



Office of the Attorney General

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

NOVEMBER 1, 2020

Patrick Morrisey
Attorney General

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APPELLATE DIVISION

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	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). Briefing completed. (Fayette County)
Appellate	Bissett, Lara	APP-19-0154	19-0738	Supreme Court - WV	State of West Virginia v. Dale Field (19-0738)	Petitioner appealing denial of motion to withdraw Alford/Kennedy plea alleging abuse of discretion. Briefing completed. (Marion County)
Appellate	Bissett, Lara	APP-19-0176	19-0810	Supreme Court - WV	State of West Virginia v. William B. Padgett (19-0810)	Appealing order denying motion for reduction of sentence and alternative sentencing; alleging plain error, failure to make factual findings and abuse of discretion by trial court. Briefing completed. (Barbour County)
Appellate	Bissett, Lara	APP-19-0198	19-0931	Supreme Court - WV	State of West Virginia v. Phillip J. Wilson, Jr. (19-0931)	Petitioner alleging condition of supervised release that prohibits contact with his children is illegal under the supervised release statute. Briefing completed. (Wood County)
Appellate	Bissett, Lara	APP-19-0218	19-0941	Supreme Court - WV	Lawrence K. Hinkle v. Charles Williams, Superintendent (19-0941)	Successive habeas alleging ineffective assistance of habeas counsel. Briefing completed. (Mingo County)
Appellate	Bissett, Lara	APP-19-0201	19-0957	Supreme Court - WV	State of West Virginia v. Lamere S. Troup (19-0957)	Direct appeal alleging disproportionate sentencing. Briefing completed. (Upshur County)
Appellate	Bissett, Lara	APP-19-0222	19-0999	Supreme Court - WV	State of West Virginia v. Morgan Creed Vandergriff (19-0999)	Direct appeal alleging errors regarding improper jury instructions on lesser included offenses and insufficiency of evidence to support second degree murder. Briefing completed. (Putnam County)
Appellate	Bissett, Lara	APP-19-0239	19-1011	Supreme Court - WV	State of West Virginia v. Takiese Naceer Bethea (19-1011)	Direct appeal alleging disproportionate sentencing related to offense, involuntary and unknowing waiver of rights for plea, violation of equal protection and due process in sentencing, and ineffective assistance of counsel. Briefing completed. (Upshur County)
Appellate	Bissett, Lara	APP-19-0250	19-1075	Supreme Court - WV	State of West Virginia v. Charles Hassell Kennedy (19-1075)	Direct appeal alleging evidentiary errors regarding photos, coerced/improper confession, 404(b) errors, insufficient evidence. Briefing completed. (McDowell County)
Appellate	Bissett, Lara	APP-20-0002	19-1103	Supreme Court - WV	State of West Virginia v. Joseph L. Stephens, Sr. (19-1103)	Direct appeal alleging revocation of supervised release and imposition of 40 year sentence violates due process and double jeopardy and is disproportionate. Briefing completed. (Berkeley County)
Appellate	Bissett, Lara	APP-20-0056	2:20-cv-153	USDC WVSD	James Michael Downey v. Russell Maston, Superintendent (2:20-cv-153)	Federal habeas alleging ineffective assistance of counsel. Limited Response to the determination of timeliness. In litigation. (Kanawha County)
Appellate	Bissett, Lara	APP-20-0032	20-0009	Supreme Court - WV	State of West Virginia v. Johnny Lee Dempsey (20-0009)	Direct appeal alleging imposition of sentence of 20 years supervised release is unconstitutional, disproportionate, cruel and unusual punishment, and that the judge should have recused herself. Briefing completed. (Mingo County)
Appellate	Bissett, Lara	APP-20-0039	20-0050	Supreme Court - WV	State of West Virginia v. Marcus Lamont Young (20-0050)	Direct appeal alleging insufficiency of evidence, error in not admitting evidence of self-defense and jury instruction error. Briefing completed. (Kanawha County)
Appellate	Bissett, Lara	APP-20-0047	20-0077	Supreme Court - WV	Travis Norwood v. Donnie Ames, Superintendent (20-0077)	Habeas appeal alleging reversible error by summary dismissal without an omnibus hearing. Briefing completed. (Greenbrier County)
Appellate	Bissett, Lara	APP-20-0052	20-0094	Supreme Court - WV	Jared Michael Iseli v. Donnie Ames, Superintendent (20-0094)	Habeas appeal alleging ineffective assistance of counsel and due process violation arising from improper sentencing procedure. Briefing completed. (Randolph County)
Appellate	Bissett, Lara	APP-20-0070	20-0170	Supreme Court - WV	State of West Virginia v. Rodney M. Crawford (20-0170)	Direct appeal of probation revocation alleging due process violations arising from timeliness error. Briefing completed. (Fayette County)
Appellate	Bissett, Lara	APP-20-0077	20-0208	Supreme Court - WV	State of West Virginia v. Juan Xavier Chic (20-0208)	Direct appeal alleging errors in ineffective assistance of counsel, failure to preserve evidence, insufficiency of evidence and double jeopardy. Under briefing schedule. (Kanawha County)

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Appellate	Bissett, Lara	APP-20-0098	20-0255	Supreme Court - WV	State of West Virginia v. Dustin Morey (20-0255)	Direct appeal alleging due process violation arising from untimely appeal of underlying magistrate court conviction and denial of motion for re-sentencing of defendant for purpose of perfecting an appeal. Under briefing schedule. (Mercer County)
Appellate	Bissett, Lara	APP-20-0186	20-0317	Supreme Court - WV	State of West Virginia v. Michael J. Smith (20-0317)	Direct appeal alleging error in allowing gruesome photos, evidence of flight, evidence of prior arrests, Petitioner's prior participation in juvenile abuse and neglect and presentment of jury instructions. Under briefing schedule. (Roane County)
Appellate	Bissett, Lara	APP-20-0111	20-0324	Supreme Court - WV	State of West Virginia v. David Canaday, Jr. (20-0324)	Rule 35(b) appeal alleging abuse of discretion in denial of alternative sentencing. Under briefing schedule. (Greenbrier County)
Appellate	Bissett, Lara	APP-20-0120	20-0340	Supreme Court - WV	Rajion Alterek Mayo v. Shelby Searls, Superintendent (20-0340)	Habeas appeal alleging abuse of discretion by circuit court judge in denying habeas after omnibus hearing on single allegation of ineffective assistance of counsel. Briefing completed. (Cabell County)
Appellate	Bissett, Lara	APP-20-0130	20-0468	Supreme Court - WV	Roger D. Persinger, Jr. v. Karen Pszczolkowski, Superintendent (20-0468)	Habeas appeal alleging denial of amended habeas based on ineffective assistance of trial counsel. Under briefing schedule. (Raleigh County)
Appellate	Bissett, Lara	APP-20-0092	20-0476	Supreme Court - WV	SER, Joshua Stitley v. Donnie Ames, Superintendent (20-0476)	Habeas petition alleging due process and equal protection violations arising from denial of petition without counsel or evidentiary hearing. Under briefing schedule. (Berkeley County)
Appellate	Bissett, Lara	APP-20-0139	20-0519	Supreme Court - WV	State of West Virginia v. Andre Parrish (20-0519)	Direct appeal alleging error in denial of motions for dismissal based upon newly discovered evidence and tampered evidence. Under briefing schedule. (Monongalia County)
Appellate	Bissett, Lara	APP-20-0148	20-0526	Supreme Court - WV	SER, Thomas Booth v. Carl Aldridge, Superintendent (20-0526)	Original Jurisdiction Habeas alleging no movement in matter where petitioner withdrew plea in 2003 to charges that are being used as basis of failure to report as sex offender charge for which he is incarcerated. Briefing completed. (Lincoln County)
Appellate	Bissett, Lara	APP-20-0165	20-0589	Supreme Court - WV	State of West Virginia v. Christopher Wayne Steele (20-0589)	Appeal alleging abuse of discretion in imposition of sentence pursuant to plea agreement to 2 felonies and 6 misdemeanors whereby one year was imposed for each misdemeanor. Under briefing schedule. (Jackson County)
Appellate	Bissett, Lara	APP-20-0166	20-0603	Supreme Court - WV	State of West Virginia v. Tanner Carter (20-0603)	Appeal alleging abuse of discretion in denial of motion to withdraw plea arising from State's admission of no evidence at plea hearing and ineffective assistance of counsel. Under briefing schedule. (Logan County)
Appellate	Bissett, Lara	APP-20-0160	20-0615	Supreme Court - WV	State of West Virginia v. Denver Rucker (20-0615)	Direct appeal from denial of motion for re-sentencing for restarting 120 day time frame to file motion to reconsider arising from claim of ineffective assistance of counsel whereby Petitioner alleges to have instructed trial counsel to file motion. Under briefing schedule. (Clay County)
Appellate	Bissett, Lara	APP-20-0179	20-0707	Supreme Court - WV	State of West Virginia v. Tammy Jean Holmes (20-0707)	Direct appeal alleging excessive and disproportionate sentence. Under briefing schedule. (Morgan County)
Appellate	Bissett, Lara	APP-17-0165	3:17-cv-22	USDC WVND	Harold Billiter v. Ralph Terry, Acting Warden (3:17-cv-22)	Federal habeas corpus petition by sex offender alleging failure to sequester witnesses; evidentiary errors; sufficiency of evidence; ineffective assistance; prejudicial closing argument. In litigation. (Harrison County)
Appellate	Bissett, Lara	APP-19-0062	5:19-cv-196	USDC WVSD	Norma B. Griffin v. Patrick Morrissey, West Virginia Attorney General (5:19-cv-196)	Petitioner was convicted of extortion. She is seeking federal habeas corpus relief on grounds of inordinate delay. Her substantive grounds are: statutory unconstitutionality, prosecutorial misconduct, improper instruction, and lack of speedy trial. In litigation. (Greenbrier County)
Appellate	Flanigan, Holly	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)

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Appellate	Flanigan, Holly	APP-19-0038	19-0142	Supreme Court - WV	State of West Virginia v. Mark A. Wilson, Jr. (19-0142)	Petitioner was convicted of Fleeing. He alleges insufficiency of the evidence to sustain this conviction. Briefing completed. (Harrison County)
Appellate	Flanigan, Holly	APP-19-0110	19-0187	Supreme Court - WV	SER, Edward Dreyfuss v. Karen Pszczolkowski, Superintendent (19-0187)	Original Jurisdiction Habeas, petitioner alleges ineffective assistance of counsel, prosecutorial misconduct, Brady violations, and judicial misconduct. Briefing completed. (Cabell County)
Appellate	Flanigan, Holly	APP-19-0085	19-0359	Supreme Court - WV	State of West Virginia v. Brian Joseph Ward (19-0359)	Petitioner is alleging abuse of discretion by Circuit Court in denying hearing on his motion for new trial based on newly discovered evidence. Briefing completed. (Randolph County)
Appellate	Flanigan, Holly	APP-19-0127	19-0538	Supreme Court - WV	Andrew Scott Perry v. Donnie Ames, Superintendent (19-0538)	Successive habeas alleging abuse of discretion in summarily denying petition and ineffective assistance of habeas counsel. Briefing completed. (Wayne County)
Appellate	Flanigan, Holly	APP-19-0136	19-0612	Supreme Court - WV	Clayton E. Rogers v. Donnie Ames, Superintendent (19-0612)	Petitioner appeals summary denial of Habeas and seeks remand for a new trial. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-19-0173	19-0776	Supreme Court - WV	State of West Virginia v. Paul Cramer (19-0776)	Direct appeal alleging speedy trial violations and disproportionate sentencing. Briefing completed. (Preston County)
Appellate	Flanigan, Holly	APP-19-0195	19-0870	Supreme Court - WV	State of West Virginia v. Barbara Brellahan (19-0870)	Appealing sentencing alleging federal and state due process violations and judicial misconduct. Briefing completed. (Fayette County)
Appellate	Flanigan, Holly	APP-19-0211	19-0889	Supreme Court - WV	James Larkin Maynard v. Russell Maston, Superintendent (19-0889)	Appeal arising from denial of habeas petition and Rule 35 reconsideration motion; alleges double jeopardy violation and ineffective assistance of counsel. Briefing completed. (Cabell County)
Appellate	Flanigan, Holly	APP-19-0213	19-0898	Supreme Court - WV	State of West Virginia v. Jeffrey Dumire (19-0898)	Petitioner re-sentenced for direct appeal purposes after counsel failed to file. Notice of appeal alleges generally the following errors: ineffective assistance of counsel, misconduct by PA, indictment issues, reconsideration issues. Briefing completed. (Marion County)
Appellate	Flanigan, Holly	APP-19-0203	19-0960	Supreme Court - WV	State of West Virginia v. Shannon Brooke Mills (19-0960)	Direct appeal alleging insufficiency of evidence, disproportionate sentencing, and error in allowing State to pursue Kidnapping charge without notice to the petitioner. Briefing completed. (Jefferson County)
Appellate	Flanigan, Holly	APP-19-0225	19-0974	Supreme Court - WV	Raymond Richardson v. Donnie Ames, Superintendent (19-0974)	Successive habeas appeal alleging newly discovered evidence regarding victim's criminal history of untruthfulness, and abuse of discretion for failure to have hearing to develop record. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-19-0234	19-1039	Supreme Court - WV	State of West Virginia v. Stephen Richard Griffith (19-1039)	Direct appeal alleging abuse of discretion for failure to grant jury viewing of crime scene and insufficiency of evidence. Briefing completed. (Wood County)
Appellate	Flanigan, Holly	APP-19-0247	19-1070	Supreme Court - WV	Thomas Rex Hammer v. Karen Pszczolkowski, Superintendent (19-1070)	Habeas alleging prosecutorial misconduct, attorney misconduct, improper indictment, ineffective assistance of habeas counsel, judicial misconduct, due process violations and lack of jurisdiction. Briefing completed. (Wirt County)
Appellate	Flanigan, Holly	APP-20-0014	19-1148	Supreme Court - WV	Patricia Miller v. J. D. Sallaz, Superintendent (19-1148)	Habeas appeal alleging ineffective assistance of counsel. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-20-0024	19-1191	Supreme Court - WV	Richard "Ricky" Booth, Jr. v. Karen Pszczolkowski, Superintendent (19-1191)	Successive habeas petition alleging insufficiency of evidence, failure of court to grant hearing, and error in denying funding for expert witness. Briefing completed. (Ohio County)
Appellate	Flanigan, Holly	APP-20-0044	20-0024	Supreme Court - WV	Frank Antrobus v. Donnie Ames, Superintendent (20-0024)	Habeas petition alleging ineffective assistance of counsel, indictment defects, insufficiency of evidence, perjured testimony, prosecutorial misconduct, and falsification of trial transcript by court reporter. Briefing completed. (Harrison County)
Appellate	Flanigan, Holly	APP-20-0038	20-0051	Supreme Court - WV	State of West Virginia v. Jeremy Michael Charlton (20-0051)	Direct appeal alleging involuntary plea and ineffective assistance of counsel. Briefing completed. (Wood County)
Appellate	Flanigan, Holly	APP-20-0049	20-0093	Supreme Court - WV	In Re: Betty J. Beck (20-0093)	Direct appeal of expungement order alleging error in denial of expungement for two cases. Briefing completed. (Wood County)

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Appellate	Flanigan, Holly	APP-20-0062	20-0146	Supreme Court - WV	State of West Virginia v. Amy Jo Malcomb (20-0146)	Direct appeal alleging reversible error in denial of alternative sentencing, harsher sentence than expected and consideration of impermissible sentencing factors. Briefing completed. (Upshur County)
Appellate	Flanigan, Holly	APP-20-0068	20-0173	Supreme Court - WV	State of West Virginia v. Wayne J. Dubuque (20-0173)	Direct appeal alleging error in denial of Rule 35(b) motion based upon prosecutorial misconduct. Briefing completed. (Jefferson County)
Appellate	Flanigan, Holly	APP-20-0069	20-0174	Supreme Court - WV	State of West Virginia v. Alvin D. Gilbert (20-0174)	Direct appeal alleging abuse of discretion in denial of motion for new trial based on evidentiary errors and disproportionate sentencing. Briefing completed. (Berkeley County)
Appellate	Flanigan, Holly	APP-20-0067	20-0175	Supreme Court - WV	Carson Blankenship v. State of West Virginia (20-0175)	Direct appeal alleging error arising from admission of hearsay, confrontation violations, failure to provide discovery, and evidentiary errors. Briefing completed. (Fayette County)
Appellate	Flanigan, Holly	APP-20-0054	20-0176	Supreme Court - WV	Michael Blickenstaff v. Donnie Ames, Superintendent (20-0176)	Habeas appeal alleging error in summary dismissal of habeas petition; without omnibus hearing, court failed to address all grounds raised which included ineffective assistance of counsel and unlawful extraction. Briefing completed. (Jefferson County)
Appellate	Flanigan, Holly	APP-20-0080	20-0243	Supreme Court - WV	State of West Virginia v. Jeremiah Brown (20-0243)	Direct appeal alleging error arising from defective indictment, sentencing based upon impermissible factor, and involuntary plea agreement. Briefing completed. (Hardy County)
Appellate	Flanigan, Holly	APP-20-0099	20-0307	Supreme Court - WV	SER, Jason William Holstein v. Donald Ames, Superintendent (20-0307)	Habeas writ alleging ineffective assistance of counsel, unfair plea bargaining and sentencing, due process violations, and disproportionate sentencing. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-20-0108	20-0322	Supreme Court - WV	State of West Virginia v. Drexel McMillion (20-0322)	Direct appeal alleging violation of three term rule, prejudice arising from failure to prosecute, insufficiency of evidence, and error in failing to allow Petitioner to confront witnesses resulting in violation of constitutional rights. Under briefing schedule. (Nicholas County)
Appellate	Flanigan, Holly	APP-20-0103	20-0332	Supreme Court - WV	State of West Virginia v. Joshua Dale Cutright (20-0332)	Direct appeal alleging insufficiency of evidence and prejudicial statements by prosecution during trial. Under briefing schedule. (Braxton County)
Appellate	Flanigan, Holly	APP-20-0122	20-0456	Supreme Court - WV	State of West Virginia v. Russell Ray Slater (20-0456)	Direct appeal alleging due process violation regarding failure to suppress Petitioner's statement to media, evidence presented not found at crime scene, improper identification of Petitioner, insufficiency of the evidence, and excessive sentence. Under briefing schedule. (Kanawha County)
Appellate	Flanigan, Holly	APP-20-0131	20-0469	Supreme Court - WV	Kevin Chapman v. Donnie Ames, Superintendent (20-0469)	Habeas appeal alleging summary denial of habeas petition was abuse of discretion. Under briefing schedule. (Fayette County)
Appellate	Flanigan, Holly	APP-20-0141	20-0528	Supreme Court - WV	State of West Virginia v. Brandon Daniel Wilson (20-0528)	Direct appeal alleging error in denial of motions for dismissal based upon newly discovered evidence and tampered evidence. Under briefing schedule. (Harrison County)
Appellate	Flanigan, Holly	APP-20-0146	20-0544	Supreme Court - WV	Tyler S. Munson v. Shelby Searls, Superintendent (20-0544)	Habeas appeal alleging error in denial of hearing where lack of factual support arises from trial counsel's lack of memory and failure to provide case file to habeas counsel. Under briefing schedule. (Berkeley County)
Appellate	Flanigan, Holly	APP-20-0169	20-0595	Supreme Court - WV	State of West Virginia v. William Clyde Jeffries (20-0595)	Direct appeal alleging abuse of discretion in admitting Petitioner's statements and seeking new trial. Under briefing schedule. (Harrison County)
Appellate	Flanigan, Holly	APP-20-0171	20-0641	Supreme Court - WV	State of West Virginia v. Amanda Massey (20-0641)	Appeal of probation revocation alleging abuse of discretion by court's failure to consider each alleged violation individually and impose a graduated sanction instead of revocation of probation. Under briefing schedule. (Wood County)
Appellate	Flanigan, Holly	APP-20-0178	20-0687	Supreme Court - WV	State of West Virginia v. David Tackett (20-0687)	Direct appeal alleging illegal sentence because court "did not correctly define terms of his sentence", "lower court improperly limited scope of information" to be received by Petitioner at pre-trial and ineffective assistance of counsel. Under briefing schedule. (Raleigh County)

