An Answer was filed on behalf of the Tax Department protecting its lien interest. Lt. Col Riggs has filed an answer stating that he's attempted to relinquish all rights to the property. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0136	18-C-527	Circuit Court Cabell County	JP Morgan Chase Bank, NA v. Harriet M. King, Michael A. King, State Tax Department, Bennie Thomas and Wendy Thomas.	JP Morgan Chase filed a Petition to Quiet Title and Declare Lien Priority of Deed of Trust. The Petition seeks to place the Deed of Trust signed by Mr. & Mrs. King in lien prioprity over a Land Sale Contract signed by Mrs. King. The WV Tax Department has multiple tax liens against Harriet King, one of the Respondents. An Answer will be filed to protect the Tax Department's lien positions against the taxpayer.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0026	18-C-53	Circuit Court Cabell County	Bayview Loan Servicing, LLC v. Eric Scott Vance, State of West Virginia Tax Department	Bayview filed a Complaint against Eric Scott Vance to reform the Deed of Trust. They named Tax Department as a Respondent due to the Tax Lien against Eric Scott Vance in Cabell County. An Agreed Stipulation was signed by Counsel for the Plaintiff and Counsel for the Tax Department protecting its lien position and agreeing to the reformation of the legal description in the Deed of Trust. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0132	18-C-700	Circuit Court Kanawha County	NR Deed, LLC v. Carlos Bego, Kimberly Lacy, State of West Virginia, and WV Bureau for Child Support Enforcement	NR Deed filed suit to quiet title for several properties which were purchased at county tax sales. NR Deed named the State of West Virginia as a party to this lawsuit; however, the summons was improperly completed and service was attempted on the Magistrate Court of Kanawha County rather than the State of West Virginia. The AGO has filed a motion to dismiss the case accordingly for lack of proper service and for lack of pre-suit pursuant to W.Va. Code Section 55-17-3.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0133	18-C-709	Circuit Court Kanawha County	NR Deed, LLC v. Michael Ryan Abshire, Jessica L. Abshire, The State of West Virginia and the City of Charleston	NR Deed filed suit to quiet title for several properties which were purchased at county tax sales. NR Deed named the State of West Virginia as a party to this lawsuit; however, the summons was improperly completed and service was attempted on the Magistrate Court of Kanawha County rather than the State of West Virginia. The AGO has filed a motion to dismiss the case accordingly for lack of proper service and for lack of pre-suit pursuant to W.Va. Code Section 55-17-3.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0024	18-C-8	Circuit Court Marshall County	SWN Production Company, LLC v. Dale Steager, Tax Commissioner, Christopher J. Kessler, Assessor, Marshall County Commission	SWN is appealing the Marshall County Commission, sitting as the Board of Assessment Appeals, Order affirming the Assessor's Assessment following the October 4, 2017, hearing before the Board. SWN owns numerous Marcellus wells in Marshall County. SWN is complaining that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead the Tax Department utilizes a mass appraisal system pursuant to the legislative rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. The Business Court Judge set a briefing schedule for dispositive motions and will schedule oral argument as needed.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0097	18-C-983	Circuit Court Kanawha County	CitiMortgage Inc. v. Debra Huffman, Keith Huffman and State Tax Dept.	CitiMortgage filed a Petition to Declare Lien Priority and Reform Deed of Trust due to an inaccurate legal description of the encumbered property being recorded with the lien. The Petition seeks to have its lien in first lien position over others who may have a lien, such as the Tax Department. The Tax Department filed an Answer to protect its lien position. Case is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0004	18-P-4	Circuit Court Upshur County	Ronald Fowler v. WV State Tax Department	Mr. Fowler filed a "Petition" requesting the Circuit Court overturn Property Tax Ruling 18-31 issued by the West Virginia State Tax Department which determined that the plaintiffs undivided 7/168 interest in 166.5 acres shall not be valued as farm use. It was argued at the Trial conducted on Friday, September 21, 2018, that the Tax Department cannot separate an undivided interest from a parcel of land due to the equal and uniform taxation clause in the West Virginia Constitution. The parties are to submit briefs October 22, 2018, for the Court's consideration.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0095	18-P-64	Circuit Court Mineral County	MaryAnn Taylor v. WV State Tax Commissioner	MaryAnn Taylor filed a Petition for Writ of Mandamus demanding an additional Personal Income Tax refund for 2009 calendar year. However, the 2009 additional refund was previously litigated with Keith Taylor in the Supreme Court of Appeals of West Virginia, Docket No. 16-0910. The Court specifically affirmed the Tax Department's denial of an additional refund for the 2009 calendar year. Tax was not named as a party on the Petition; however, Judge Nelson named Tax as a party on the Notice of Hearing scheduled for October 11, 2018. A Motion to Dismiss was filed on behalf of the Tax Department on numerous grounds. A proposed Order was tendered to the Judge on October 16, 2018 dismissing the Tax Department. Mrs. Taylor has filed an objection to the proposed Order. A FOIA request was also received by Mr. & Mrs. Taylor regarding this matter. We are working with Steven Travis to answer the FOIA.

WORKERS' COMPENSATION DIVISION

ANNUAL REPORT
TO
THE GOVERNOR
November 1, 2018

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Workers Compensation and Employment Programs	Hallinan, Jackie	WLC-16-0136	13-AA-125	Circuit Court 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.