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Appellate	Flanigan, Holly	APP-20-0185	20-0744	Supreme Court - WV	State of West Virginia v. Ariel Bennett (20-0744)	Direct appeal alleging insufficiency of evidence and due process violations. Under briefing schedule. (Raleigh County)
Appellate	Flanigan, Holly	APP-18-0243	3:18-cv-1464	USDC WVSD	Jeffrey Lee Finley v. Donald F. Ames, Superintendent (3:18-cv-1464)	Petitioner, convicted of First Degree Murder and two counts of Second Degree Sexual Assault, claims the trial judge met with jury out of his presence, denial of effective assistance of counsel, Brady violation, etc. In litigation. (Cabell County)
Appellate	Flanigan, Holly	APP-19-0226	5:19-cv-801	USDC WVSD	Marvin Steve Mills v. Donnie Ames, Superintendent (5:19-cv-801)	Petitioner alleging following grounds: ineffective assistance of counsel, improper transfer of case creating bias, and 6th Amendment violation due to inability to cross examine state's witnesses, etc. In litigation. (Raleigh County)
Appellate	Johnson, Scott	APP-18-0213	1:18-cv-402	USDC WVSD	Trayvon Strange v. Ralph Terry, Superintendent (1:18-cv-402)	Federal habeas corpus filed by Petitioner alleging ineffective assistance of counsel at plea hearing. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-20-0183	1:20-cv-235	USDC WVND	Julia Ann Surbaugh v. J. D. Sallaz, Superintendent (1:20-cv-235)	Federal habeas alleging ineffective assistance of counsel, improper/lack of jury instruction re blood evidence, improper witness testimony, improper admission of evidence from first trial, and prosecutorial misconduct. In litigation. (Webster County)
Appellate	Johnson, Scott	APP-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-18-0212	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, failure to grant a change of venue, failure to consider pro se post-trial motions and errors. Briefing completed. (Lewis County)
Appellate	Johnson, Scott	APP-19-0025	19-0007	Supreme Court - WV	Christopher L. Long v. Donnie Ames, Superintendent (19-0007)	Petitioner was convicted of four sexual offenses. Petitioner unsuccessfully sought habeas relief. He contends his habeas counsel was ineffective. Under briefing schedule. (Harrison County)
Appellate	Johnson, Scott	APP-19-0027	19-0060	Supreme Court - WV	Christopher Lee Barklow v. Donnie Ames, Superintendent (19-0060)	Petitioner pled guilty to several sex crimes. Petitioner appeals the decision of the circuit court denying him habeas relief claiming he was entitled to an evidentiary hearing and that he received ineffective assistance of counsel. Under briefing schedule. (Berkeley County)
Appellate	Johnson, Scott	APP-19-0031	19-0109	Supreme Court - WV	State of West Virginia v. Joshua Dwayne Plante (19-0109)	Petitioner was convicted of possession with intent to distribute heroin. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0046	19-0211	Supreme Court - WV	Matthew Hubley v. Karen Pszczolkowski, Superintendent (19-0211)	Petitioner was convicted of 1st Degree Sexual Abuse. He alleges ineffective assistance of trial, appellate, and habeas counsel, judicial bias, insufficient evidence, and cumulative error. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-19-0113	19-0524	Supreme Court - WV	Harold Billiter v. Donnie Ames, Superintendent (19-0524)	Successive habeas alleging ineffective assistance of habeas counsel, and error with summary denial of omnibus hearing. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-19-0159	19-0709	Supreme Court - WV	Elwood L. Johnson v. Charles Williams, Superintendent (19-0709)	Habeas appeal alleging Zain issues regarding further laboratory testing and prejudicial testimony. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-19-0166	19-0785	Supreme Court - WV	Brian Emerson Dement v. Karen Pszczolkowski, Superintendent (19-0785)	Habeas appeal alleging abuse of discretion in denial of habeas, failing to hold hearing and at the same time vacating convictions of 3 co-defendants. Briefing completed. (Cabell County)
Appellate	Johnson, Scott	APP-19-0172	19-0788	Supreme Court - WV	Donald Ashley Johnson v. R. S. Mutter, Superintendent (19-0788)	Habeas appeal alleging insufficiency of evidence, 404(b) violations, and ineffective assistance of counsel. Briefing completed. (Randolph County)
Appellate	Johnson, Scott	APP-19-0179	19-0804	Supreme Court - WV	State of West Virginia v. David Markley (19-0804)	Alleging failure of counsel to file timely appeal and failure of counsel to file Rule 35(b) motion resulting in ineffective assistance of counsel; requesting remand for re-sentencing. Briefing completed. (Harrison County)

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Appellate	Johnson, Scott	APP-19-0178	19-0806	Supreme Court - WV	Rickie Greenfield, Jr. v. Donnie Ames, Superintendent (19-0806)	Habeas appeal alleging ineffective assistance of counsel, Fourth Amendment violation of warrantless search of cell phone, and judicial misconduct. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-19-0236	19-0850	Supreme Court - WV	David H. Eilola v. Russell Maston, Superintendent (19-0850)	Habeas appeal alleging due process violations for consecutive sentencing for same transaction, defects in indictment, and excessive sentence. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0206	19-0868	Supreme Court - WV	In Re: Justin James Cavender (19-0868)	Petitioner appealing denial of expungement of records alleging abuse of discretion by court. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0219	19-0937	Supreme Court - WV	SER, William Board v. Russell Maston, Superintendent (19-0937)	Original jurisdiction habeas petition alleging improper grand jury proceedings, prejudicial remarks by court, insufficiency of evidence, and ineffective assistance of counsel. Briefing completed. (Hardy County)
Appellate	Johnson, Scott	APP-19-0205	19-0962	Supreme Court - WV	State of West Virginia v. Roger Dale Blackburn (19-0962)	Direct appeal alleging insufficiency of evidence and disproportionate sentence. Briefing completed. (Wayne County)
Appellate	Johnson, Scott	APP-19-0241	19-1050	Supreme Court - WV	State of West Virginia v. Joshua Michael McWhorter (19-1050)	Direct appeal alleging 404(b) errors, violations of due process for failing to prove elements of strangulation offense and domestic battery offense, and any other assignments of error upon review of the record. Briefing completed. (Marshall County)
Appellate	Johnson, Scott	APP-19-0248	19-1071	Supreme Court - WV	Benjamin Harrison v. Shawn Straughn, Superintendent (19-1071)	Habeas appeal alleging denial of due process by denial of direct appeal, failure of habeas court to make findings of fact and conclusion of law, disproportionate sentencing, and ineffective assistance of counsel. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0245	19-1086	Supreme Court - WV	State of West Virginia v. George Elmer Dumire (19-1086)	Direct appeal alleging error in denial of motion for new trial due to due process violations through improper remarks by the PA, improper jury instructions, and improper jury selection. Briefing completed. (Preston County)
Appellate	Johnson, Scott	APP-20-0004	19-1102	Supreme Court - WV	State of West Virginia v. Gerald Wayne Jako, Jr. (19-1102)	Direct appeal alleging denial of 6th amendment right regarding cross-examination of co-defendant, improper factor considered during sentencing, disproportionate sentencing, and other errors discovered upon review. Briefing completed. (Ohio County)
Appellate	Johnson, Scott	APP-20-0025	19-1192	Supreme Court - WV	State of West Virginia v. John Henry Herring (19-1192)	Direct appeal alleging disproportionate sentencing in comparison to co-defendant. Briefing completed. (Ohio County)
Appellate	Johnson, Scott	APP-17-0024	2:15-cv-11422	USDC WVSD	Danny R. Swager v. David Ballard, Warden (2:15-cv-11422)	Federal habeas corpus petition arising from convictions for first degree sexual assault, second degree sexual assault, and first degree sexual abuse, and alleging premature "Allen charge" in trial and denial of right to confront accuser. In litigation. (Nicholas County)
Appellate	Johnson, Scott	APP-17-0063	2:17-cv-6	USDC WVND	Elwood L. Johnson v. David Ballard, Warden (2:17-cv-6)	Federal habeas corpus petition arising from convictions for 1st degree sexual abuse and 2nd degree sexual assault, alleging violation of due process based on the testimony of Fred Zain. In litigation. (Marion County)
Appellate	Johnson, Scott	APP-20-0046	20-0090	Supreme Court - WV	State of West Virginia v. Victor Delacruz (20-0090)	Direct appeal alleging plain error and abuse of discretion in denial of motion to withdraw guilty plea, plain error and abuse of discretion on denial of alternative sentencing, and disproportionate sentencing. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-20-0057	20-0099	Supreme Court - WV	State of West Virginia v. John Thomas Campbell (20-0099)	Direct appeal arising from re-sentencing order for the purpose of appeal. Petitioner claims his motion to suppress statement was erroneously denied. Under briefing schedule. (Greenbrier County)
Appellate	Johnson, Scott	APP-20-0075	20-0188	Supreme Court - WV	State of West Virginia v. Jason P. Canaday (20-0188)	Direct appeal alleging error in circuit court's denial of motion to determine conflict of interest of PD's representation of co-defendants, and evidentiary issues. Under briefing schedule. (Fayette County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-20-0106	20-0319	Supreme Court - WV	State of West Virginia v. Sarah Webber (20-0319)	Direct appeal alleging insufficiency of evidence and error in denial of post conviction motion for new trial based on discovery of new witness. Under briefing schedule. (Monongalia County)
Appellate	Johnson, Scott	APP-20-0112	20-0325	Supreme Court - WV	Mario Perito, II v. State of West Virginia (20-0325)	Direct appeal of denial of petition for expungement following issuance of pardon. Under briefing schedule. (Hancock County)
Appellate	Johnson, Scott	APP-20-0118	20-0411	Supreme Court - WV	State of West Virginia v. Gregory Frazer (20-0411)	Direct appeal alleging abuse of discretion arising from denial of motion for re-sentencing for purposes of filing direct appeal. Under briefing schedule. (Webster County)
Appellate	Johnson, Scott	APP-20-0123	20-0459	Supreme Court - WV	State of West Virginia v. Jonathan Ray Cain (20-0459)	Direct appeal alleging insufficient evidence and error in denial of motion for acquittal. Under briefing schedule. (Morgan County)
Appellate	Johnson, Scott	APP-20-0129	20-0467	Supreme Court - WV	SER, William McGurgan v. Timothy King, Superintendent (20-0467)	Original Jurisdiction Habeas Writ alleging ineffective assistance of counsel. Briefing completed. (Morgan County)
Appellate	Johnson, Scott	APP-20-0162	20-0477	Supreme Court - WV	Gary D. Martin v. Donnie Ames, Superintendent (20-0477)	Third habeas appeal alleging due process violations arising from denial of habeas petition. Under briefing schedule. (Fayette County)
Appellate	Johnson, Scott	APP-20-0158	20-0599	Supreme Court - WV	State of West Virginia v. Jonathan Vazquez-Gonzalez (20-0599)	Post conviction bail summary petition alleging violation of claimed 72 hour mandate for bail hearing. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-20-0170	20-0678	Supreme Court - WV	State of West Virginia v. Adam Cullen (20-0678)	Appeal of probation revocation alleging abuse of discretion by revoking probation instead of imposing a graduated sanction and error in finding by a preponderance of the evidence that Petitioner violated probation. Under briefing schedule. (Berkeley County)
Appellate	Johnson, Scott	APP-20-0180	20-0706	Supreme Court - WV	State of West Virginia v. Scotty Joseph Byers (20-0706)	Direct appeal alleging due process violations arising from petitioner not physically present during sentencing (denial of right to be present during critical stage of trial). Under briefing schedule. (Wood County)
Appellate	Johnson, Scott	APP-12-337	5:12-cv-43	USDC WVSD	Tony Daugherty v. Dennis Dingus, Warden (5:12-cv-43)	Federal habeas corpus petition by petitioner convicted of multiple sex offenses alleging ineffective assistance of counsel and other issues. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden (5:17-cv-54)	Federal habeas corpus petition alleging ineffective assistance of counsel, instructional error, and insufficient evidence arising from petitioner's conviction for solicitation of minor via computer and sexual abuse by a person in a position of trust. In litigation. (Preston County)
Appellate	Johnson, Scott	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden (5:17-cv-993)	Federal habeas corpus action by drug offender complaining of ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-19-0175	5:19-cv-163	USDC WVSD	Jack Jones v. Sean Strawn, Superintendent (5:19-cv-163)	Federal petition for writ of habeas corpus alleging the Quinn-Barbe Issue and failure to provide exculpatory evidence. In litigation. (Ohio County)
Appellate	Lampman, Thomas	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	Lampman, Thomas	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	Lampman, Thomas	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	Lampman, Thomas	APP-19-0208	19-0894	Supreme Court - WV	State of West Virginia v. Kenneth L. McCoy, Jr. (19-0894)	Direct appeal alleging errors regarding involuntary confession, waiver of counsel, due process violations arising from failure to provide counsel timely, insufficiency of evidence, and prompt presentment issues. Briefing completed. (Wood County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Lampman, Thomas	APP-15-0154	2:15-cv-7458	USDC WVND	Charles Jason Lively v. David Ballard, Warden (2:15-cv-7458)	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. Resolved by District Court. (McDowell County)
Appellate	Mowen, II, Gordon	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	Mowen, II, Gordon	APP-18-0217	18-0898	Supreme Court - WV	Keith M. Molineaux v. Ralph Terry, Superintendent (18-0898)	Petitioner was convicted of two counts of First Degree Murder without Mercy. Petitioner alleges a plethora of errors. Briefing completed. (McDowell County)
Appellate	Mowen, II, Gordon	APP-19-0076	19-0326	Supreme Court - WV	State of West Virginia v. Kevin Travis Costello (19-0326)	Petitioner was convicted of DUI Causing Serious Bodily Injury. He was recidivized. He claims on appeal evidentiary error, insufficient evidence and disproportionate sentence. Briefing completed. (Jefferson County)
Appellate	Mowen, II, Gordon	APP-19-0212	19-0916	Supreme Court - WV	State of West Virginia v. Donnie Ray Miller (19-0916)	Direct appeal alleging insufficiency of evidence, improper testimony, error in evidentiary rulings, ineffective assistance of counsel regarding defendant's right to testify, prosecutorial misconduct and prejudicial identification. Briefing completed. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-19-0202	19-0959	Supreme Court - WV	State of West Virginia v. Evan Lee Hersman (19-0959)	Direct appeal alleging reversible error regarding improper juror selection, chain of custody issues, and insufficiency of evidence. Briefing completed. (Calhoun County)
Appellate	Mowen, II, Gordon	APP-19-0223	19-0963	Supreme Court - WV	State of West Virginia v. Miranda Taylor (19-0963)	Direct appeal alleging abuse of discretion in denial of motion for mistrial due to petitioner's health and courtroom disturbance, and insufficiency of evidence. Briefing completed. (Kanawha County)
Appellate	Mowen, II, Gordon	APP-19-0229	19-1026	Supreme Court - WV	State of West Virginia v. Edward Beckett (19-1026)	Direct appeal alleging due process and equal protection violations for probation revocation based on traffic violation, illegal incarceration after completion of sentence, and failure to hold hearing on probation violation. Briefing completed. (Putnam County)
Appellate	Mowen, II, Gordon	APP-19-0242	19-1048	Supreme Court - WV	State of West Virginia v. Matthew Edward Corrigan (19-1048)	Habeas appeal alleging error in interpretation of violation giving rise to revocation of home confinement. Briefing completed. (Cabell County)
Appellate	Mowen, II, Gordon	APP-20-0015	19-1137	Supreme Court - WV	Henry Stutler v. Donnie Ames, Superintendent (19-1137)	Habeas appeal alleging ineffective assistance of counsel and improper plea hearing. Briefing completed. (Clay County)
Appellate	Mowen, II, Gordon	APP-20-0006	19-1144	Supreme Court - WV	State of West Virginia v. Sanford Mays (19-1144)	Habeas appeal alleging error requiring notice to former counsel before providing Petitioner with copy of record to pursue habeas petition. Under briefing schedule. (Marion County)
Appellate	Mowen, II, Gordon	APP-20-0019	19-1162	Supreme Court - WV	State of West Virginia v. William Ellis Bowen, IV (19-1162)	Direct appeal alleging insufficiency of evidence and improper jury instructions. Briefing completed. (Kanawha County)
Appellate	Mowen, II, Gordon	APP-20-0021	19-1193	Supreme Court - WV	State of West Virginia v. Wesley Shawn Malcomb (19-1193)	Direct appeal alleging ineffective assistance of counsel, improper jury instruction, insufficiency of evidence, and improper admission of video and audio recording. Briefing completed. (Harrison County)
Appellate	Mowen, II, Gordon	APP-20-0036	19-1197	Supreme Court - WV	Jason Payne v. Donnie Ames, Superintendent (19-1197)	Habeas appeal alleging newly discovered evidence, ineffective assistance of counsel and ex post facto violation arising from required payment of court cost. Briefing completed. (Morgan County)
Appellate	Mowen, II, Gordon	APP-17-0213	2:16-cv-1853	USDC WVSD	Steven Lee Mahood v. David Ballard, Warden (2:16-cv-1853)	Federal habeas corpus petition alleging denial of impartial jury, ineffective assistance, improper denial of instruction on voluntary intoxication, prosecutorial misconduct, and improper denial of motion for judgment of acquittal by petitioner convicted of first degree murder. In litigation. (Jackson County)
Appellate	Mowen, II, Gordon	APP-20-0034	2:20-cv-35	USDC WVND	Robert Lee Lewis v. Donald Ames, Superintendent (2:20-cv-35)	Federal habeas petition alleging prosecutorial misconduct, improper 404(b), improper jury instructions, juror misconduct, cumulative error and constitutional violation arising from defendant's jail attire. In litigation. (Cabell County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Mowen, II, Gordon	APP-20-0028	20-0011	Supreme Court - WV	State of West Virginia v. James G. Lowe, Jr. (20-0011)	Rule 35(a) appeal alleging incorrect sentence based upon inaccurate review of record and inaccurate application of law. Briefing completed. (Raleigh County)
Appellate	Mowen, II, Gordon	APP-20-0063	20-0149	Supreme Court - WV	Gary Lee Rollins v. Donnie Ames, Superintendent (20-0149)	Habeas appeal alleging abuse of discretion in denial of petition asserting newly discovered evidence and ineffective assistance of counsel. Briefing completed. (Nicholas County)
Appellate	Mowen, II, Gordon	APP-20-0055	20-0169	Supreme Court - WV	Kevin Goodman, Jr. v. Tom Harlan, Superintendent (20-0169)	Habeas appeal alleging error by circuit court in denying petition and failing to find constitutional violations arising from the failure to introduce exculpatory evidence and false testimony from State's witness. Briefing completed. (Fayette County)
Appellate	Mowen, II, Gordon	APP-20-0074	20-0227	Supreme Court - WV	State of West Virginia v. William Cox, II (20-0227)	Direct appeal alleging errors of insufficiency of evidence and violation of First Amendment arising from misdemeanor bench trial for Obstructing and Public Intoxication. Briefing completed. (Monongalia County)
Appellate	Mowen, II, Gordon	APP-20-0094	20-0234	Supreme Court - WV	State of West Virginia v. Timothy Michael Connor, II (20-0234)	Certified questions dealing with constitutionality of W. Va. Code 60A-4-416(b). Briefing completed. (Monongalia County)
Appellate	Mowen, II, Gordon	APP-20-0113	20-0330	Supreme Court - WV	State of West Virginia v. Joseph William Howell, Jr. (20-0330)	Direct appeal of probation revocation alleging petitioner was not on probation for second sentence as he had yet to begin second sentence at completion of first sentence. Under briefing schedule. (Randolph County)
Appellate	Mowen, II, Gordon	APP-20-0107	20-0331	Supreme Court - WV	State of West Virginia v. Angel Dawn Stump (20-0331)	Direct appeal alleging insufficiency of evidence, error in denial of post conviction motion for new trial and other errors on the record. Under briefing schedule. (Hardy County)
Appellate	Mowen, II, Gordon	APP-20-0127	20-0342	Supreme Court - WV	Elan Bell-Vaney v. Michael Martin, Superintendent (20-0342)	Habeas appeal alleging denial of habeas petition without evidentiary omnibus hearing regarding challenge to sentencing was abuse of discretion. Under briefing schedule. (Berkeley County)
Appellate	Mowen, II, Gordon	APP-20-0124	20-0457	Supreme Court - WV	State of West Virginia v. John Hess (20-0457)	Direct appeal alleging admission of photos was unfairly prejudicial and not relevant in establishing Petitioner's intent and denial of competency evaluation was in error and violated due process. Under briefing schedule. (Taylor County)
Appellate	Mowen, II, Gordon	APP-20-0134	20-0472	Supreme Court - WV	Johnnie Franklin Wills v. Karen Pszczolkowski, Superintendent (20-0472)	Habeas appeal alleging error in denial of habeas petition based on unconstitutional statute, ineffective counsel, excessive/severe sentence, improper plea, insufficient evidence and prosecutorial misconduct after two omnibus hearings. Under briefing schedule. (Hampshire County)
Appellate	Mowen, II, Gordon	APP-20-0145	20-0522	Supreme Court - WV	Brian Morgan v. Donnie Ames, Superintendent (20-0522)	Appeal of second habeas petition alleging error in denial because circuit court failed to address ineffective assistance of counsel claim. Under briefing schedule. (Jackson County)
Appellate	Mowen, II, Gordon	APP-20-0163	20-0533	Supreme Court - WV	Curtis D. Richards v. Karen Pszczolkowski, Superintendent (20-0533)	Habeas appeal alleging abuse of discretion in denial of habeas raising claims of ineffective assistance of counsel and involuntary plea. Under briefing schedule. (Wood County)
Appellate	Mowen, II, Gordon	APP-20-0137	20-0546	Supreme Court - WV	State of West Virginia v. Jamie Lynn Metheny (20-0546)	Direct appeal of probation revocation alleging extension of probationary period beyond five years results in ex post facto violation. Under briefing schedule. (Harrison County)
Appellate	Mowen, II, Gordon	APP-20-0175	20-0721	Supreme Court - WV	State of West Virginia v. Christine Stepanian (20-0721)	Direct appeal alleging W.Va. Code 15-2-2 unconstitutional and void for vagueness as applied to homeless individuals. Under briefing schedule. (Jefferson County)
Appellate	Mowen, II, Gordon	APP-20-0184	20-0756	Supreme Court - WV	SER, Edward Jesse Dreyfuss v. Honorable Jay M. Hoke (20-0756)	Original Jurisdiction Writ alleging delay in ruling timely on habeas writ, motion for counsel and motion for change of venue. Awaiting scheduling order. (Cabell County)
Appellate	Nease-Proper, Andrea	APP-18-0115	18-0479	Supreme Court - WV	State of West Virginia v. Keith Dement (18-0479)	Appeal of conviction for unlawful firearm possession and recidivism alleging evidentiary errors, juror misconduct, insufficient evidence and disproportionate sentence. Briefing completed. (Summers County)
Appellate	Nease-Proper, Andrea	APP-19-0094	19-0447	Supreme Court - WV	State of West Virginia v. Steven Jonathan Tewalt (19-0447)	Petitioner alleging cumulative error, sufficiency of evidence, suppression/404(b) errors, and abuse of discretion in sentencing. Briefing completed. (Preston County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-19-0118	19-0526	Supreme Court - WV	Royce Dean Burdette v. Donnie Ames, Superintendent (19-0526)	Successive habeas alleging ineffective assistance of counsel for failing to object to State's closing argument. Briefing completed. (Greenbrier County)
Appellate	Nease-Proper, Andrea	APP-19-0153	19-0688	Supreme Court - WV	Martez A. Griffin v. Donnie Ames, Superintendent (19-0688)	Habeas appeal alleging excessive sentencing, error in denying new trial, and ineffective assistance of counsel. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-19-0164	19-0756	Supreme Court - WV	State of West Virginia v. Terry Butcher (19-0756)	Appealing denial of writ of mandamus regarding motion to dismiss several 10 plus year old capias warrants. Briefing completed. (Randolph County)
Appellate	Nease-Proper, Andrea	APP-19-0186	19-0849	Supreme Court - WV	Calvin Gray v. Donnie Ames, Superintendent (19-0849)	Habeas alleging denial of petitions in '98 and '06 as violative of due process, judicial misconduct, abuse of discretion, Brady violations, defective indictment, and Zain III issues. Under briefing schedule. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-19-0200	19-0956	Supreme Court - WV	State of West Virginia v. Jamie Lee Miller (19-0956)	Direct appeal alleging errors regarding improper juror selection, insufficiency of evidence, denial of motion for new trial, and chain of custody issues. Briefing completed. (Calhoun County)
Appellate	Nease-Proper, Andrea	APP-19-0227	19-1017	Supreme Court - WV	State of West Virginia v. Jennifer Barnhart (19-1017)	Motion to reconsider. Petitioner alleging sentence is unreasonable and disproportionate to co-defendants. Briefing completed. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-19-0228	19-1024	Supreme Court - WV	State of West Virginia v. Roger Lee Lemons, Jr. (19-1024)	Direct appeal alleging errors regarding insufficiency of evidence, and prejudicial evidentiary rulings regarding cell phone records, witness testimony, statement to police and other errors as determined by review of transcripts. Briefing completed. (Mercer County)
Appellate	Nease-Proper, Andrea	APP-19-0235	19-1027	Supreme Court - WV	Antonio Collins v. Charles Williams, Superintendent (19-1027)	Petitioner appealing denial of habeas without hearing on merits. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-19-0237	19-1046	Supreme Court - WV	State of West Virginia v. Ronald Eugene Ward (19-1046)	Direct appeal of Felon In Possession offense. Petitioner alleges error in denial of motion to dismiss indictment based upon out of state felony which is classified as misdemeanor in WV. Briefing completed. (Summers County)
Appellate	Nease-Proper, Andrea	APP-20-0005	19-1122	Supreme Court - WV	State of West Virginia v. Christopher Michael Roof (19-1122)	Direct appeal alleging improper plea, illegal sentence, disproportionate sentencing, and improper enhancement of sentence. Briefing completed. (Harrison County)
Appellate	Nease-Proper, Andrea	APP-20-0017	19-1157	Supreme Court - WV	State of West Virginia v. Charles Campbell, Jr. (19-1157)	Direct appeal alleging insufficiency of the evidence. Briefing completed. (Marshall County)
Appellate	Nease-Proper, Andrea	APP-20-0022	19-1169	Supreme Court - WV	State of West Virginia v. Robert Alan Rider (19-1169)	Direct appeal alleging errors in 404(b) rulings and double jeopardy violations. Briefing completed. (Preston County)
Appellate	Nease-Proper, Andrea	APP-20-0011	19-1196	Supreme Court - WV	SER, William A. LaRue v. Honorable Debra Scudiere (19-1196)	Writ of mandamus/prohibition alleging lack of jurisdiction to order payment of court costs, attorney fees, and restitution. Petitioner requesting refund of monies removed from account at correctional facility. Briefing completed. (Monongalia County)
Appellate	Nease-Proper, Andrea	APP-20-0181	2:20-cv-573	USDC WVSD	Raymond Andrew Richardson v. Donnie Ames, Superintendent (2:20-cv-573)	Federal habeas alleging insufficiency of evidence. In litigation. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-20-0040	20-0055	Supreme Court - WV	State of West Virginia v. Jayrionte Thomas (20-0055)	Direct appeal alleging ineffective assistance of counsel. Briefing completed. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-20-0050	20-0104	Supreme Court - WV	SER, Antonio Collins v. Thomas Harlan, Interim Superintendent (20-0104)	Writ of Mandamus alleging constitutional violations due to denial of appointment of counsel. Briefing completed. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-20-0064	20-0154	Supreme Court - WV	State of West Virginia v. Daniel Joe Southern (20-0154)	Direct appeal alleging judicial misconduct and improper sentencing factors. Briefing completed. (Mercer County)
Appellate	Nease-Proper, Andrea	APP-20-0076	20-0206	Supreme Court - WV	State of West Virginia v. Roena Cheryl Mills (20-0206)	Direct appeal alleging error arising from spoliation of evidence, improper remarks by Prosecutor during closing argument, failure to disclose exculpatory evidence, and other grounds upon review of record. Briefing completed. (Mercer County)
Appellate	Nease-Proper, Andrea	APP-20-0078	20-0209	Supreme Court - WV	State of West Virginia v. Daryl Steenson (20-0209)	Direct appeal alleging abuse of discretion of summary denial of Rule 35(b) motion. Briefing completed. (Brooke County)
Appellate	Nease-Proper, Andrea	APP-20-0109	20-0320	Supreme Court - WV	State of West Virginia v. Richard Smith, II (20-0320)	Direct appeal alleging juror exclusion (Batson violation), 4th amendment violation re: petitioner's statement, insufficiency of evidence, 404(b) error, 8th amendment violation arising from sentence, and due process violations. Under briefing schedule. (Kanawha County)
Appellate	Nease-Proper, Andrea	APP-20-0102	20-0333	Supreme Court - WV	State of West Virginia v. William Shane Vaughn (20-0333)	Direct appeal of denial of writ of coram nobis alleging error due to Petitioner entering guilty plea without awareness of mandatory lifetime sex offender registration. Under briefing schedule. (Mercer County)
Appellate	Nease-Proper, Andrea	APP-20-0121	20-0399	Supreme Court - WV	State of West Virginia v. Hubert Diamond (20-0399)	Direct appeal alleging violation of W.Va. Code 61-11A-5 as court ordered excessive amount without proper notice. Briefing completed. (Jefferson County)
Appellate	Nease-Proper, Andrea	APP-20-0133	20-0494	Supreme Court - WV	Roy Wisotzkey v. Donnie Ames, Superintendent (20-0494)	Habeas appeal alleging denial of third habeas petition based on ineffective assistance of counsel was in error. Under briefing schedule. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-20-0147	20-0520	Supreme Court - WV	SER, Terry Moore v. Joseph Wood, Superintendent (20-0520)	Original Jurisdiction Habeas alleging ineffective assistance of counsel. Briefing completed. (Monongalia County)
Appellate	Nease-Proper, Andrea	APP-20-0143	20-0547	Supreme Court - WV	State of West Virginia v. Julie Orellena (20-0547)	Direct appeal alleging error in denial of motion for mistrial based upon prejudicial conduct of witness and denial of change of venue for jury trial for mercy determination. Under briefing schedule. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-20-0167	20-0560	Supreme Court - WV	State of West Virginia v. Jason Chapman (20-0560)	Direct appeal alleging insufficiency of evidence, verdict contrary to evidence, unconstitutional and disproportionate sentence, and denial of petitioner to present valid defense due to rape shield statute. Under briefing schedule. (Berkeley County)
Appellate	Nease-Proper, Andrea	APP-20-0159	20-0624	Supreme Court - WV	State of West Virginia v. Millard Nelson Fisher, III (20-0624)	Appeal following revocation of home confinement alleging abuse of discretion in failure to impose confinement in accordance with W.Va. Code 62-12-10(a)(2). Under briefing schedule. (Preston County)
Appellate	Nease-Proper, Andrea	APP-20-0189	20-0660	Supreme Court - WV	Darnell Carlton Bouie v. Donnie Ames, Superintendent (20-0660)	Habeas alleging ineffective assistance of trial and habeas counsel, insufficiency of evidence, improper jury instructions, and actual innocence. Under briefing schedule. (Harrison County)
Appellate	Niday, Mary	APP-20-0051	1:19-cv-135	USDC WVND	Clarke D. Patterson v. Thomas Harlan, Interim Superintendent (1:19-cv-135)	Federal habeas appeal alleging distrust in Wheeling district court and requesting permission to file in DC Circuit. In litigation. (Clay County)
Appellate	Niday, Mary	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. Briefing completed. (Harrison County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-19-0011	19-0016	Supreme Court - WV	State of West Virginia v. David L. Ingram (19-0016)	Petitioner was convicted of Delivery of Schedule II Narcotics. He was recidivized based on an unaggravated Robbery conviction and a Third Offense Shoplifting conviction. Alleges his recidivist sentence as being disproportionate. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-19-0077	19-0316	Supreme Court - WV	State of West Virginia v. Michael R. Hodge, Jr. (19-0316)	Petitioner was convicted of several felonies. He raises 4th and 5th Amendment issues, discovery violations, insufficient evidence, lack of competency evaluation and excessive sentence. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-19-0088	19-0405	Supreme Court - WV	State of West Virginia v. Larry T. Huffman (19-0405)	Petitioner appealing conviction for driving while revoked for DUI, 3rd offense and alleges prosecutorial misconduct. Briefing completed. (Mason County)
Appellate	Niday, Mary	APP-19-0111	19-0502	Supreme Court - WV	State of West Virginia v. Michael Joseph Taber (19-0502)	Direct appeal alleging error in jury instructions relating to forgery charge, insufficiency of the evidence, and cumulative error. Briefing completed. (Harrison County)
Appellate	Niday, Mary	APP-19-0143	19-0631	Supreme Court - WV	State of West Virginia v. Michael Wade (19-0631)	Direct appeal of sentencing for conviction of two counts of 2nd Degree Sexual Assault and one count 1st Degree Sexual Abuse. Briefing completed. (Jefferson County)
Appellate	Niday, Mary	APP-19-0149	19-0673	Supreme Court - WV	State of West Virginia v. Joshua Michael Settle (19-0673)	Direct appeal raising due process violations under West Virginia Constitution Art. 3, Section 14 due to trial court denying Petitioner's requested instructions and improper limitation of defense counsel's closing argument. Briefing completed. (Calhoun County)
Appellate	Niday, Mary	APP-19-0224	19-0988	Supreme Court - WV	State of West Virginia v. Erik Kellogg (19-0988)	Direct appeal alleging plain and prejudicial error and abuse of discretion in denial of alternative sentencing and disproportionate sentencing. Briefing completed. (Berkeley County)
Appellate	Niday, Mary	APP-19-0238	19-1012	Supreme Court - WV	State of West Virginia v. Jerome Aldridge, Jr. (19-1012)	Direct appeal alleging error in jury instructions regarding lesser included offenses giving rise to double jeopardy violation and error in charging offenses for ancillary acts to sexual abuse and sexual assault. Briefing completed. (Berkeley County)
Appellate	Niday, Mary	APP-19-0233	19-1038	Supreme Court - WV	State of West Virginia v. Joshua Ray Lell (19-1038)	Direct appeal of bench trial allowing failure of trial court to establish victim's mental deficiencies as requisite element of offense and failure to prove sexual contact occurred. Briefing completed. (Wood County)
Appellate	Niday, Mary	APP-19-0249	19-1073	Supreme Court - WV	State of West Virginia v. Kenneth Lynn Linkous (19-1073)	Direct appeal alleging abuse of discretion in denial of alternative sentencing and inconsistent jury verdict. Briefing completed. (Webster County)
Appellate	Niday, Mary	APP-20-0001	19-1120	Supreme Court - WV	State of West Virginia v. Christopher Corey Griffin (19-1120)	Direct appeal alleging error in denial of concurrent sentencing. Briefing completed. (Wood County)
Appellate	Niday, Mary	APP-20-0016	19-1147	Supreme Court - WV	Larry Samuel White v. Charles Williams, Superintendent (19-1147)	Habeas appeal alleging ineffective assistance of trial counsel, and ineffective assistance of habeas counsel. Briefing completed. (Jackson County)
Appellate	Niday, Mary	APP-20-0023	19-1194	Supreme Court - WV	State of West Virginia v. Thomas Gravely, Jr. (19-1194)	Direct appeal of agreed re-sentencing Order alleging improper admission of petitioner's taped statement, improper identification, and ineffective assistance of counsel. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	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	Niday, Mary	APP-19-0189	2:19-cv-485	USDC WVSD	Brandon Sherrod v. Donald F. Ames, Superintendent (2:19-cv-485)	Federal habeas appeal. In litigation. (Kanawha County)
Appellate	Niday, Mary	APP-19-0104	2:19-cv-53	USDC WVSD	Ronald E. Lambert, Jr. v. Donald Ames, Superintendent (2:19-cv-53)	Petitioner filed federal habeas corpus alleging violation of procedural due process in determination of competency and ineffective assistance of counsel. Petitioner pled guilty to Kidnapping and Felony Murder. In litigation. (Boone County)
Appellate	Niday, Mary	APP-20-0031	20-0010	Supreme Court - WV	State of West Virginia v. Jerome Devonte Russell (20-0010)	Direct appeal alleging incorrect sentence. Briefing completed. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-20-0041	20-0056	Supreme Court - WV	State of West Virginia v. Timothy Rock (20-0056)	Direct appeal alleging State v. Youngblood and State v. Hatfield violation. Briefing completed. (Harrison County)
Appellate	Niday, Mary	APP-20-0058	20-0095	Supreme Court - WV	State of West Virginia v. James W. Wood, Jr. (20-0095)	Direct appeal alleging Fourth Amendment violation, improper jury charge and other assignments of error to be determined. Briefing completed. (Pocahontas County)
Appellate	Niday, Mary	APP-20-0071	20-0128	Supreme Court - WV	State of West Virginia v. Todd Wayne Boyes (20-0128)	Direct appeal alleging insufficiency of the evidence. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-20-0061	20-0143	Supreme Court - WV	Thomas E. Leftwich v. Donnie Ames, Superintendent (20-0143)	Habeas appeal alleging error in denial of petition asserting constitutional violations related to ineffective assistance of counsel, prosecutorial misconduct, defective indictment, improper jury instruction, and expert testimony. Briefing completed. (Raleigh County)
Appellate	Niday, Mary	APP-20-0072	20-0223	Supreme Court - WV	State of West Virginia v. Justin Goble (20-0223)	Direct appeal alleging error in disproportionate sentencing and denial of Petitioner's motion to withdraw plea for circuit court's failure to adhere to plea agreement. Briefing completed. (Jackson County)
Appellate	Niday, Mary	APP-20-0110	20-0318	Supreme Court - WV	State of West Virginia v. Christopher Allen Williams (20-0318)	Rule 35(a) appeal alleging due process violations arising from denial of modification of sentence where Petitioner claims written order failed to reflect Court's intent announced in hearing. Under briefing schedule. (Cabell County)
Appellate	Niday, Mary	APP-20-0105	20-0321	Supreme Court - WV	State of West Virginia v. Christopher Wayne Goodwin (20-0321)	Direct appeal alleging violations of 4th amendment (Miranda) and 6th amendment violations (confrontation), error in denying motion for mistrial, and prosecutorial misconduct. Under briefing schedule. (Boone County)
Appellate	Niday, Mary	APP-20-0104	20-0334	Supreme Court - WV	State of West Virginia v. Jerry Mark Moul (20-0334)	Direct appeal alleging 4th amendment violation arising from traffic stop and State's failure to present prima facie case. Under briefing schedule. (Summers County)
Appellate	Niday, Mary	APP-20-0117	20-0386	Supreme Court - WV	SER, Terrance Antoine McArthur v. Honorable Louis H. Bloom (20-0386)	Writ of Mandamus alleging ineffective assistance of counsel, defective indictment, three term violation, excessive bail and irregularities impacting entry of plea. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-20-0188	20-0458	Supreme Court - WV	State of West Virginia v. Richard Owen Sample (20-0458)	Direct appeal alleging insufficiency of the evidence and inconsistent verdict. Under briefing schedule. (Wood County)
Appellate	Niday, Mary	APP-20-0151	20-0474	Supreme Court - WV	Harry Wright v. Shelby Searls, Superintendent (20-0474)	Habeas appeal alleging abuse of discretion in denial of petition based on ineffective assistance of counsel, involuntary plea, excessive sentence and innocence. Under briefing schedule. (Hampshire County)
Appellate	Niday, Mary	APP-20-0132	20-0479	Supreme Court - WV	SER, Julian Anthony Scardina v. Mike Lawson, Superintendent (20-0479)	Original Jurisdiction Habeas Writ alleging ineffective assistance of counsel regarding sentencing. Briefing completed. (Harrison County)
Appellate	Niday, Mary	APP-20-0144	20-0517	Supreme Court - WV	State of West Virginia v. Elizabeth Haway (20-0517)	Direct appeal alleging disproportionate sentencing in violation of W.Va. Constitution Art. III, Section 5. Under briefing schedule. (Mercer County)
Appellate	Niday, Mary	APP-20-0168	20-0605	Supreme Court - WV	State of West Virginia v. Raymond Bickley (20-0605)	Appeal of probation revocation and revocation of extended supervised release alleging due process violations and where Petitioner is seeking reversal of sentence to be returned to original position to have a jury trial. Under briefing schedule. (Fayette County)
Appellate	Niday, Mary	APP-20-0156	20-0610	Supreme Court - WV	Thaddeous Outley v. State of West Virginia (20-0610)	Appeal of denial of writ of mandamus arising from civil forfeiture alleging improper service and violation of due process. Under briefing schedule. (Logan County)
Appellate	Niday, Mary	APP-20-0177	20-0675	Supreme Court - WV	Joshua Short v. Karen Psczolkowski, Superintendent (20-0675)	Habeas appeal alleging failure of State to remain silent in response to a judicial inquiry, ineffective assistance of trial counsel, and consideration of improper factors during sentencing regarding inaccurate, false and prejudicial information of prior crimes. Under briefing schedule. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-20-0149	5:20-cv-107	USDC WVND	Melvin G. Simms v. Donald Ames, Superintendent (5:20-cv-107)	Habeas alleging deprivation of right to remain silent; due process violations resulting from prosecutorial misconduct; ineffective assistance of counsel; violation of 6th amendment; and error in denial of state habeas petition. In litigation. (Berkeley County)
Appellate	See, Lindsay	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden (1:15-cv-123)	Federal habeas corpus petition arising from convictions for first degree robbery and unlawful possession of firearm alleging ineffective assistance of counsel, imposition of cruel and unusual punishment and instructional error. Stayed pending resolution of state court proceedings. (Ohio County)
Appellate	See, Lindsay	APP-19-0028	19-0006	Supreme Court - WV	State of West Virginia v. Jeremy Saunders (19-0006)	Petitioner was convicted of multiple sexual charges. He appeals claiming discovery violation, insufficient evidence, failing to strike a juror, evidentiary error, and failure to grant post-trial motions concerning the victim's testimony. Briefing completed. (Calhoun County)
Appellate	See, Lindsay	APP-19-0030	3:19-cv-126	USDC WVSD	Quinton Peterson v. Ralph Terry, Acting Warden (3:19-cv-126)	Petitioner was convicted of First Degree Murder without Mercy. Petitioner claims ineffective assistance of counsel and Brady violations. In litigation. (Cabell County)
Appellate	Smith, Katherine	APP-19-0187	19-0793	Supreme Court - WV	Alexander Calvin Bosley v. J. D. Sallaz, Superintendent (19-0793)	Habeas appeal alleging ineffective assistance of counsel. Briefing completed. (Harrison County)
Appellate	Smith, Katherine	APP-19-0182	19-0831	Supreme Court - WV	State of West Virginia v. Edward Comer (19-0831)	Appeal alleging defects in indictment and double jeopardy violations. Pending habeas case in Circuit Court. Briefing completed. (Jackson County)
Appellate	Smith, Katherine	APP-19-0217	19-0944	Supreme Court - WV	State of West Virginia v. Charles W. McClanahan, Jr. (19-0944)	Direct appeal by defense counsel of contempt of court alleging insufficiency of the evidence, evidentiary errors, and mistakes of law and fact. Briefing completed. (Kanawha County)
Appellate	Smith, Katherine	APP-19-0199	19-0958	Supreme Court - WV	State of West Virginia v. Shawn Ball (19-0958)	Direct appeal alleging errors regarding insufficiency of evidence, bias, and excessive sentence. Briefing completed. (Mingo County)
Appellate	Smith, Katherine	APP-19-0232	19-1030	Supreme Court - WV	State of West Virginia v. Timmy Crockett (19-1030)	Direct appeal alleging violation of pretrial order prohibiting testimony regarding protective order and victim hiring a civil attorney, error in admitting false testimony, and error in prohibiting DNA evidence. Briefing completed. (Monongalia County)
Appellate	Smith, Katherine	APP-19-0246	19-1087	Supreme Court - WV	State of West Virginia v. Asaveon Coleman (19-1087)	Direct appeal filed by counsel stating that it is presently unknown if there are any meritorious grounds for appeal but amended assignment of errors will be submitted pursuant to Rule 7(e). Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0018	19-1150	Supreme Court - WV	State of West Virginia v. Randall Beatty (19-1150)	Direct appeal of extradition proceedings. Petitioner requesting order to dismiss extradition. Briefing completed. (Wood County)
Appellate	Smith, Katherine	APP-20-0045	2:20-cv-69	USDC WVSD	Jeffrey Roy Finley v. Donnie Ames, Superintendent (2:20-cv-69)	Federal habeas alleging confrontation clause violation and ineffective assistance of counsel. In litigation. (Logan County)
Appellate	Smith, Katherine	APP-20-0060	20-0125	Supreme Court - WV	Terrick Hogan v. Donnie Ames, Superintendent (20-0125)	Habeas appeal alleging abuse of discretion of summary denial of petition. Under briefing schedule. (Kanawha County)
Appellate	Smith, Katherine	APP-20-0079	20-0222	Supreme Court - WV	State of West Virginia v. Benjamin R. Taylor (20-0222)	Direct appeal alleging error arising from denial of motion for change of venue, improper jury selection, evidentiary issues regarding gruesome photos, admissibility of officer's testimony, DNA evidence and Petitioner's phone calls. Under briefing schedule. (Jackson County)
Appellate	Smith, Katherine	APP-20-0126	20-0309	Supreme Court - WV	Mark Alan Kilmer v. Michael Martin, Superintendent (20-0309)	Habeas appeal alleging denial of habeas without evidentiary omnibus hearing regarding ineffective assistance of counsel was abuse of discretion. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0114	20-0323	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0323)	Direct appeal alleging insufficiency of evidence (Guthrie), error in not granting motion to dismiss indictment for multiplicity, and error in failing to grant motion for acquittal at close of State's case. Under briefing schedule. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Smith, Katherine	APP-20-0115	20-0327	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0327)	Direct appeal alleging insufficiency of evidence (Guthrie), error in not granting motion to dismiss indictment for multiplicity, error in failing to grant motion for acquittal at close of State's case, and improper jury selection. Under briefing schedule. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0116	20-0329	Supreme Court - WV	State of West Virginia v. Lateef McGann (20-0329)	Direct appeal alleging insufficiency of evidence (Guthrie), error in informing jury of Petitioner's bail status regarding unrelated felony, and improper jury selection. Under briefing schedule. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0157	20-0420	Supreme Court - WV	SER, Claisses Felipe v. J. D. Sallaz, Superintendent (20-0420)	Original Jurisdiction Habeas appeal alleging due process violations arising from prejudicial publicity, ineffective assistance of counsel, mental competency, speedy trial violations, coerced confession, and perjured testimony. Briefing completed. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0128	20-0465	Supreme Court - WV	SER, Charles N. Mann v. Mark Williamson, Superintendent (20-0465)	Original jurisdiction habeas Writ alleging improper calculation of sentence due to failure of court to credit Petitioner for time served and seeking correction of sentence. Briefing completed. (Summers County)
Appellate	Smith, Katherine	APP-20-0125	20-0471	Supreme Court - WV	State of West Virginia v. Joshua C. Newill (20-0471)	Direct appeal alleging error in denial of credit for time served on home confinement while on bail after plea was rejected by court. Under briefing schedule. (Nicholas County)
Appellate	Smith, Katherine	APP-20-0135	20-0495	Supreme Court - WV	State of West Virginia v. Michael Ray Moles, Jr. (20-0495)	Direct appeal alleging due process violation regarding denial of motion for appointment of counsel for direct appeal and reinstatement of time to appeal. Briefing completed. (Kanawha County)
Appellate	Smith, Katherine	APP-20-0152	20-0527	Supreme Court - WV	SER, William A. LaRue v. Donnie Ames, Superintendent (20-0527)	Original Jurisdiction Habeas alleging denial of document request for appeal violates constitutional rights. Briefing completed. (Pleasants County)
Appellate	Smith, Katherine	APP-20-0155	20-0540	Supreme Court - WV	Jack Watts v. Donald Ames, Superintendent (20-0540)	Third habeas appeal alleging abuse of discretion in denial of habeas petition and ineffective assistance of counsel. Under briefing schedule. (Ohio County)
Appellate	Smith, Katherine	APP-20-0136	20-0545	Supreme Court - WV	State of West Virginia v. Scott Kittrell (20-0545)	Direct appeal of motion to dismiss indictment with prejudice alleging deprivation of right to jury trial without knowing waiver and violation of speedy trial right (three term rule). Under briefing schedule. (Mineral County)
Appellate	Smith, Katherine	APP-20-0138	20-0553	Supreme Court - WV	State of West Virginia v. Taishon Johnson (20-0553)	Direct appeal alleging error in denial of motion for new trial based upon improper admission of inflammatory, prejudicial photographs. Under briefing schedule. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0164	20-0604	Supreme Court - WV	State of West Virginia v. Alvie Napier (20-0604)	Appeal of denial of motion to reconsider based upon claim of illegal sentence. Under briefing schedule. (Cabell County)
Appellate	Smith, Katherine	APP-20-0176	20-0708	Supreme Court - WV	State of West Virginia v. Albert Joseph Lehosit (20-0708)	Direct appeal alleging denial of transcripts after denial of Rule 35(b) motion and denial of motion to withdraw guilty plea. Under briefing schedule. (Harrison County)
Appellate	Smith, Katherine	APP-20-0187	20-0743	Supreme Court - WV	State of West Virginia v. Trevor Via (20-0743)	Direct appeal alleging abuse of discretion in considering impermissible sentencing factors and resulting in disproportionate sentencing. Under briefing schedule. (Berkeley County)
Appellate	Smith, Katherine	APP-20-0191	20-0765	Supreme Court - WV	State of West Virginia v. David Riffle (20-0765)	Direct appeal of resentencing alleging greater sentence than originally imposed upon resentencing after appeal. Under briefing schedule. (Braxton County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0116	19-0493	Supreme Court - WV	State of West Virginia v. Brad Stevens (19-0493)	Direct appeal alleging (1) error in admitting Petitioner's statement and violating the prompt presentment rule and (2) violation of double jeopardy principles by failing to dismiss lesser included charge. Briefing completed. (Mercer County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0161	19-0704	Supreme Court - WV	SER, Richard Dale West, III v. Timothy King, Superintendent (19-0704)	Original jurisdiction alleging insufficiency of evidence, double jeopardy violation due to failure of court to credit time served, and ineffective assistance of counsel. Briefing completed. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-19-0158	19-0740	Supreme Court - WV	State of West Virginia v. Ercel Nicholson (19-0740)	Direct appeal alleging abuse of discretion in denying motion for alternative sentencing. Briefing completed. (Braxton County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0168	19-0777	Supreme Court - WV	State of West Virginia v. David Hiram Walker (19-0777)	Petitioner appealing under Rule 35(a) alleging error regarding home confinement credit towards sentence. Briefing completed. (Preston County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0169	19-0778	Supreme Court - WV	State of West Virginia v. David Taylor (19-0778)	Petitioner's appeal alleges disproportionate sentencing in violation of 8th amendment. Briefing completed. (Putnam County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0183	19-0840	Supreme Court - WV	State of West Virginia v. Kevin Settle (19-0840)	Rule 35(a) appeal alleging abuse of discretion in imposing sentence which exceeds statutory mandates. Briefing completed. (Fayette County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0194	19-0860	Supreme Court - WV	State of West Virginia v. Raymond McIntire (19-0860)	Rule 35(b) appeal alleging abuse of discretion for denial of appointment of counsel and double jeopardy violations. Briefing completed. (Harrison County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0216	19-0932	Supreme Court - WV	State of West Virginia v. Timothy Arthur Lambert (19-0932)	Direct appeal of denial of Rule 35(a) motion for correction of illegal sentence. Petitioner alleges abuse of discretion. Briefing completed. (Marion County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0231	19-0939	Supreme Court - WV	In Re: Ibrahim S. Abdelnour (19-0939)	Petitioner appealing fourth denial of expungement regarding felony charge of wanton endangerment and misdemeanor charge of shooting across a road or near building or crowd. Briefing completed. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0240	19-1010	Supreme Court - WV	Rocky H. Williams v. Karen Pszczolkowski, Superintendent (19-1010)	Habeas alleging ineffective assistance of habeas counsel. Under briefing schedule. (Marshall County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0251	19-1072	Supreme Court - WV	In Re: Application to Present Complaint to Grand Jury-Odel Morgan (19-1072)	Direct appeal alleging violation of due process and equal protection by denial of request to present complaint to grand jury pursuant to West Virginia Constitution. Briefing completed. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0144	2:16-cv-7333	USDC WVSD	Eric Allen Foster v. Marvin Plumley, Warden (2:16-cv-7333)	Federal habeas corpus petition arising from murder convictions and claiming ineffective assistance of counsel. Stayed and held in abeyance pending exhaustion of state court remedies. (Nicholas County)
Appellate	Villanueva-Matkovich, Karen	APP-20-0066	20-0129	Supreme Court - WV	State of West Virginia v. Brandon Doyle McCourt (20-0129)	Direct appeal alleging constitutional violation arising from disproportionate sentencing imposed. Briefing completed. (Braxton County)
Appellate	Villanueva-Matkovich, Karen	APP-20-0093	20-0244	Supreme Court - WV	State of West Virginia v. Russell A. Black (20-0244)	Rule 35(a) appeal alleging revocation of supervised release resulted in additional sentence. Briefing completed. (Cabell County)
Appellate	Villanueva-Matkovich, Karen	APP-20-0142	20-0518	Supreme Court - WV	State of West Virginia v. Brian Lee Zackoski (20-0518)	Direct appeal of sentencing alleging abuse of discretion in denial of alternative sentencing (probation). Under briefing schedule. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-20-0154	20-0521	Supreme Court - WV	Yasser Abdelhaq v. Donnie Ames, Superintendent (20-0521)	Habeas alleging failure to address all grounds raised resulted in error by circuit court. Under briefing schedule. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-20-0190	20-0752	Supreme Court - WV	SER, Jole Seth Echard v. George Trent, Superintendent (20-0752)	Original Jurisdiction Habeas alleging ineffective assistance of counsel, Brady violation, double jeopardy, and lack of jurisdiction. Under briefing schedule. (Ritchie County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard (5:15-cv-106)	Federal habeas corpus petition by petitioner convicted of abduction with intent to defile enhanced as a third-time recidivist, alleging ineffective assistance of counsel, improper basis for recidivist enhancement and denial of due process by requiring him to appear shackled before the jury. Stayed pending exhaustion of state court remedies. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-17-131	5:17-cv-3111	USDC WVSD	Norma Brown Griffin v. State of West Virginia (5:17-cv-3111)	Federal habeas corpus petition alleging extortion statute is unconstitutional, prosecutorial misconduct and ineffective assistance of counsel. In litigation. (Greenbrier County)
Appellate	Yancey, Ben	APP-20-0161	1:20-cv-498	USDC WVND	Harry A. Barron v. Donald Ames, Superintendent (1:20-cv-498)	Federal habeas alleging prosecutorial misconduct, shifting of burden of proof, hearsay, ineffective assistance of counsel, and violation of confrontation clause. In litigation. (Mercer County)
Appellate	Yancey, Ben	APP-19-0099	19-0428	Supreme Court - WV	State of West Virginia v. Jeffrey Alan Snyder (19-0428)	Petitioner alleges 4th amendment error regarding seizure of firearms prior to guilty plea. Briefing completed. (Roane County)
Appellate	Yancey, Ben	APP-19-0114	19-0471	Supreme Court - WV	State of West Virginia v. James Wilkerson (19-0471)	Petitioner claims disproportionate sentencing and alleges abuse of discretion by Circuit Court in denying Rule 35 motion for reduction of sentence. Briefing completed. (Ohio County)
Appellate	Yancey, Ben	APP-19-0121	19-0565	Supreme Court - WV	State of West Virginia v. Antonio Lee Smith (19-0565)	Direct appeal alleging error in denial of suppression motions, insufficiency of evidence, ineffective assistance of counsel, and cumulative error. Briefing completed. (Jackson County)
Appellate	Yancey, Ben	APP-19-0141	19-0635	Supreme Court - WV	State of West Virginia v. Brenda Cook (19-0635)	Direct appeal alleging jury selection error, 404(b) error, violations of Confrontation Clause, and disproportionate sentencing. Briefing completed. (Grant County)
Appellate	Yancey, Ben	APP-19-0184	19-0864	Supreme Court - WV	State of West Virginia v. Anthony Scott Adkins (19-0864)	Appeal alleging error in admission of gruesome photographs resulting in prejudice, error in allowing correction of report by medical expert resulting in untimely production and prejudice. Briefing completed. (Cabell County)
Appellate	Yancey, Ben	APP-19-0207	19-0897	Supreme Court - WV	State of West Virginia v. Jessica N. Roberts (19-0897)	Direct appeal alleging errors regarding involuntary confession, double jeopardy violations (felony murder), color of law issues, diminished capacity, confrontation issues and prompt presentment issues. Under briefing schedule. (Wood County)
Appellate	Yancey, Ben	APP-20-0020	19-1158	Supreme Court - WV	State of West Virginia v. Michael Eugene Valentine (19-1158)	Direct appeal of sentencing order alleging violation of right to speedy trial and abuse of discretion by sentencing Petitioner to consecutive sentences. Briefing completed. (Preston County)
Appellate	Yancey, Ben	APP-19-0191	2:19-cv-121	USDC WVSD	Richard A. White v. Donald Ames, Superintendent (2:19-cv-121)	Federal habeas appeal. In litigation. (Nicholas County)
Appellate	Yancey, Ben	APP-20-0084	2:20-cv-204	USDC WVSD	Terrance McArthur v. State of West Virginia (2:20-cv-204)	Habeas alleging 8th amendment violation, insufficiency of evidence, three term violation and indictment errors. In litigation. (Kanawha County)
Appellate	Yancey, Ben	APP-20-0100	2:20-cv-386	USDC WVSD	Michael K. Merrifield v. Donnie Ames, Superintendent (2:20-cv-386)	Federal habeas requesting issuance of bail due to absence of available corrective process and existence of extraordinary circumstances. In litigation. (Putnam County)
Appellate	Yancey, Ben	APP-20-0182	2:20-cv-601	USDC WVSD	John Stover v. Donnie Ames, Superintendent (2:20-cv-601)	Federal habeas alleging no omnibus hearing and ineffective assistance of counsel. 09/11/20 Petitioner filed emergency motion for stay in abeyance and leave to amend petition at later date due to COVID-19 lockdown. In litigation. (Fayette County)
Appellate	Yancey, Ben	APP-20-0027	20-0026	Supreme Court - WV	State of West Virginia v. Dorothy Carolyn Pike (20-0026)	Direct appeal of revocation of home confinement alleging insufficiency of evidence. Briefing completed. (Berkeley County)
Appellate	Yancey, Ben	APP-20-0065	20-0172	Supreme Court - WV	State of West Virginia v. Cornell Maurice Georgie, Jr. (20-0172)	Direct appeal alleging error in considering improper sentencing factor, error in denial of post-trial motions, cumulative error, and improper admission of DNA evidence and collateral acts. Briefing completed. (Jefferson County)
Appellate	Yancey, Ben	APP-20-0081	20-0242	Supreme Court - WV	State of West Virginia v. Arnold McCartney (20-0242)	Habeas appeal alleging error arising from ineffective assistance of counsel and cumulative error. Briefing completed. (Lewis County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Yancey, Ben	APP-20-0153	20-0478	Supreme Court - US	Antwyn D. Gibbs v. Donnie Ames, Superintendent (20-0478)	Habeas alleging abuse of discretion and constitutional violations in denial of all grounds raised by Petitioner. Under briefing schedule. (Fayette County)

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

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Boothroyd, John	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Timothy Prather	Decertification proceeding against miner.
Arts, Education and Boards	Boothroyd, John	AEB-20-0074	20-AA-56	Circuit Court Kanawha County	Franklin, Ryan v. Miners' Health, Safety & Training	Administrative Appeal challenging Board of Appeals ruling that a breath test is inadmissible and seeking that suspension be dismissed.
Arts, Education and Boards	Boothroyd, John	AEB-20-0116	20-AA-62	Circuit Court Kanawha County	Beavers, Bobby v. Miners' Health, Safety & Training	Office of Miners' Health, Safety & Training appeals the Board of Appeals ruling that positive THC test was due to CBD oil and should not result in certification suspension for positive THC/marijuana test.
Arts, Education and Boards	Boothroyd, John	AEB-20-0006	20-AA-7	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Timothy May	Appeal of Board recertification.
Arts, Education and Boards	Boothroyd, John	AEB-19-0198	3:19-bk-30292	Bankruptcy Court-US WVSD	Revelation Energy Bankruptcy	Bankruptcy proceeding, Proof of Claim filed.
Arts, Education and Boards	Charnock, Jane	DNR-18-0008	18-50757	Bankruptcy Court-US OHND	FirstEnergy Solution Corp., et al.	All related services involving Chapter 11 Bankruptcy.
Arts, Education and Boards	Charnock, Jane	DNR-18-0007	18-AA-1	Circuit Court Raleigh County	Beaver Coal Co., Ltd. v. Forestry, Division of	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.
Arts, Education and Boards	Charnock, Jane	DNR-19-0037	19-C-38	Circuit Court Ritchie County	Shipman, Delmas v. Term Oil and Gas Production, et al.	Complaint arising out of a right-of-way dispute/adverse possession/roadway request in Ritchie County at North Bend State Park. Proper pre-notice was not given. Motion to Dismiss was denied and Plaintiff refiled suit with proper pre-notice.
Arts, Education and Boards	Charnock, Jane	AEB-20-0182	20-AA-1	Circuit Court Fayette County	Lone Wolfe Natural Resource Services, Inc. and Thomas Turpin v. Environmental Protection, Department of, and Forestry, Division of	Appellants filed a Petition for Appeal from an order of an "Informal conference panel."
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	CNB-17-0172	18-C-247	Circuit Court Kanawha County	Wendell, William v. WV State Police	Complaint for Declaratory Judgment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	AEB-19-0010	19-C-28	Circuit Court Kanawha County	Real Estate Commission v. Bell, Michael	Complaint filed to enforce Consent Decree.
Arts, Education and Boards	Eates, Anthony	AEB-19-0020	19-C-72	Circuit Court Raleigh County	Real Estate Commission v. JJM Property Management, LLC	Real Estate Commission filed complaint for injunctive relief to stop unlicensed practice of real estate.
Arts, Education and Boards	Eates, Anthony	AEB-19-0246	20-0558	Supreme Court - WV	Walker, Derek v. WV State Police	Circuit court reversed decision upholding termination. The WV State Police appealed to the WV Supreme Court of Appeals.
Arts, Education and Boards	Eates, Anthony	AEB-20-0115	20-C-45	Circuit Court Randolph County	Leary, Timothy v. WV State Police	Suit filed naming a State Trooper and DMV officials stemming from an arrest for DUI and driving on revoked license. AIG denied coverage.
Arts, Education and Boards	Fisher, Keith	CNB-16-0096	14-C-800	Circuit Court Cabell County	Buzzard, David Dean v. Parole, Board of	This matter involves a habeas appeal. Inmate Buzzard alleges assault by correctional officers in an improper use-of-force incident. Petitioner wants his sentence reduced.
Arts, Education and Boards	Fisher, Keith	CNB-17-0165	17-0740	Supreme Court - WV	Taylor, Donald Lee v. Parole, Board of, et al.	Inmate filed an appeal of the Order of the Randolph County Circuit Court denying his Petition for Writ of Mandamus.
Arts, Education and Boards	Fisher, Keith	AEB-18-0092	17-C-102	Circuit Court Mason County	Morgan, Elizabeth v. Parole, Board of	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0050	17-C-87	Circuit Court Wayne County	Cremeans, Gilbert v. Parole, Board of	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Fisher, Keith	DMAPS-18-0047	18-0311	Supreme Court - WV	Garretson, Jennifer v. Parole, Board of	Inmate filed petition for Writ of Habeas Corpus.
Arts, Education and Boards	Fisher, Keith	AEB-19-0042	18-C-133	Circuit Court Putnam County	Accountancy, Board of v. Allman, Christopher	Civil contempt proceedings against former licensee for violating Permanent Injunction Order.
Arts, Education and Boards	Fisher, Keith	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Guerrero, Modesto v. Parole, Board of	Petition for Writ of Habeas Corpus relating to Parole Board hearing.
Arts, Education and Boards	Fisher, Keith	AEB-19-0052	19-0129	Supreme Court - WV	Hurd, Dwight v. Parole, Board of	Petition for Writ of Mandamus filed regarding the Parole Board's decision to grant deferred parole.
Arts, Education and Boards	Fisher, Keith	DMAPS-19-0234	19-1116	Supreme Court - WV	Van Hoose, Meredith v. Parole, Board of	Petition for Writ of Mandamus seeking to compel Parole Board to rule on administrative appeal.
Arts, Education and Boards	Fisher, Keith	DMAPS-19-0185	19-P-25	Circuit Court Kanawha County	Hogan, Richard Allen v. Parole, Board of	Petition for Writ of Habeas Corpus filed challenging revocation of parole.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0047	20-0122	Supreme Court - WV	Guthrie, Dale v. Parole, Board of	Petition for Writ of Mandamus seeking audio recording of parole hearing.
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0059	20-0135	Supreme Court - WV	Taylor, Donald Lee v. Corrections, Division of and Parole, Board of	Petition for Writ of Habeas Corpus challenging validity of parole violation charges.
Arts, Education and Boards	Fisher, Keith	AEB-20-0139	20-0141	Supreme Court - WV	Cleveland, Hason Karon v. Corrections, Division of	Habeas challenging imposition of institutional disciplinary conviction and punishment.
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0071	20-0160	Supreme Court - WV	Freeland, Aron v. Corrections, Division of	Petition for Writ of Habeas Corpus claiming violation of due process for the state's failure to provide legal forms.
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0072	20-0162	Supreme Court - WV	Berry, James v. Corrections, Division of	Petition for Writ of Mandamus seeking to abate conditions of confinement alleged to be cruel and unusual.
Arts, Education and Boards	Fisher, Keith	AEB-20-0120	20-0294	Supreme Court - WV	Conrad, Charles v. Parole, Board of	Petition for Writ of Mandamus seeking parole to federal detainer.
Arts, Education and Boards	Fisher, Keith	AEB-20-0172	20-0466	Supreme Court - WV	McGurgan, William v. Parole, Board of	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Fisher, Keith	AEB-20-0171	20-0475	Supreme Court - WV	Sayre, Kenny Drew v. Parole, Board of	Petition for Writ of Habeas Corpus requesting release to parole.
Arts, Education and Boards	Fisher, Keith	DMAPS-18-0012	20-0493	Supreme Court - WV	Wilson, Tammy v. Parole, Board of	Appeal of circuit court's order denying habeas corpus relief.
Arts, Education and Boards	Fisher, Keith	AEB-20-0188	20-0524	Supreme Court - WV	Bissell, Nathan v. Corrections, Division of	Appeal of Roane County Circuit Court's Order Denying Motion to Stop Unlawful Collection of Court Costs.
Arts, Education and Boards	Fisher, Keith	AEB-20-0184	20-0570	Supreme Court - WV	Jones, Michael v. Parole, Board of	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Fisher, Keith	AEB-20-0208	20-0686	Supreme Court - WV	Morgan, Rickey v. Parole, Board of	Petition for Writ of Mandamus seeking to compel the Parole Board to observe statutes and rules.
Arts, Education and Boards	Fisher, Keith	AEB-20-0274	20-0797	Supreme Court - WV	Ramsey, John v. Parole, Board of	Petition for Writ of Mandamus filed seeking release of documents.
Arts, Education and Boards	Fisher, Keith	DMAPS-20-0091	20-C-158	Circuit Court Cabell County	Cremeans, James v. Parole, Board of	Petition for Writ of Habeas Corpus challenging parole revocation decision as abuse of discretion.
Arts, Education and Boards	Fisher, Keith	AEB-20-0234	20-C-4	Circuit Court Pocahontas County	Van Hoose, Meredith v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
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	Koerber, Barry	EA-14-206	13-AA-134	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Taggart Site Services	Appeal of mine safety violation for improperly maintaining structure that collapsed and injured two miners. Awaiting Court's decision.
Arts, Education and Boards	Koerber, Barry	AEB-15-0254	15-AA-112	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Martin, John	Appeal of Board of Appeals decision that miner did not fail drug test. Awaiting Court's decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Marino, Briana	AEB-20-0250	1:20-cv-00230	USDC WVND	Lively, Mark v. Corrections, Division of	Petitioner argues that his time calculation for release is erroneous based upon time credited at sentencing.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0100	10-C-71(E)	Supreme Court - WV	Lucas, James A. v. Corrections, Division of	Petition for mandamus seeking single occupancy cell.
Arts, Education and Boards	Marino, Briana	AEB-20-0229	14-F-74	Circuit Court Mercer County	Reimche, Jr., Carl v. Regional Jail Authority	Motion to vacate housing order.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0173	15-C-1885	Circuit Court Kanawha County	Delgado, Miguel v. Corrections, Division of	Limited appearance for purposes of injunctive relief opposition and transportation issues related to trial.
Arts, Education and Boards	Marino, Briana	AEB-20-0244	17-F-186-K	Circuit Court Raleigh County	State of West Virginia v. Gill, Matthew	Motion to modify order regarding parole conditions.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0073	18-C-103	Circuit Court Kanawha County	Catlett, Bannar C. v. Corrections, Division of	Complaint for injunctive relief re: FOIA request not answered completely.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0052	18-C-84	Circuit Court Marshall County	Buzzard, David v. Corrections, Division of	Habeas corpus petition re: deliberate indifference to safety of inmate.
Arts, Education and Boards	Marino, Briana	AEB-20-0228	18-F-74	Circuit Court Cabell County	Lell, Kevin v. Regional Jail Authority	Motion to vacate housing order.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0086	19-AA-12	Circuit Court Kanawha County	Allen, Larry v. Regional Jail Authority	Circuit court appeal by grievant of adverse decision by the WV Public Employees Grievance Board.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0174	19-C-208	Circuit Court Kanawha County	Payne, Christopher v. Corrections, Division of	Habeas Corpus case - deliberate indifference to medical needs.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0008	2:19-cv-00395	USDC WVSD	Flint, Maurice v. Regional Jail Authority	Alleged use of force incident involving an officer.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0043	2:19-cv-140	USDC WVSD	Hill, Jermain v. Regional Jail Authority	Inmate litigation alleging violation of constitutional rights arising from disciplinary action.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0052	20-0160	Supreme Court - WV	Freeland, Aron v. Corrections, Division of	Petition for Writ of Habeas Corpus regarding access to courts and due process on disciplinary matters.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0045	20-0163	Supreme Court - WV	Cantrell, Larry v. Corrections, Division of	Appeal of dismissal of habeas action without evidentiary hearing on conditions of confinement.
Arts, Education and Boards	Marino, Briana	AEB-20-0243	20-0330	Supreme Court - WV	State of West Virginia v. Howell, Joseph	Motion to Intervene in attempt to standardize corrections terms statewide.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Marino, Briana	DMAPS-20-0108	20-0392	Supreme Court - WV	Bowles, Mikal v. State of West Virginia	Habeas case re: mandamus regarding transfer to another facility.
Arts, Education and Boards	Marino, Briana	AEB-20-0205	20-0627	Supreme Court - WV	Agnew, Arthur v. Corrections, Division of	Petition for Writ of Mandamus regarding good time award.
Arts, Education and Boards	Marino, Briana	AEB-20-0202	20-0628	Supreme Court - WV	Miller, Joshua v. Corrections, Division of	Petition for Writ of Mandamus regarding good time award.
Arts, Education and Boards	Marino, Briana	AEB-20-0204	20-0661	Supreme Court - WV	Ovion, Danny v. Corrections, Division of	Petition for Writ of Mandamus action to force return of good time award.
Arts, Education and Boards	Marino, Briana	AEB-20-0203	20-0674	Supreme Court - WV	Shriver, Wayne C. v. Corrections, Division of	Petition for Writ of Mandamus regarding good time award.
Arts, Education and Boards	Marino, Briana	AEB-20-0236	20-0709	Supreme Court - WV	Watts, Jack v. Corrections, Division of	Appeal of circuit court order denying pro se motion to cease collection of court costs; matter is confidential pursuant to Rule 40(e).
Arts, Education and Boards	Marino, Briana	AEB-20-0230	20-0713	Supreme Court - WV	Derrix, Jr., Johnny v. Corrections, Division of	Petition for Writ of Mandamus regarding good time award.
Arts, Education and Boards	Marino, Briana	AEB-20-0152	20-B-111	Circuit Court Berkeley County	State of West Virginia v. Porter, Darius	Motion to quash subpoena for video and documents.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0044	20-C-6	Circuit Court Mason County	Eads, Brittney v. Corrections, Division of	Inmate attempting to recover rent payments from Lakin Correctional Facility.
Arts, Education and Boards	Marino, Briana	AEB-20-0206	20-M-92	Magistrate Court Kanawha County	Cogar, Donald v. Regional Jail Authority	Petitioner seeks missing property from regional jail.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0107	20-P-122	Circuit Court Kanawha County	O'Dell, Timothy v. State of West Virginia	Petition for Writ of Habeas Corpus appealing classification preventing him from being able to be assigned to work release.
Arts, Education and Boards	Marino, Briana	AEB-20-0159	20-P-22	Circuit Court Kanawha County	Copen, Carlos v. State of West Virginia	Habeas regarding access to the courts.
Arts, Education and Boards	Marino, Briana	AEB-20-0240	2020-P-12	Circuit Court Webster County	White, Jayson v. Regional Jail Authority	Miscellaneous petition asserting cruel and unusual punishment based on conditions of confinement; inmate is incompetent to stand trial and has mental incapacity issues.
Arts, Education and Boards	Marino, Briana	DMAPS-19-0068	3:18-cv-01526	USDC WVSD	Jones, Eric v. Regional Jail Authority	Inmate litigation regarding conditions of confinement.
Arts, Education and Boards	Marino, Briana	DMAPS-20-0009	3:18-cv-1377	USDC WVSD	Hammonds, Ronnie Lee v. Wolfe, Kim, et al.	Subpoena response.
Arts, Education and Boards	Marino, Briana	AEB-20-0239	83-F-165	Circuit Court Kanawha County	Craig, Richard v. Corrections, Division of	Motion for sentence reduction due to COVID.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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	Talbott, Kelli	EA-08-895	09-CAP-8	Circuit Court McDowell County	Bailey, Avery Ray v. McDowell County Bd of Education	Appeal of grievance regarding non-selection for position.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0110	19-C-375	Circuit Court Kanawha County	Kletter, Jan v. Medicine, Board of	Physician sues Board of Medicine seeking to have malpractice information expunged from his historical records.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0247	19-P-440	Circuit Court Kanawha County	Hanshaw, Delma Dee v. Commerce, Department of	Petitioners seek mandamus relief related to alleged delay in construction services under RISE program.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0256	2:20-cv-00654	USDC WVSD	Gregor, Joseph v. Secondary Schools Activities Commission and Education, Board of	Parent files action to compel WV Board of Education and WV Secondary Schools Activities Commission to allow daughter to play on the boys' soccer team in a public school.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0255	20-C-830	Circuit Court Kanawha County	Alexander, Robert Tyler v. Education, Board of	Football player seeks Temporary Restraining Order, preliminary injunction, and permanent injunction against the Governor, DHHR, and the WV Board of Education related to his inability to play football in Kanawha County public schools due to COVID restrictions.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0069	20-P-135	Circuit Court Kanawha County	Persinger & Associates v. Purchasing, Division of	Contractor brings Petition for Writ of Mandamus against Director of Purchasing seeking to set aside award of contract for restroom renovations at the Capitol.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0059	20-P-136	Circuit Court Kanawha County	Washington, Katherine v. Commerce, Department of	RISE participant files Writ of Mandamus seeking to compel Commerce Secretary to construct home to replace flooded home.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0011	3:19-cv-00029	USDC WVSD	Durstein, Mary v. Education, Department of	Complaint for declaratory relief against State Superintendent of Schools by teacher seeking to stop him from bringing certification proceedings against her for the content of tweets.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0218	na	Circuit Court Mineral County	Haugh, Brittany v. Education, Department of	Student filed lawsuit due to alleged exposure to mold in Potomac State dorm.
Arts, Education and Boards	Talbott, Kelli	AEB-20-0224	na	Circuit Court Kanawha County	McLaughlin, Alex v. Education, WV Board of	Parent seeks Writ of Mandamus and injunctive relief against Governor, DHHR and WV Board of Education related to closure of schools in Kanawha County due to COVID.
Arts, Education and Boards	Thornton, Karen	AEB-16-0433	17-AA-8	Circuit Court Kanawha County	Milam, Jeffrey P. v. Highways and Personnel, Division of	Employee seeks to keep the position he occupies from being downwardly reallocated from Supervisor 2 to Highways Storekeeper.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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 seeking dismissal of revocation proceedings to revoke drivers license. The parties are awaiting ruling from Judge Webster.
Arts, Education and Boards	Weiler, Mark	AEB-19-0082	19-0362	Supreme Court - WV	DMV (Holley) v. OAH/Sigley	DMV has filed a Notice of Appeal to the WV Supreme Court of Appeals concerning Judge Kaufman's Final Order denying Petition for Writ of Prohibition, which concerns the Office of Administrative Hearings' Order Granting Administrative Hearing in Sigley.
Arts, Education and Boards	Weiler, Mark	AEB-20-0235	20-M54C-01250 (RW)	Magistrate Court Wood County	Christian, Gary v. WorkForce West Virginia	Recipient of unemployment benefits filed a complaint because his benefits have been stopped; he is seeking \$1,160.00.
Arts, Education and Boards	Weiler, Mark	AEB-20-0266	20-P-193	Circuit Court Kanawha County	Blackshire, Charles v. WorkForce West Virginia	Petitioner seeks Writ of Mandamus against Commissioner of WorkForce West Virginia related to unemployment compensation benefits.
Arts, Education and Boards	Weiler, Mark	AEB-20-0119	2020-C-45	Circuit Court Randolph County	Leary, Timothy v. Administrative Hearings, Office of	Pro se litigant has filed a civil action/administrative appeal/petition concerning his driver's license. OAH filed a response via special appearance.

**CIVIL RIGHTS
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Leslie, James	CIV-15-0012	06-C-230	Circuit Court Monongalia County	WVHRC v. Gary Walden	Enforcement of Consent Decree.
Civil Rights	Leslie, James	CIV-15-0007	14-C-77	Circuit Court Mingo County	SER Patrick Morrissey v. Melissa Webb, et al.	Suit filed to obtain injunctive relief against the Mingo County Board of Education, various Board employees, and two students after alleged sexual abuse suffered by students while attending Birch Middle School.
Civil Rights	Leslie, James	CIV-16-0039	16-P-41	Circuit Court Monongalia County	In Re: Gary Walden	Petition to sell real estate and transfer all real estate interests of Gary Walden to his children.
Civil Rights	Leslie, James	CIV-20-0010	19-C-47	Circuit Court Lincoln County	Jennifer Turley v. Emilee Stone, Owner, & Stone's Trailer Park	Fair Housing Act case alleging disability discrimination.
Civil Rights	Leslie, James	CIV-19-0005	19-C-89	Circuit Court Berkeley County	SER Patrick Morrissey v. Christina Lester, et al.	Suit filed to obtain injunctive relief against five educators and the Berkeley County Board of Education to stop threats of or actual physical violence directed at non-verbal elementary students by their teachers and staff members.

**CONSUMER PROTECTION
AND ANTITRUST
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Alder, Melissa	CON-20-0009	20-C-68	Circuit Court Greenbrier County	SER Patrick Morrissey v. Dutt & Wagner of Virginia Incorporated	Suit filed July 14, 2020, alleging the defendant, a producer and distributor of eggs, had violated West Virginia's price gouging statute which was activated by the Governor's declared State of Preparedness in March 2020. Defendant has filed a Motion to Dismiss has been filed and is set for hearing in early January 2021. Discovery is ongoing.
Consumer Protection & Antitrust	Alder, Melissa	CON-20-0017	20-C-75	Circuit Court Greenbrier County	SER Patrick Morrissey v. Merchants Distributors, LLC a North Carolina Limited Liability Company	Suit filed August 10, 2020, alleging the defendant, a distributor of eggs, had violated West Virginia's price gouging statute which was activated by the Governor's declared State of Preparedness in March 2020.
Consumer Protection & Antitrust	Bradley, Michelle	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrissey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed in July 2018, alleging consumers purchased home improvement items and installation of items, predominately including Sundowner awnings from Defendant but the items were never purchased nor installed. Suit was served on one principal owner and the business. There have been continued attempts to serve the other owner, and the Court eventually ordered service by publication. Notice was published and Defendant Cain filed an answer. Case is ongoing.
Consumer Protection & Antitrust	Capehart, Curtis	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrissey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed in August 2003, alleges that Defendants, the manufacturers and suppliers of dust masks and respirators, marketed and sold their products to coal operators in West Virginia by falsely claiming the devices were an effective means to reduce miners' exposure to airborne coal dust, thereby decreasing the number and severity of coal-related occupational pneumoconiosis cases. The State alleges the claims were false at the time they were made. The Court entered an order bifurcating the case for trial, with the WV Consumer Credit and Protection Act claims to be tried first. Defendants filed a Writ of Prohibition from that Order. WV Supreme Court of Appeals arguments were held September 2020 but the Court has not yet ruled.
Consumer Protection & Antitrust	Cunningham, Abby	CON-18-0014	18-C-274	Circuit Court Ohio County	SER Patrick Morrissey v. Adam Parson d/b/a Precision Floor and Fence	Suit filed in November 2018, alleging that the Defendant failed to perform work on contracts for which he was paid. The Court granted the State's request for a Temporary Injunction and partial Summary Judgment. On March 11, 2020, the Court revised its previous order granting additional restitution and ordering the Defendant to produce certain records to the State. The Defendant failed to comply with most of the terms of the March 11 order so the State filed a petition for contempt. The Court issued a show cause order on September 23, 2020, but the hearing date was postponed and has not yet been rescheduled.
Consumer Protection & Antitrust	Cunningham, Abby	CON-20-0001	CC-40-2020-C-48	Circuit Court Putnam County	SER Patrick Morrissey v. Robert E. Jones d/b/a HR Services d/b/a A Personal Service	Suit filed March 27, 2020, alleging that the Defendant used unfair and deceptive conduct to coerce consumers to enter into unnecessary and expensive home improvement contracts, misrepresented that he possessed various professional licenses, failed to fully perform contracts or performed them in an unworkmanlike manner, and failed to conform to requirements for written contracts. On September 9, 2020, the Court granted the State's Motion for Temporary Injunction and Other Relief, barring the Defendant and anyone acting on his behalf from contracting during the pendency of the case and ordering the Defendant to provide certain records to the State within 30 days. The Defendant has filed a motion for additional time to comply with the order.

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 committed deceptive acts and practices by misrepresenting that they were providing legal services along with debt settlement services and for failing to register with the State 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 of Appeals. In April 2015, Morgan Drexen filed bankruptcy in California and the WV Supreme Court of Appeals 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. After the stay was lifted, the WV Supreme Court of Appeals has returned the appeal to its active docket. The appeal is scheduled for argument on October 27, 2020.
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.	Suit filed in November 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. The matter was set for trial in October 2020. All Defendants settled the litigation with the State resulting in money being paid to the State and the Defendants changing their business practices. Final paperwork is being processed, including submission of Final Order.
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0002	19-C-69	Circuit Court Wood County	SER Patrick Morrissey v. Diocese of Wheeling-Charleston and Michael J. Bransfield in his capacity as former Bishop of the Diocese of Wheeling-Charleston	Suit filed in March 2019, alleging the Diocese falsely advertised or failed to disclose that it employed priests in its schools and camps that were pedophiles. The State amended its complaint in May 2019. The court certified questions to the WV Supreme Court of Appeals and arguments heard September 22, 2020. No ruling has yet been issued.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-cv-5073	USDC PAED	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., et al.	Suit filed in November 2016, by the WV Attorney General, plus 40 states and the District of Columbia against Indivior Inc. and related companies, claiming the companies monopolized or conspired to monopolize the market for co-formulated buprenorphine/naloxone, marketed as Suboxone, a prescription drug that helps individuals addicted to opioids to break the addiction. Discovery is complete and summary judgment motions will be filed through the fall of 2020. Trial is expected in 2021.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0007	3:17-cv-01180-VAB	USDC CT	State of Arkansas, et al. v. Aurobindo Pharma USA, Inc., et al.	Suit filed in July 2017, by the WV Attorney General and 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 in multi-district litigation in Pennsylvania. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0006	3:19-cv-00710-MPS	USDC CT	State of Connecticut, et al. v. Teva Pharmaceuticals USA, Inc., et al.	Suit filed in May 2019, by the WV Attorney General and more than 45 states and territories suing several generic drug manufacturers and employees for fixing the prices on more than 100 generic drugs. The Defendants have not yet answered the complaint or filed motions to dismiss. Discovery is ongoing. This case will act as a bellwether for similar cases.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0008	3:20-cv-00802-SRU	USDC CT	The State of Connecticut, et al. v. Sandoz, Inc., et al.	Suit filed June 10, 2020, against more than two dozen generic drug manufacturers and executives alleging unlawful price increases on approximately 80 topical prescriptions. This action has been transferred to the multidistrict generic drug litigation pending in the Eastern District of Pennsylvania. Defendants are expected to file motions to dismiss.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0002	CC-24-2020-C-51	Circuit Court Marion County	SER Patrick Morrissey v. Moore Legal Center, P.C., and Thomas A. Moore, individually and in his capacity as president of Moore Legal Center, P.C.	Suit filed March 31, 2020, alleging the defendants have unlawfully engaged in debt settlement activities. The Defendants answered the Complaint and discovery is ongoing. A Scheduling Order has been entered and a trial date will be selected in June 2021.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0003	CC-40-2020-C-55	Circuit Court Putnam County	SER Patrick Morrissey v. Property Professionals Group, LLC and Brandon Tulloh, individually, and d/b/a Property Professionals Group, LLC	Suit filed April 22, 2020, alleging the defendants failed to honor warranties on roofing jobs, failed to finish jobs, or simply took money and never started the job. Defendants have failed to answer the Complaint. The State's Motion for Summary Judgment is set for hearing in November 2021.
Consumer Protection & Antitrust	Godfrey, Tanya	CON-19-0013	CC-02-2019-C-420	Circuit Court Berkeley County	WVAG v. Future Income Payments, LLC and Scott Alan Kohn	Suit filed in November 2019, alleging that the Defendants made consumer loans in West Virginia without required licenses and registrations and charged usurious interest rates that constitute excess charges. The suit further alleges the unfair or deceptive acts or practices are that FIP misled consumers to believe that it was "buying" an asset of the consumer, FIP made "usurious" loans, FIP misled consumers to believe it could make loans in West Virginia with interest rates higher than permitted by West Virginia law, FIP caused misunderstanding and confusion among consumers as to the amount of interest that could be charged, FIP's conduct misled consumers to believe that it was licensed or authorized to make loans in West Virginia when it was not, and FIP misled consumers by failing to disclose the terms and conditions of financing. In July 2019, Kohn and others were indicted in U.S.D.C. of South Carolina and Kohn filed a motion to stay this proceeding during the pendency of the criminal action. The Court granted that motion and this matter is currently stayed.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0009	16-50010	USDC WDNC	In re: Quick Silver Restoration, LLC	Suit filed in October 2014, alleging fraudulent and deceptive acts by Defendant home improvement contractor. A final Dismissal Order was entered on May 11, 2015, which included payment to the State. Wanniss Allen, the operator of Quick Silver, filed a petition for bankruptcy in North Carolina in October 2015. The State of WV is listed as a creditor 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 estimated for April, 2021. According the Bankruptcy Court Trustee, Wanniss Allen has made total payments of \$89,791.00 and owes a remaining balance of \$10,132.00. If he continues to make his required payments of \$2,533.00 per month, he could complete all payments owed under the plan in early 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, alleges that the defendant home improvement contractor 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 on May 16, 2018, permits the matter to remain on the docket while attempts continue to serve the Defendant. On August 22, 2019, the Court granted a motion to appoint a Guardian ad litem for purpose of service and the Guardian ad litem has been served with the Complaint. No answer has been filed. The State is preparing to filed a Motion for Judgment by Default and for Summary Judgment.

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 in April 2018, alleging the defendants engaged in the sale of used motor vehicles without a dealer license, failing to convey titles, etc. After a hearing held on April 13, 2018, the Judge entered a Motion for Temporary Injunction, voiding all contracts of sale of vehicles, and prohibiting defendants from selling vehicles or collecting payments, and providing clear titles. A hearing was held on September 12, 2019, on the State's Motion for Judgment by Default Against Certain Defendants and for Summary Judgment. The Court granted a default against certain defendants and scheduled a bench trial for December 9, 2019, with a final evidentiary hearing on February 21 and 24, 2020, at which time the Attorney General presented ten witnesses in support of his complaint. Following the hearing the court asked the parties to submit proposed findings of fact and conclusions of law. The State submitted a proposed Order and one defendant filed objections. The Court has not yet entered a final order.
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 in September 2018, alleging that 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. The court entered an Order in June 2019 granting Summary Judgment against the defendants, which granted a permanent injunction prohibiting the defendants from engaging in plumbing and other contracting activities in any capacity; restitution to consumers; and a civil penalty of \$70,000.00. The court entered an Order Granting Application for Attorney's Fees and Expenses on September 24, 2019, consisting of \$9,7500.00 in attorney's fees and \$250.00 in expenses. A final Dismissal Order is being submitted to the Court.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0010	19-C-248-3	Circuit Court Harrison County	SER Patrick Morrissey v. Concrete Technology Incorporated of North Central West Virginia, LLC, a limited liability company, and Scott Kirby & Belynda Kirby, its members	Suit filed in September 2019, alleging that the Defendants accepted money for home improvement transactions but failed to perform the work or performed substandard work. The suit also alleges the business misrepresented the products it would use to do the work. The Court entered an agreed order granting a permanent injunction against the Defendants on February 10, 2020. The Defendants were directed to work with the State towards settling the remaining issues. The Defendants made no reply. The State filed a Motion for Default and Motion for Summary Judgment on September 23, 2020, and expects a hearing date to be set in the next few months.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0004	19-C-472	Circuit Court Kanawha County	SER Patrick Morrissey v. Ben Burns d/b/a Brenco Home Solutions	Suit filed in May 2019, alleging Brenco was performing home improvement services without a contractor's license, even after three Cease and Desist Orders from the WV Department of Labor and a Stop Work Order from the City of Hurricane. Defendant also collected money from multiple consumers and never returned to do the work. An Order Granting Temporary Injunction and Other Relief was entered July 16, 2019. The Defendants filed a motion on May 24, 2020, seeking a ruling that Burns' pressure washing business does not violate the temporary injunction previously entered by the court and a response was filed. The State then filed a motion for summary judgment on May 29, 2020, to which the Defendants responded and the State replied. The parties are awaiting a ruling from the court on these pending motions.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-20-0011	20-C-153	Circuit Court Ohio County	SER Patrick Morrissey v. Charles P. Waterman d/b/a Waterman Plumbing LLC	Suit Filed on July 16, 2020, alleging that the defendants are engaging in plumbing and home improvement services without a contractor or specialty license. The suit also asserts that the defendants failed to return to do any work after accepting down payments on two occasions and once, when they did return to do the work, it was substandard. The Defendants were served by the West Virginia Secretary of State under West Virginia's long-arm statute on September 8, 2020. An Answer or other response has not yet been filed.
Consumer Protection & Antitrust	Googel, Norman	CON-20-0004	CC-40-2020-C-62	Circuit Court Putnam County	SER Patrick Morrissey v. Thomas Jones, d/b/a Precision Home Improvements and Precision Home Improvements, LLC	Suit filed April 29, 2020, alleging that the Defendants engaged in home improvement services without being properly licensed, that work was substandard and consumers were not provided with a three day right to cancel. The Defendants were served on April 29, 2020, but have not filed an answer or otherwise responded. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1622	12-C-122N	Circuit Court Mason County	SER Patrick Morrissey v. Intersections Insurance Services, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Although a trial date was set for March 2020, that date was postponed and discovery continues.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1619	12-C-123N	Circuit Court Mason County	SER Patrick Morrissey v. Center Partners, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1618	12-C-124N	Circuit Court Mason County	SER Patrick Morrissey v. Sitel Corporations	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1620	12-C-125N	Circuit Court Mason County	SER Patrick Morrissey v. Sykes Enterprises, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1621	12-C-126N	Circuit Court Mason County	SER Patrick Morrissey v. Stonebridge	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in progress. During the course of discovery, Stonebridge was identified as the appropriate party in interest and was substituted as the Defendant. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Circuit Court Putnam County	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1313	12-C-289	Circuit Court Putnam County	SER John D. Perdue v. AXA Equitable Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1318	12-C-294	Circuit Court Putnam County	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1320	12-C-296	Circuit Court Putnam County	SER John D. Perdue v. Lincoln National Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. 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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1587	12-C-323	Circuit Court Putnam County	SER John D. Perdue v. Genworth Life and Annuity Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1591	12-C-328	Circuit Court Putnam County	SER John D. Perdue v. United of Omaha Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0015	12-C-331	Circuit Court Putnam County	SER John D. Perdue v. The Western and Southern Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1687	12-C-355	Circuit Court Putnam County	SER John D. Perdue v. Western & Southern Life Assurance Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Circuit Court Putnam County	SER John D. Perdue v. Lincoln Benefit Life Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1710	12-C-361	Circuit Court Putnam County	SER John D. Perdue v. Transamerica Life Insurance Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1691	12-C-362	Circuit Court Putnam County	SER John D. Perdue v. Employees Life Company (Mutual)	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as the company is under audit review by WV State Treasurer's Office.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1679	12-C-375	Circuit Court Putnam County	SER John D. Perdue v. Globe Life & Accident Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1680	12-C-377	Circuit Court Putnam County	SER John D. Perdue v. Riversource Life Ins. Co.	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1681	12-C-378	Circuit Court Putnam County	SER John D. Perdue v. West Coast Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as the company is under audit review by the WV State Treasurer's Office.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-289	12-C-426	Circuit Court Putnam County	SER John D. Perdue v. Teachers Insurance & Annuity Associates of America	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	12-C-436	Circuit Court Putnam County	SER John D. Perdue v. Colonial Penn Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order of March 14, 2018. Discovery is in progress.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-277	12-C-439	Circuit Court Putnam County	SER John D. Perdue v. United American Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case remains stayed as the company is under audit review by the WV State Treasurer's Office.
Consumer Protection & Antitrust	Haight, Ann	AD-13-241	12-C-446	Circuit Court Putnam County	SER John D. Perdue v. Lafayette Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery, including depositions, is in progress, with multiple motions and hearings before Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	CON-14-0072	13-C-1N	Circuit Court Mason County	SER Patrick Morrissey v. Pfizer, et al.	Suit filed in January 2013, alleging violations of the Antitrust Act by the use of unfair methods of competition and trade practices to the delay of entry into the market of generic versions of Lipitor. Due to Defendant's actions, generic Lipitor did not become available until November 2011, resulting in WV consumers paying more for name brand than for generic Lipitor. Discovery is in progress, including scheduling of depositions.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0009	19-C-104	Circuit Court Boone County	SER Patrick Morrissey v. Teva Pharmaceuticals USA, Inc., and Cephalon, Inc.	Suit filed in August 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. Specific discovery is ongoing on Teva International's Motion to Dismiss for lack of personal jurisdiction. General discovery is in progress, with a trial date scheduled for November 2021.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0008	19-C-105	Circuit Court Boone County	SER Patrick Morrissey v. Janssen Pharmaceuticals, Inc., and Johnson & Johnson	Suit filed in August 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. The Defendants filed a Petition for Writ of Prohibition to the state Supreme Court with respect to the State's Motion to Strike on September 25, 2020, and a briefing schedule is in place. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0015	19-C-150	Circuit Court Boone County	SER Patrick Morrissey v. Mallinckrodt LLC, a Delaware limited liability corporation, and SpecGx LLC, a Delaware limited liability corporation	Suit filed in November 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. On October 12, 2020, defendant filed bankruptcy.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0014	19-C-151	Circuit Court Boone County	SER Patrick Morrissey v. Endo Health Solutions Inc., a Delaware corporation, and Endo Pharmaceuticals Inc., a Delaware corporation, and Par Pharmaceutical, Inc., a New York corporation	Suit filed in November 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. Discovery is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-19-0005	19-C-62	Circuit Court Boone County	SER Patrick Morrissey v. Purdue Pharma, L.P., a Delaware limited partnership, Purdue Pharma Inc., a New York corporation, and Richard Sackler, M.D.	Suit filed in May 2019, alleging defendant companies and former chief executive director Richard Sackler unlawfully marketed opioids, by engaging in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers. Defendants have filed Motions to Dismiss. The case was transferred to the Mass Litigation Panel on August 27, 2019. On September 16, 2019, Purdue filed for bankruptcy.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0012	CC-40-2020-C-131	Circuit Court Putnam County	SER Patrick Morrissey v. CVS Health Corporation, et al.	Suit filed August 18, 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0013	CC-40-2020-C-132	Circuit Court Putnam County	SER Patrick Morrissey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc., a Delaware corporation	Suit filed August 18, 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0007	CC-40-2020-C-82	Circuit Court Putnam County	SER Patrick Morrissey v. Walgreens Boots Alliance, Inc., a Delaware corporation; Walgreen Co., an Illinois corporation; and Walgreen Eastern Co., Inc., a New York corporation	Suit filed August 18, 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0006	CC-40-2020-C-83	Circuit Court Putnam County	SER Patrick Morrissey v. Rite Aid Corporation, a Delaware Corporation, Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, a Maryland corporation	Suit filed June 3, 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. No answers have been filed. The case is ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0052	15-C-958-H	Circuit Court Raleigh County	SER Patrick Morrissey v. Rock City Pharmacy, LLC	Suit filed in November 2015, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0053	15-C-959-B	Circuit Court Raleigh County	SER Patrick Morrissey v. David Pharmacy, LLC	Suit filed in November 2015, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with David Pharmacy, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0001	16-C-230	Circuit Court Raleigh County	SER Patrick Morrissey v. CureRX LLC, et al.	Suit filed in April 2016, alleging the defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with CureRX LLC, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing. April

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Lackey, Laurel	CON-17-0008	17-32186	Bankruptcy Court-US TXSD	In Re: Uplift RX, LLC	Bankruptcy Petition filed by Uplift RX, LLC in the Southern District of Texas. Suits filed against CureRX, David Pharmacy and Rock City Pharmacy were stayed after Uplift RX, LLC filed bankruptcy in the Southern District of Texas. Uplift had entered into pre-purchase agreements with CureRX, David Pharmacy and Rock City Pharmacy, all pharmacies with suits filed against them by the Attorney General. [See notes on CureRX, David and Rock City Pharmacy cases]. The WV Attorney General's Office is identified as an unsecured creditor in the bankruptcy. Bankruptcy is ongoing and is being monitored.
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	19-C-101	Circuit Court Fayette County	SER Patrick Morrissey v. New River Firewood, LLC, et al.	Suit filed in August 2018, alleging Defendants sold gas powered log splitters to consumers using defective materials or welds causing the log splitters to malfunction shortly after consumers began using them, in violation of the WVCCPA. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. The case was originally filed in Kanawha County but was transferred to Fayette County. The Court denied Defendants' Motion to Dismiss on March 2, 2020. Discovery is ongoing, with a trial date in May 2021.

**DEPARTMENT OF HEALTH AND
HUMAN RESOURCES
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Allen	HHR-14-0123	01-F-130-H	Circuit Court Raleigh County	State v. J.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0242	07-F-49	Circuit Court Wood County	State v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-14-0124	08-CRM-571	Circuit Court Kanawha County	State v. M.P.	M.P. is a criminal defendant currently residing in a forensic group home and seeking additional release privileges.
Health, Human Resources	Campbell, Allen	HHR-15-0165	10-F-183	Circuit Court Kanawha County	State v. S.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0693	13-F-352	Circuit Court Lewis County	State v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Katherine	HHR-17-0611	17-AA-89	Circuit Court Kanawha County	Deborah Smith v. WVDHHR/BCSE	Administrative Appeal filed by the Department of Health and Human Resources appealing Decision of Grievance Board granting grievance.
Health, Human Resources	Campbell, Katherine	HHR-20-0031	19-1170	Supreme Court - WV	In Re: S.H. & E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0112	20-0071	Supreme Court - WV	In Re: W.W., J.W., & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0111	20-0073	Supreme Court - WV	In Re: W.W., J.W., & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0163	20-0201	Supreme Court - WV	In Re: A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0236	20-0247	Supreme Court - WV	In Re: G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0279	20-0374	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0270	20-0383	Supreme Court - WV	In Re: T.S., K.C., G.B., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0271	20-0384	Supreme Court - WV	In Re: T.S., K.C., G.B., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0335	20-0441	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0293	20-0449	Supreme Court - WV	In Re: A.R. & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0375	20-0586	Supreme Court - WV	In Re: L.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0385	20-0591	Supreme Court - WV	In Re: L.C.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Katherine	HHR-20-0404	20-0629	Supreme Court - WV	In Re: A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0451	20-0644	Supreme Court - WV	In Re: A.S. & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0449	20-0739	Supreme Court - WV	In Re: L.C., A.C., A.W., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0450	20-0740	Supreme Court - WV	In Re: A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0468	20-0771	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-20-0467	20-0772	Supreme Court - WV	In Re: M.S. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0210	15-JD-7	Circuit Court Doddridge County	In Re: A.C.C.	Juvenile delinquency matter regarding placement.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0490	17-AA-1	Circuit Court Hancock County	Lori DeGarmo v. WVDHHR/BOR/OIG	Appeal of Board of Review finding of Supplemental Nutrition Assistance Program (SNAP) Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0430	17-C-22	Circuit Court Pleasants County	Jason & Sherry Francis v. WVDHHR	Appeal of Office of Inspector General finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Circuit Court Ohio County	C.S. v. WVDHHR/OIG/BOR	Appeal of BOR Dismissal Order regarding a Child Protective Services substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0490	19-AA-2	Circuit Court Monongalia County	M.G. v. Bill Crouch, Secretary	The Petitioner is appealing the decision of the State Hearing Officer following a Medicaid Fair Hearing Act in Board of Review Action No. 19-BOR-1581.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	19-P-87	Circuit Court Wood County	Jessica Helmick v. Bill J. Crouch, Secretary, et al.	Jessica Wells (formerly Jessica Helmick) appeals OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0152	20-0184	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0320	20-0424	Supreme Court - WV	In Re: A.K., B.K., & E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0303	20-0452	Supreme Court - WV	In Re: M.S., F.S., R.B., J.B., H.B., & H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0479	20-0595	Supreme Court - WV	L.M. & L.M. v. WVDHHR	Writ of Prohibition filed in WV Supreme Court of Appeals against DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Circuit Court Marion County	In Re: E.A.M.	Juvenile delinquency matter to determine criminal competency of juvenile and also determine appropriate placement.
Health, Human Resources	Compton, Steven	HHR-20-0120	19-C-1225	Circuit Court Kanawha County	April Dawn Cowen v. WVDHHR	Ms. Cowen, an RN, claims an erroneous maltreatment report by the Bureau for Children and Families interfered with prospective employment.
Health, Human Resources	Compton, Steven	HHR-19-0308	2:19-cv-00397	USDC WVSD	Kenneth Richards v. WVDHHR and Bill Crouch in his official capacity	Class action complaint under the Americans With Disabilities Act and the Rehabilitation Act of 1973 in which plaintiff claims DHHR refuses to offer reasonable accommodations in administering and implementing benefit programs.
Health, Human Resources	Compton, Steven	HHR-20-0139	20-0112	Supreme Court - WV	In Re: A.C. & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-20-0324	20-0453	Supreme Court - WV	In Re: M.M. & E.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-20-0325	20-0504	Supreme Court - WV	In Re: M.M. & E.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-20-0245	20-AA-60	Circuit Court Kanawha County	Crystal Kendall, et al. v. WVDHHR	Appeal of Public Employees Grievance Board decision.
Health, Human Resources	Compton, Steven	HHR-19-0560	3:19-cv-00710	USDC WVSD	Jonathon R., et al. v. WVDHHR, et al.	A Better Childhood, a national child advocacy organization, Disability Rights WV and Shaffer and Shaffer filed this federal class action lawsuit claiming WVDHHR has violated the constitutional and statutory rights of children in the foster care system.
Health, Human Resources	Compton, Steven	HHR-14-0122	81-MISC-585	Circuit Court Kanawha County	E.H. v. Matin	Continuing jurisdiction over petition for writ of mandamus regarding conditions at state inpatient mental health facilities.
Health, Human Resources	Dugas, Melinda	HHR-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-18-0239	18-AA-1	Circuit Court Braxton County	S.W. v. WVDHHR	Shanna Wine has filed an Administrative Appeal against the Decision of the State Hearing Officer to uphold DHHR's CPS finding of maltreatment against her for failing to protect her child.
Health, Human Resources	Dugas, Melinda	HHR-18-0376	18-P-27	Circuit Court Taylor County	In Re: John Hess 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 the settlement of the mother's estate.
Health, Human Resources	Dugas, Melinda	HHR-19-0327	19-P-13	Circuit Court Grant County	Douglass Cobb v. WVDHHR	Seeking to set aside Order of Default Judgment Regarding Burial Expenses.
Health, Human Resources	Dugas, Melinda	HHR-20-0349	20-0326	Supreme Court - WV	Arthur Hairston, Sr. v. WVDHHR/BOR	Appeal filed by Arthur Hairston, Sr. challenging the ruling of Berkeley County Circuit Court dismissing his administrative appeal concerning Medicaid and SNAP benefits.
Health, Human Resources	Dugas, Melinda	HHR-20-0301	20-0380	Supreme Court - WV	In Re: M.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	Dugas, Melinda	HHR-20-0323	20-0435	Supreme Court - WV	In Re: J.N., A.W.-N., Z.W.-N., K.W.-N., & D.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-20-0362	20-0509	Supreme Court - WV	In Re: R.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-20-0117	20-JA-4-8	Circuit Court Braxton County	In re: Harley J. & Desiree Bess	Notice of appearance to challenge party structure.
Health, Human Resources	Evans, Sandra	HHR-17-0115	17-0220	Supreme Court - WV	In Re: A.W. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-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-19-0313	19-0472	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0465	19-0696	Supreme Court - WV	In Re: G.M. & L.V.-M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0036	20-0019	Supreme Court - WV	In Re: M.B. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0113	20-0107	Supreme Court - WV	In Re: D.D., B.D., B.D., & B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0104	20-0113	Supreme Court - WV	In Re: P.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0174	20-0205	Supreme Court - WV	In Re: S.S. & H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0205	20-0240	Supreme Court - WV	In Re: L.V. & A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0239	20-0248	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0278	20-0369	Supreme Court - WV	In Re: T.B. & H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0286	20-0377	Supreme Court - WV	In Re: Z.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0310	20-0430	Supreme Court - WV	In Re: B.M. & B.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0288	20-0443	Supreme Court - WV	In Re: M.A. & B.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0284	20-0446	Supreme Court - WV	In Re: K.B., E.B., & J.C., Jr.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0287	20-0450	Supreme Court - WV	In Re: K.B. & J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0316	20-0502	Supreme Court - WV	In Re: A.H., T.T., K.T., B.H., & M.H.-M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0333	20-0507	Supreme Court - WV	In Re: B.C., S.H., J.H., Jr., & N.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0351	20-0512	Supreme Court - WV	In Re: I.R.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-20-0352	20-0563	Supreme Court - WV	In Re: A.U., Jr., A.U., J.F., & T.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0363	20-0568	Supreme Court - WV	In Re: L.V. & A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0369	20-0573	Supreme Court - WV	In Re: F.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0368	20-0575	Supreme Court - WV	In Re: K.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0376	20-0584	Supreme Court - WV	In Re: J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0386	20-0593	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0397	20-0631	Supreme Court - WV	In Re: D.P. & G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0398	20-0632	Supreme Court - WV	In Re: A.O., D.P., & G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0443	20-0648	Supreme Court - WV	In Re: A.W., III & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0445	20-0734	Supreme Court - WV	In Re: K.B.-R. & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0444	20-0737	Supreme Court - WV	In Re: M.H., K.B., & P.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0461	20-0776	Supreme Court - WV	In Re: B.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0462	20-0777	Supreme Court - WV	In Re: M.B., B.B., & B.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-20-0471	20-0781	Supreme Court - WV	In Re: C.R. & B.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0291	18-AA-256	Circuit Court Kanawha County	Leslie Riddle v. WVDHHR/BCF, Region I	Grievant, charged with Annual Leave while representing an employee at a proceeding, seeks return of her leave time.
Health, Human Resources	Felton, Brandolyn	HHR-20-0033	19-1183	Supreme Court - WV	In Re: A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0085	20-0089	Supreme Court - WV	In Re: D.M. & R.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0146	20-0120	Supreme Court - WV	In Re: A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0154	20-0168	Supreme Court - WV	In Re: J.L. & E.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0149	20-0178	Supreme Court - WV	In Re: H.B., L.M., K.C., & L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0148	20-0194	Supreme Court - WV	In Re: H.B., L.M., K.C., & L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0234	20-0249	Supreme Court - US	In Re: F.J.	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-20-0277	20-0373	Supreme Court - WV	In Re: E.M. & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0268	20-0379	Supreme Court - WV	In Re: H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0269	20-0381	Supreme Court - WV	In Re: H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0312	20-0431	Supreme Court - WV	In Re: B.J. & A.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0292	20-0436	Supreme Court - WV	In Re: Z.L., B.L., & E.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0289	20-0437	Supreme Court - WV	In Re: C.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0283	20-0447	Supreme Court - WV	In Re: K.H., J.H., R.H., & M.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0331	20-0511	Supreme Court - WV	In Re: E.D. & M.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0364	20-0567	Supreme Court - WV	In Re: C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0389	20-0577	Supreme Court - WV	In Re: H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0378	20-0583	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0453	20-0645	Supreme Court - WV	In Re: L.N., N.N., B.N., & S.N	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0420	20-0647	Supreme Court - WV	In Re: A.B. & B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0421	20-0649	Supreme Court - WV	In Re: S.H. & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0452	20-0696	Supreme Court - WV	In Re: L.B. & I.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0466	20-0768	Supreme Court - WV	In Re: H.S., L.C., I.B., R.B., J.B., & B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0472	20-0770	Supreme Court - WV	In Re: A.B. & S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Circuit Court Lincoln County	Gina Sowards v. WVDHHR/BOR	Appeal of BOR Order Denying Request for Consideration.
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WVDHHR	Mr. Warren appeals BOR Decision upholding a DHHR WV Works repayment claim totaling \$2,620.00.
Health, Human Resources	Jackson, Michael	HHR-18-0070	18-AA-179	Circuit Court Kanawha County	T.P. v. WVDHHR/BOR	Petitioner appealed CPS finding that occurred in 2002. DHHR BOR issued a Dismissal Order stating it did not have jurisdiction to remove finding. Appeal is now filed in Kanawha County Circuit Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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	Jackson, Michael	HHR-20-0243	19-AA-159	Circuit Court Kanawha County	Dona Bartram v. WVDHHR	Petitioner appeals BOR denial of Temporary Assistance for Needy Families benefits.
Health, Human Resources	Jackson, Michael	HHR-19-0458	19-AA-82	Circuit Court Kanawha County	In Re: L.B.	Petitioner appeals DHHR Board of Review decision to deny assistance.
Health, Human Resources	Jackson, Michael	HHR-19-0459	19-C-821	Circuit Court Kanawha County	Sheila A. Cunningham v. WVDHHR	Ms. Cunningham appeals DHHR Board of Review decision regarding family assistance.
Health, Human Resources	Jackson, Michael	HHR-20-0160	20-0115	Supreme Court - WV	In Re: E.F., C.F., & E.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-20-0153	20-0186	Supreme Court - WV	In Re: Z.G. & J.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-20-0300	20-0382	Supreme Court - WV	In Re: J.G.-N. & A.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-20-0315	20-0503	Supreme Court - WV	In Re: S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-20-0093	20-AA-24	Circuit Court Kanawha County	Sally & Billy Shaffer v. Bill J. Crouch	Petitioners appeal the determination of overpayment of SNAP benefits.
Health, Human Resources	Jackson, Michael	HHR-20-0241	20-AA-58	Circuit Court Kanawha County	L.B. v. WVDHHR	Appeal of DHHR Board of Review decision to deny DHHR BCF benefits to protected individual.
Health, Human Resources	Jones, William	HHR-20-0348	01-G-8	Circuit Court Lewis County	In Re: John Kittle	DHHR filed a Petition for Termination, Revocation, or Modification of Guardianship/Conservatorship.
Health, Human Resources	Jones, William	HHR-19-0209	08-G-40	Circuit Court Kanawha County	In Re: Leigh Ann Blankenship	A Petition to Terminate, Revoke or Modify Appointment of Guardian and/or Conservator was filed.
Health, Human Resources	Jones, William	HHR-18-0445	10-F-283	Circuit Court Kanawha County	State v. Shannon Roberts	Shannon Roberts is a forensic patient at a state hospital and is under the court's criminal jurisdiction. Adult Protective Services was appointed guardian. Status review hearings are held by the circuit court.
Health, Human Resources	Jones, William	HHR-18-0449	13-G-2	Circuit Court Roane County	In Re: Charlotte Allen	GAL filed petition to remove current guardian and conservator.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-20-0091	15-G-37	Circuit Court Kanawha County	In Re: Jessica Hatcher	Protected Person filed a Petition to Terminate DHHR's guardianship.
Health, Human Resources	Jones, William	HHR-17-0420	16-G-5	Circuit Court Hampshire County	In Re: Taylor S. Mount	Taylor Mount filed petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0325	16-JA-249 & 16-JA-250	Circuit Court Kanawha County	In Re: B.W. & G.W.	Contempt proceeding against DHHR for not adequately staffing CPS workers in Kanawha County.
Health, Human Resources	Jones, William	HHR-18-0444	17-G-20-33	Circuit Court Kanawha County	In Re: Terry Gandee	Petition to appoint DHHR and Kanawha County Sheriff's Department as successor guardian/conservator.
Health, Human Resources	Jones, William	HHR-18-0610	17-G-6	Circuit Court Jackson County	In Re: Kayla Landis	Protected person filed petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-18-0205	18-G-02	Circuit Court Hampshire County	In Re: Shelly Pierson	DHHR filed petition for guardianship.
Health, Human Resources	Jones, William	HHR-20-0202	18-G-19	Circuit Court Kanawha County	In Re: Patrick Ferrell	DHHR filed a Motion for Authorization to Change Protected Person's Residence to Another State.
Health, Human Resources	Jones, William	HHR-19-0068	18-G-2	Circuit Court Jefferson County	In Re: Kenneth Atkins	DHHR seeks motion to change protected person's residence.
Health, Human Resources	Jones, William	HHR-19-0035	18-G-35	Circuit Court Raleigh County	In Re: Colleen Johnson	Petition filed to appoint WVDHHR as guardian and county sheriff as conservator.
Health, Human Resources	Jones, William	HHR-18-0469	18-G-6	Circuit Court Upshur County	In Re: Martha Wood	DHHR filed petition for conservatorship.
Health, Human Resources	Jones, William	HHR-19-0616	19-AA-2	Circuit Court Randolph County	Mercedes Sisler v. WVDHHR	Mercedes Sisler has appealed the Board of Review's decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-19-0354	19-C-614	Circuit Court Kanawha County	Disability Rights of WV v. WVDHHR	Petitioner, Disability Rights of WV, filed suit against WVDHHR/BCF regarding their right to access APS records.
Health, Human Resources	Jones, William	HHR-19-0590	19-G-16	Circuit Court Lincoln County	In Re: Michael Mullins	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-20-0096	19-G-26	Circuit Court Monongalia County	In Re: Karsang Lama	Ruby Memorial Hospital filed a Petition for Appointment of Guardian and Conservator.
Health, Human Resources	Jones, William	HHR-20-0192	19-G-3	Circuit Court Roane County	In Re: William Jett	DHHR filed a Motion to Change Residence of Protected Person. DHHR is seeking court approval to place Protected Person in a facility in PA as all options have been exhausted in WV.
Health, Human Resources	Jones, William	HHR-20-0095	19-G-70	Circuit Court Kanawha County	In Re: Wanda Parsons	Family filed a Petition to Terminate DHHR's guardianship of Wanda Parsons.
Health, Human Resources	Jones, William	HHR-19-0494	19-G-9	Circuit Court Marshall County	In Re: Victoria Sullivan	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0106	19-P-45	Circuit Court Kanawha County	Michael Campbell v. WVDHHR	Trustee of deceased father filed petition to establish a special needs trust. DHHR is legal guardian over the child of the deceased.
Health, Human Resources	Jones, William	HHR-20-0319	20-0423	Supreme Court - WV	In Re: L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jones, William	HHR-20-0412	20-G-1	Circuit Court Pleasants County	In Re: David Everson	DHHR filed a petition for guardianship and conservatorship for the alleged protected person.
Health, Human Resources	Jones, William	HHR-20-0183	20-G-2	Circuit Court Barbour County	In Re: Elmer Thompson	DHHR filed a Petition for the Appointment of Temporary Guardian and Temporary Conservator.
Health, Human Resources	Jones, William	HHR-20-0476	20-G-29	Circuit Court Raleigh County	In Re: Devona Smith	DHHR filed a Petition for the Appointment of Guardian and Conservator.
Health, Human Resources	Jones, William	HHR-20-0413	20-G-9	Circuit Court Summers County	In Re: John Wisner	DHHR filed a petition for guardianship and conservator for the alleged protected person.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court-US WVND	Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court-US DE	Graceway Pharma	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	New England Compounding Pharm	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	Rural/Metro Corp	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	Laboratory Partners	Chapter 11 (Asset) Bankruptcy.
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. 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.
Health, Human Resources	Lackey, Laurel	HHR-20-0045	20-20007 (FWV)	Bankruptcy Court-US WVSD	Thomas Health System, Inc.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-20-0185	3:20-bk-01940	Bankruptcy Court-US TNMD	MBH Highland, LLC	Highland Hospital Chapter 11 Bankruptcy.
Health, Human Resources	Niezgoda, Lee	HHR-19-0077	19-0064	Supreme Court - WV	In Re: A.B., N.B., J.B., B.B., E.B., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0317	19-0492	Supreme Court - WV	In Re: A.M. & C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0478	19-0715	Supreme Court - WV	In Re: B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0516	19-0798	Supreme Court - WV	In Re: J.B. II	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0587	19-0926	Supreme Court - WV	In Re: M.M., H.M., & W.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0683	19-1100	Supreme Court - WV	In Re: B.M., C.C., & E.B.	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-20-0075	20-0031	Supreme Court - WV	In Re: K.R. & J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0155	20-0195	Supreme Court - WV	In Re: L.R. & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0332	20-0246	Supreme Court - WV	In Re: M.L., R.L., & B.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0237	20-0306	Supreme Court - WV	In Re: A.S., D.G., D.G., S.G., Jr., & D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0275	20-0370	Supreme Court - WV	In Re: M.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0238	20-0371	Supreme Court - WV	In Re: A.S., D.G., D.G., S.G., Jr., & D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0267	20-0378	Supreme Court - WV	In Re: S.K., C.H., & D.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0328	20-0429	Supreme Court - WV	In Re: N.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0313	20-0432	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0281	20-0434	Supreme Court - WV	In Re: H.R. & M.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0282	20-0438	Supreme Court - WV	In Re: K.B. & N.U.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0285	20-0445	Supreme Court - WV	In Re: J.T. & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0327	20-0451	Supreme Court - WV	In Re: N.L. & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0326	20-0454	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0311	20-0497	Supreme Court - WV	In Re: T.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0370	20-0513	Supreme Court - WV	In Re: A.Y, Z.Y., & P.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0353	20-0561	Supreme Court - WV	In Re: E.R. & C.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0354	20-0562	Supreme Court - WV	In Re: S.H., C.H., & D.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0355	20-0564	Supreme Court - WV	In Re: N.A.-K. & I.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0365	20-0565	Supreme Court - WV	In Re: R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0361	20-0566	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0367	20-0581	Supreme Court - WV	In Re: Z.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0374	20-0590	Supreme Court - WV	In Re: S.G.	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-20-0387	20-0592	Supreme Court - WV	In Re: W.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0392	20-0597	Supreme Court - WV	In Re: J.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0393	20-0598	Supreme Court - WV	In Re: H.T., J.T., J.T., E.T., & D.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0418	20-0640	Supreme Court - WV	In Re: L.S. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0416	20-0642	Supreme Court - WV	In Re: J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0419	20-0650	Supreme Court - WV	In Re: S.C., M.C., III, D.C., & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0415	20-0655	Supreme Court - WV	In Re: S.B., E.B., & D.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0435	20-0657	Supreme Court - WV	In Re: P.H., L.H., Jr., & P.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0437	20-0698	Supreme Court - WV	In Re: M.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0417	20-0699	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0442	20-0700	Supreme Court - WV	In Re: K.H. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0433	20-0728	Supreme Court - WV	In Re: P.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0470	20-0729	Supreme Court - WV	In Re: D.R., D.R., J.R., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0436	20-0730	Supreme Court - WV	In Re: R.L. & N.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0440	20-0741	Supreme Court - WV	In Re: S.C., M.C., III, D.C., & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0463	20-0775	Supreme Court - WV	In Re: A.S. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0465	20-0779	Supreme Court - WV	In Re: A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0460	20-0780	Supreme Court - WV	In Re: L.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0469	20-0783	Supreme Court - WV	In Re: A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0566	19-0921	Supreme Court - WV	In Re: B.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0209	19-AA-65	Circuit Court Kanawha County	Rhonda R. Farley v. Jack Canfield, et al.	Ms. Farley appeals her denial of unemployment claim against DHHR.
Health, Human Resources	Parsley, Mindy	HHR-20-0280	20-0166	Supreme Court - WV	In Re: G.S. & J.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-20-0141	20-0167	Supreme Court - WV	In Re: F.W. & J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0158	20-0179	Supreme Court - WV	In Re: T.M., X.M., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0168	20-0210	Supreme Court - WV	In Re: B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0272	20-0219	Supreme Court - WV	In Re: F.W., J.W., E.C., E.C., & K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0179	20-0221	Supreme Court - WV	In Re: T.C. & P.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0235	20-0230	Supreme Court - US	In Re: A.L., I.L., & Z.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0273	20-0426	Supreme Court - WV	In Re: K.F., K.F., & H.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0274	20-0428	Supreme Court - WV	In Re: K.F., K.F., & H.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0291	20-0440	Supreme Court - WV	In Re: B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0330	20-0501	Supreme Court - WV	In Re: K.B. & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0321	20-0505	Supreme Court - WV	In Re: K.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0334	20-0506	Supreme Court - WV	In Re: D.C., II	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0329	20-0508	Supreme Court - WV	In Re: M.C., M.C., K.S., & K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0314	20-0510	Supreme Court - WV	In Re: A.O., J.O., & A.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0371	20-0572	Supreme Court - WV	In Re: K.J.A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0360	20-0574	Supreme Court - WV	In Re: K.B. & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0366	20-0582	Supreme Court - WV	In Re: B.V., M.V., & A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0377	20-0587	Supreme Court - WV	In Re: I.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0388	20-0596	Supreme Court - WV	In Re: T.R. & I.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0403	20-0630	Supreme Court - WV	In Re: K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0422	20-0643	Supreme Court - WV	In Re: B.Y., M.Y., L.R., I.R., & S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0423	20-0646	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0446	20-0651	Supreme Court - WV	In Re: T.H. & T.H.	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-20-0447	20-0701	Supreme Court - WV	In Re: I.H., O.H., & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0474	20-0727	Supreme Court - WV	In Re: A.D. & L.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0448	20-0738	Supreme Court - WV	In Re: I.H., O.H., & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-20-0464	20-0778	Supreme Court - WV	In Re: E.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-19-0112	02-C-239	Circuit Court Wood County	Jocelyn B. v. WVDHHR	Intent to file a Petition for Substitution of Trustees and for Modification of Administrative Provisions.
Health, Human Resources	Stitzinger, Kim	HHR-15-0184	07-C-45	Circuit Court Lincoln County	American Select Insurance v. Amy Woodrum and WVDHHR	Medicaid subrogation case. A settlement check was submitted to the court but Ms. Woodrum's attorney did not take the distribution. Ms. Woodrum has now retained Legal Aid.
Health, Human Resources	Stitzinger, Kim	HHR-15-0122	15-0595	Supreme Court - WV	HCR Manor v. WVDHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-20-0265	3:17-cv-01362	USDC WVSD	AmerisourceBergen Drug Corp., et al.	Representation of DHHR in response to third party subpoenas.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Circuit Court Wyoming County	In Re: C.P., D.P., & D.L.	Child Protective Services Contempt case. The Petitioner 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	Stephanie Collier v. WVDHHR	Appellant is appealing the DHHR'S decision to close the Administrative Services Organization provider record and her ability to be a provider. Reply Brief pending.
Health, Human Resources	Walters, Angela	HHR-19-0606	19-AA-150	Circuit Court Kanawha County	M.H. & T.H. v. WVDHHR	Administrative appeal of a CPS substantiation of abuse or neglect in Kanawha County Circuit Court.
Health, Human Resources	Walters, Angela	HHR-19-0387	19-C-61	Circuit Court Wyoming County	C.F. v. WVDHHR	Appeal of DHHR Board of Review decision substantiating a finding of maltreatment by CPS.
Health, Human Resources	Walters, Angela	HHR-20-0299	20-0433	Supreme Court - WV	In Re: E.R., Z.D., & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Walters, Angela	HHR-20-0318	20-0498	Supreme Court - WV	In Re: R.D., R.T., & L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Walters, Angela	HHR-20-0480	20-BOR-2341 & 2342	Circuit Court Fayette County	A.W & R.W. v. WVDHHR	CPS case challenging previous findings of abuse and neglect.
Health, Human Resources	Walters, Angela	HHR-20-0475	20-BOR-2399	Circuit Court Mercer County	M.M. v. WVDHHR	CPS case challenging previous findings of abuse and neglect.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Walters, Angela	HHR-20-0477	20-BOR-2440	Circuit Court Mercer County	Christene Riggins v. WVDHHR	APS case challenging substantiation of neglect.
Health, Human Resources	Wegman, Jake	HHR-18-0012	18-AA-4	Circuit Court Kanawha County	WVDHHR v. Charles Steven Trout, II	DHHR ordered to put Grievant back to work after its termination of Grievant. DHHR filed administrative appeal seeking reversal of the Grievance Board's decision.
Health, Human Resources	Wegman, Jake	HHR-19-0577	19-AA-2	Circuit Court Randolph County	Mercedes Sisler v. WVDHHR	Appeal of DHHR Board of Review substantiation of CNA abuse and neglect.
Health, Human Resources	Wegman, Jake	HHR-20-0138	20-0117	Supreme Court - WV	In Re: B.S., X.S., & N.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-20-0302	20-0427	Supreme Court - WV	In Re: A.W., W.C., & Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-20-0317	20-0499	Supreme Court - WV	In Re: D.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Winterholler, Claire	HHR-20-0254	2:20-cv-00450	USDC WVSD	John Doe (Steve Upton) v. WVDHHR/Vital Registration	Petitioner alleges that DHHR/Vital Registration created his children's birth certificates under an unconstitutional state law.
Health, Human Resources	Winterholler, Claire	HHR-20-0455	20-P-79	Circuit Court McDowell County	Debra Moore v. West Virginia Vital Registration Office	Ms. Moore (Pro se) seeks to have her date of birth changed on a delayed birth certificate from 1948 to 1952. However, whether she was born in West Virginia is now in dispute.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	USDC WVSD	U.S. EPA, et al. v. Town of Fort Gay	Consent Decree entered in civil enforcement action primarily for violations of the Clean Water Act and the Safe Drinking Water Act. Currently under monitoring for compliance.
Health, Human Resources	Winterholler, Claire	HHR-19-0640	CC-24-2019-P-115	Circuit Court Marion County	Printess Allen Winston III v. WV Registrar of Vital Statistics	Petition to establish a record of date and place of birth and parentage for petitioner.

**MAIN OFFICE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Capehart, Curtis	MO-20-0007	5:20-cv-90	USDC WVND	Recht, et al. v. Jim Justice and Patrick Morrisey	Challenge to the constitutionality of W.Va. Code 47-28-1 through -5.
Main Office	See, Lindsay	MO-19-0005	1:18-cv-00068	USDC TXSD	Texas v. United States (DACA)	WV joined a multi-state coalition challenging former President Obama's authority to establish deferred immigration priorities for children who are unlawfully present in the United States after being brought to the country as children.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. EPA, et al.	Legal challenge to EPA's refusal to approve state implementation plan under the Clean Air Act; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0021	15-1399	USDC DC	West Virginia v. EPA	Legal challenge to EPA's new source performance standards for new power plants; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0020	16-1204	USDC DC	Michigan, et al. v. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of Mercury Air Toxics Standards rule; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0011	16-1264	US CADC	West Virginia, et al. v. EPA	Legal challenge to EPA's methane rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-20-0011	17-0677	US CA4	Herto v. Murphy	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0013	17-7407	US CA4	Lively v. Ballard	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0010	18-6465	US CA4	Dodson v. Ballard	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-16-0012	19-0298	Supreme Court - WV	Morrisey v. WV AFL-CIO	AFL-CIO filed a civil action challenging the constitutionality of the right to work law passed by the WV Legislature. The WV Supreme Court of Appeals ruled in favor of the State on April 21, 2020; motion pending in the Kanawha County Circuit Court for entry of judgment.
Main Office	See, Lindsay	MO-19-0002	19-1140	US CADC	American Lung Ass'n v. EPA, et al.	WV intervened in litigation concerning the Affordable Clean Energy rule.
Main Office	See, Lindsay	MO-20-0003	19-1230	US CADC	Union of Concerned Scientists, et al. v. National Highway Traffic Safety Administration, et al.	WV intervened in this litigation concerning the Safer Affordable Fuel-Efficient Vehicles rule.
Main Office	See, Lindsay	MO-20-0016	19-6412	US CA4	Plymail v. Mirandy	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0022	19-7238	US CA4	Samuel Anstey v. Ralph Terry	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0020	19-7391	US CA4	Walters v. Martin	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0023	19-7562	US CA4	Brandon Flack v. Donnie Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-19-0006	19-840 & 19-1019	Supreme Court - US	Texas v. United States (ACA)	WV joined a multi-state coalition challenging the constitutionality of the Affordable Care Act following the elimination of the individual mandate tax penalty.
Main Office	See, Lindsay	MO-15-0078	2:15-cv-00079	USDC GASD	Georgia, et al. v. Wheeler, et al.	APA challenge to the "Waters of the United States" rule in the Southern District of Georgia; judgment in favor of West Virginia entered January 2020.
Main Office	See, Lindsay	MO-20-0025	2:20-cv-00293	USDC WVSD	Women's Health Center of West Virginia v. Morrisey, et al.	Challenge to executive order related to suspending elective medical procedures during the COVID-19 pandemic; dismissed in May 2020.
Main Office	See, Lindsay	MO-19-0003	2:20-cv-00293	USDC WVSD	Women's Health Center of WV v. Morrisey, et al.	Challenge to executive order related to suspending elective procedures during COVID-19 pandemic; dismissed in May 2020.
Main Office	See, Lindsay	MO-20-0006	2:20-cv-03412	USDC PAED	Delaware Riverkeeper Network v. EPA	WV intervened in this litigation concerning EPA's rules under Section 401 of the Clean Air Act.
Main Office	See, Lindsay	MO-20-0009	20-0292	Supreme Court - US	State of WV ex rel. Wilson, et al. v. James C. Justice, II	Writ of Mandamus seeking order to call the Legislature into special session and to invalidate executive orders related to the COVID-19 pandemic. The Court granted judgment in favor of Governor Justice in July 2020.
Main Office	See, Lindsay	MO-20-0002	20-1860 & 20-1861	US CA4	Dakota Nelson v. Mac Warner	Challenge to the constitutionality of West Virginia's ballot preference law.
Main Office	See, Lindsay	MO-20-0008	20-1994	US CA4	Kanye West v. Mac Warner	Challenge seeking to place Kanye West's name on state election ballots.
Main Office	See, Lindsay	MO-20-0014	20-6093	US CA4	Mullins v. Hill	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0021	20-6453	US CA4	Widmyer v. Ballard	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0018	20-6556	US CA4	Slater v. Martin	Habeas Corpus action related to state criminal conviction.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-20-0019	20-6811	US CA4	Smith v. Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0012	20-6824	US CA4	Horton v. Terry	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-20-0015	20-6852	US CA4	Peterson v. Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-18-0028	20-7514	US CA4	Thomas Eugene Gardner, Jr. v. David Ballard, Warden	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-19-0190	20-7518	US CA4	Michael Greene v. Charles Williams, Superintendent	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-19-0129	20-7614	US CA4	John Rodney Johnson v. Donnie Ames, Superintendent	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-17-0278	20-7618	US CA4	Mark Jeffrey v. Donnie Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-19-0004	220145	Supreme Court - US	Delaware v. Arkansas, et al.	Original action in US Supreme Court of Appeals regarding state entitlement to unclaimed MoneyGram checks.
Main Office	See, Lindsay	MO-20-0001	3:20-cv-03005	USDC CAND	California, et al. v. Wheeler, et al.	WV intervened in litigation concerning the Navigable Waters Protection rule.
Main Office	See, Lindsay	MO-20-0004	4:19-cv-06812	USDC CAND	Animal Legal Defense Fund, et al. v. David Bernhardt, et al.	WV intervened in this litigation concerning federal agencies' rules designating critical habitat.
Main Office	See, Lindsay	MO-20-0005	C20-04636	USDC CAND	In re Clean Water Act Rulemaking	WV intervened in this litigation concerning EPA's rules under Section 401 of the Clean Air Act.
Main Office	Sizemore, Vaughn	MO-17-0010	16-C-54	Circuit Court Hardy County	West Virginia v. Judy's Drug Store	Action against suppliers of opioid pain medication for resulting controlled substance addiction.
Main Office	Sizemore, Vaughn	MO-17-0007	19-0482	Supreme Court - WV	Crystal Mountain & Steven Minard v. Ohio County Commission, et al.	Breach of contract claim regarding development of a theme park in Wheeling, WV. The WV Supreme Court of Appeals issued a Mandate on July 21, 2020, affirming the Ohio County Circuit Court's order dismissing the claim.
Main Office	Wolfigbarger, Brentton	MO-20-0026	20-P-280	Circuit Court Kanawha County	West Virginia Education Association, et al. v. James Justice	WVEA filed Petition for Injunctive Relief, including Temporary Restraining Order and to Enforce WV Open Meetings Act, challenging the operations of the COVID-19 Data Review Panel. Kanawha County Circuit Court Judge Carrie Webster dismissed the petition at a hearing held on October 23, 2020; pending entry of a written order memorializing Judge Webster's rulings from the bench.

MEDICAID FRAUD CONTROL UNIT

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0002	19-B-129	Circuit Court Randolph County	State of West Virginia v. Veronica Myles	Defendant plead guilty to one felony count of Medicaid Fraud in violation of W.Va. Code 9-7-5.
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0003	19-F-127	Circuit Court Lincoln County	State of West Virginia v. Joseph Peterson	Indicted on two counts of Medicaid Fraud in violation of W.Va. Code 9-7-5(b).
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0004	19-F-28	Circuit Court Lincoln County	State of West Virginia v. Robert Peterson	Indicted on seven counts of Medicaid Fraud in violation of W.Va. Code 9-7-5(b), and two counts of fraudulent schemes in violation of W.Va. Code 61-3-24(d).
Medicaid Fraud Control Unit	Blair, John	MFCU-20-0001	20-M03F-00178	Magistrate Court Boone County	State of West Virginia v. Lorissa Cook	Defendant plead guilty to False Pretenses and restitution of \$8,832.00 regarding caregiver fraud.
Medicaid Fraud Control Unit	Blair, John	MFCU-20-0002	20-M22F-00012	Magistrate Court Lincoln County	State of West Virginia v. Tania Dawn Tackett	Plea offered to Defendant regarding charges of Provider Fraud.

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

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2020

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0194	19-0484	Supreme Court - WV	Timothy McCabe v. Everett Frazier, DMV Commissioner	Timothy McCabe appealed the DMV Commissioner's denial of his salesperson license with the Circuit Court of Ohio County. The Circuit Court reversed the Commissioner's denial of Mr. McCabe's license. The DMV Commissioner appealed to the WV Supreme Court of Appeals alleging four assignments of error: (1) That the circuit court erred when it found that W.Va. Code 17A-6E-4(c)(5) (2006) is an ex post facto law that cannot be retroactively applied; (2) the circuit court erred when it found that Mr. McCabe was denied due process; (3) the circuit court erred when it found that W.Va. Code 17A-6E-4(c)(5) (2006) is overly broad as it pertained to W.Va. Code 17A-6E-1 (2006), et seq.; and (4) the circuit court erred when it found that W.Va. Code 17A-6E-4(c)(5) (2006) is too narrow as it pertains to individuals who commit fraudulent acts to obtain a salesperson license.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0146	19-AA-146	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Zachariah Kelley	DMV Commissioner filed a petition for judicial review of the decision issued by the OAH, which reversed the enhancement in the DMV Commissioner's order of revocation of Mr. Kelley's driver's license. The petition alleged that OAH erred when it did not give full weight to Mr. Kelley's blood alcohol concentration level and modified the revocation from an aggravated DUI to a non-aggravated DUI.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0214	19-AA-3	Circuit Court Monongalia County	Jad H. Ramadan v. Everett Frazier, DMV Commissioner	Jad Ramadan filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that OAH erred when it considered Mr. Ramadan's manner of driving in concluding that he was impaired despite the alleged lack of testimony or evidence.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0063	19-C-183	Circuit Court Ohio County	Richard Hillberry, II v. Everett Frazier, DMV Commissioner	Richard Hillberry filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The Petition alleges that the OAH erred when it relied on the fact that he refused the designated secondary chemical test because the arrest was improper; therefore, his refusal should not be considered.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0147	19-C-289	Circuit Court Ohio County	David Kline v. Everett Frazier, DMV Commissioner	<p>David Kline filed a petition to appeal the decision of the OAH, which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that OAH erred when it went against the weight of the evidence because blood test results were not provided, no standard field sobriety tests were performed, and the officer could not recall specific facts and was not credible. However, the Petitioner failed to serve the petition for appeal to the DMV Commissioner via certified mail. A motion to dismiss was filed regarding Petitioner's failure to properly serve the Commissioner and the Ohio County Circuit Court granted the motion.</p> <p>The Petitioner then filed a Petition under the Savings Statute asserting the same arguments that were contained in his initial Petition. A Motion to Dismiss was filed on behalf of the DMV Commissioner alleging that the Savings Statute did not apply, but the Circuit Court denied the Commissioner's motion. The new Petition is currently pending before the circuit court awaiting the setting of a briefing schedule.</p>
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0127	19-P-118	Circuit Court Wood County	Maria Wiseman v. Everett Frazier, DMV Commissioner	Maria Wiseman filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of Revocation of her driver's license. The petition alleges that OAH's decision was against the weight of the evidence because the field sobriety tests and the secondary chemical test of the breath were improperly administered.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0128	19-P-12	Circuit Court Pleasants County	Diana Farson v. Everett Frazier, DMV Commissioner	Diana Farson filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of Revocation of her driver's license. The petition alleges that OAH's decision was against the weight of the evidence because the field sobriety tests and the secondary chemical test of the breath were improperly administered.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0118	20-AA-45	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Alberto Veltri	DMV Commissioner filed a petition to appeal the decision of OAH which reversed the DMV Commissioner's Order of Revocation of Mr. Veltri's driver's license. The petition alleges that OAH erred in light of the evidence on record as there were multiple impairment clues and the Drug Recognition Expert determined that the driver was under the influence of a narcotic analgesic.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0120	20-AA-46	Circuit Court Kanawha County	Harry Ickes v. Everett Frazier, DMV Commissioner	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Ickes' driver's license. The petition alleges OAH erred because Petitioner agreed to a blood test, but the blood test ultimately was not performed. The paramedic who drew the blood only made one attempt to draw his blood, but was unsuccessful, and terminated further efforts. The DMV argues that the WV Supreme Court of Appeals decisions in Hall and Divita are inapplicable because the driver did not demand the test and the driver admitted to being under the influence of his medication. Furthermore, DMV argues that the officer took the driver for a blood test and it was the paramedic, not the officer, who terminated the attempt to obtain the driver's blood.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0121	20-AA-5	Circuit Court Monongalia County	Hasen Alshallah v. Everett Frazier, DMV Commissioner	Hasen Alshallah filed a petition to appeal the decision of the OAH, which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that OAH erred because there was not sufficient evidence that he was under the influence of alcohol and that his limited impairment clues were attributable to a motor vehicle accident and not alcohol consumption.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0152	20-C-214	Circuit Court Ohio County	Eugene Ochap v. Everett Frazier, DMV Commissioner	DMV received notice from the Ohio Public Utilities Commission that Petitioner was convicted of driving a commercial motor vehicle without a commercial driver's license in Ohio. DMV entered an Order of Suspension, which notified Petitioner that his license would be suspended for 60 days due to the above conviction. Petitioner filed a Petition for Temporary Restraining Order challenging the suspension.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0119	20-C-45	Circuit Court Kanawha County	Timothy Lee Leary v. Magistrate Benjamin E. Shepler, Assistant Prosecuting Attorney, Leckta L. Poling, Sr. Trooper S.W. Shahan, Kit Thornton, Esq., John G. Hackney, and Jessica Sutton	Mr. Leary was arrested for DUI and the DMV Commissioner issued a revocation order. The OAH entered an order affirming Mr. Leary's license revocation. Mr. Leary's criminal case for DUI was subsequently dismissed. Mr. Leary is asserting that due to the dismissal of his criminal charge for DUI, his driver's license cannot be revoked, which is incorrect as the criminal case has no bearing on the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-20-0148	20-P-16	Circuit Court Wetzel County	Kathy Loub v. Everett Frazier, DMV Commissioner	<p>The Petitioner appealed the final order of the OAH, which affirmed the DMV revocation of her driver's license for DUI. The Petition for Appeal was filed in the Circuit Court of Wetzel County. In her Petition, Petitioner made a boilerplate assertion that the order should be reversed for all of the reasons listed in W.Va. Code 29A-5-4(g) (1998).</p> <p>On or about 9/18/20, the Petitioner filed a Motion to Withdraw her appeal with the Wetzel County Circuit Clerk so that she could remain on the Interlock device. The Circuit Clerk advised that she was waiting on a proposed dismissal order from opposing counsel so that the matter could be concluded. Opposing counsel was contacted and advised that he had to file the proposed dismissal order.</p>

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0022	17-C-130	Circuit Court Putnam County	Carol Hodges, Administratrix of the Estate of Larry Garrett v. Elizabeth McCallister, et al.	The Estate of Larry Garrett is selling property to satisfy certain debts of the decedent. The Tax Department has a lien against one of the heirs of Mr. Garrett and therefore the lien encumbers the real estate. A hearing on the special commissioner's report of sale has been scheduled. The Tax Department seeks to protect its lien interest and collect any money due and owing.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-18-0139	20-0488	Supreme Court - WV	Mountaineer Inspection Services, LLC v. Dale W. Steager, State Tax Commissioner	Taxpayer Mountaineer Inspection Services, LLC is challenging a determination by the Tax Department that services it provided as a home inspector do not qualify as "professional services" as defined under West Virginia law. Taxpayer has lost at the Office of Tax Appeals and in Circuit Court, and the matter is now pending before the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0021	20-AA-3	Circuit Court Monongalia County	Beta Theta Pi Fraternity of WVU, Inc. v. Mark Musick, Monongalia County Assessor, and Dale W. Steager, State Tax Commissioner	Beta Theta Pi Fraternity of WVU, Inc. has appealed a Property Tax Ruling. They have alleged that the Tax Department erroneously determined that the property does not meet the requirements set forth in W.Va. Code 11-3-9(a)(15) and therefore does not qualify for an exemption of ad valorem property taxes. Discovery is ongoing, and the Tax Department stands by the PTR.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0018	20-AA-3	Circuit Court Hardy County	Richard J. Lehman v. Dale W. Steager, State Tax Commissioner	Mr. Lehman filed a petition to appeal an OTA decision which upheld the Tax Department's Personal Income Tax Assessment. The petition alleges that OTA erred when it did not allow Mr. Lehman a deduction pursuant to W.Va. Code 11-21-12(c)(6) and that OTA misinterpreted Dawson v. Steager, 139 S.Ct. 698 (2019). The Tax Department filed a response stating that the Petitioner's reliance on Dawson is misplaced because Petitioner's retirement income does not come from a federal source as is the case in Dawson.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0054	20-AA-4	Circuit Court Hardy County	Fortitude Ranch, LLC, v. Dale W. Steager, State Tax Commissioner	Taxpayer filed an appeal of the Order of Dismissal from the OTA. This case stems from an assessment of the Sales and Use Tax the Tax Department issued against a limited liability company operated in Hardy County. The Tax Department conducted an audit and found income that the LLC received. The LLC refuses to pay this assessment and appealed to OTA. It was dismissed because the LLC did not obtain counsel to represent it.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0150	20-C-226	Circuit Court Mercer County	Deutsche Bank National Trust Company v. Isabelita DeMesa, Attorney General, and State Tax Department	Deutsche Bank filed a Petition to Reform Deed of Trust to correct a property description that it intended to encumber owned by Isabelita DeMesa. The Petition alleges that all parties entitled to notice have been notified. However, there are no specific allegations against the Tax Department or the Attorney General contained in the Petition.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0062	20-C-284	Circuit Court Cabell County	Linda Morgan v. John Frederick Miller, the Unknown Heirs of Thomas David Miller, the State Tax Department, the Internal Revenue Service, and CitiBank, N.A.	Linda Morgan filed a complaint to quiet title to real estate she acquired at a Tax Lien Sale for the nonpayment of ad valorem taxes in Cabell County. The Tax Department has tax liens against a previous owner of the real estate. The complaint seeks to have the real estate title quieted in favor of Ms. Morgan. A response was filed protecting the Tax Department's lien position and requesting payment in full.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0149	20-C-922	Circuit Court Kanawha County	StateBridge Company, LLC v. James Jesse Morgan, Jody Hall Morgan, Justin Lee Morgan, Allison Elaine McGinnis, State Tax Department, and WVDHHR	StateBridge filed a Petition for Declaratory Judgment Quieting Title on property it encumbered after the Administrator of the Estate of Denise Lee Morgan signed a Deed in Lieu of Foreclosure and an Estoppel and Solvency Affidavit, which intended to convey all of the interests of the heirs of the Estate but failed to properly do so. The Tax Department has a lien against Justin Lee Morgan and Jody Hall Morgan, which encumbers the property as well. An Answer will be filed on behalf of the Tax Department to protect the lien position and seek payment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0064	20-C-97	Circuit Court Monongalia County	Mu Mu Chapter of the Sigma Chi Fraternity v. Dale W. Steager, State Tax Commissioner and Mark Musick, Assessor	Mu Mu Chapter of the Sigma Chi Fraternity filed a petition appealing a property tax ruling which determined that it was not exempt from ad valorem property taxes on real estate it owns in Morgantown, WV. The fraternity is no longer affiliated with West Virginia University and, as a result, is no longer entitled to the exemption under W.Va. Code 11-3-9(a)(15).
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0065	20-C-99	Circuit Court Monongalia County	Alpha Rho Chapter of the Kappa Alpha Order v. Dale W. Steager, State Tax Commissioner, and Mark Musick, Assessor	The Alpha Rho Chapter of Kappa Alpha Order filed a petition to appeal a property tax ruling which determined that the fraternity was not eligible for exemption from ad valorem property taxes on real estate it owns in Morgantown, WV because the Chapter is no longer affiliated with the University pursuant to W.Va. Code 11-3-9(a)(15).
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0048	20-P-14	Circuit Court Nicholas County	Terra Abstract Trustee, WV, Inc., v. Rebecca A. Williams, Erica M. Forbes, aka Erica M. Cogar, State Tax Department, GMAC Mortgage Corporation and PHH Mortgage Corporation	Terra Abstract Trustee filed a Petition to Interplead funds due to a foreclosure sale on real estate owned by Rebecca A. Williams. The foreclosure sale resulted in surplus funds. However, there were two junior lienholders against potential owners and therefore may encumber the real estate. The Tax Department has a small lien against Erica M. Forbes, aka Erica M. Cogar, who is a named Defendant. The Tax Department seeks to defend its lien and potentially recover the sum of money it is owed.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0043	20-P-159	Circuit Court Kanawha County	Board of Education of Kanawha County v. David C. Burdette, State Tax Department, MH Equipment-Ohio, City of Charleston, State Department of Transportation, Division of Highways and Michael J. Rutherford, Sheriff of Kanawha County	The Board of Education served the Tax Department with a condemnation notice of property it intends to condemn in Kanawha County that Tax may or may not have an interest in. A response was filed seeking payment of any outstanding tax liens.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0044	20-P-160	Circuit Court Kanawha County	Board of Education of Kanawha County v. Timothy D. Swiney, Beverly J. Swiney, Internal Revenue Service, the West Virginia State Tax Department, Poca Valley Bank and Michael J. Rutherford, Sheriff of Kanawha County	The Board of Education served the Tax Department with a condemnation proceeding on property it intends to condemn in Kanawha County. Tax may or may not have an interest in the land. A response was filed seeking payment of any outstanding tax liens.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0026	20-P-7	Circuit Court Harrison County	James & Priscilla Miles v. Dale W. Steager, State Tax Commissioner	James and Priscilla Miles filed a petition to appeal the decision from OTA which upheld the Tax Department's Personal Income Tax Assessment. The petition alleges that OTA erred when it did not allow Mr. Miles a deduction pursuant to W.Va. Code 11-21-12(c)(6) and that OTA misinterpreted Dawson v. Steager, 139 S.Ct. 698 (2019). This matter was dismissed because the Taxpayers failed to file an appeal bond. Time remains for the taxpayers to file an appeal at the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Ellis, Andrew	TAX-20-0046	20-P-90	Circuit Court Kanawha County	Appalachian Power Company v. William G. Ashley, Frontier West Virginia, Inc., State Tax Department, Unknown Persons/Owners and Michael Y. Rutherford, Sheriff of Kanawha County, WV	Appalachian Power filed a condemnation action on property owned by William G. Ashley in South Charleston, WV. Tax Department was named as a party because it may have an interest. A response was filed seeking payment of any outstanding tax liens.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0236	19-AA-14	Circuit Court Raleigh County	Jeremy Vaughn v. Everett Frazier, DMV Commissioner	Jeremy Vaughn filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it found that there was sufficient evidence proving that Petitioner was operating a motor vehicle under the influence and that OAH erred when it found that Mr. Vaughn's license must be revoked pursuant to W.Va. Code 17C-5A-2(j).
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0230	19-AA-2	Circuit Court McDowell County	Raymond Justice v. Everett Frazier, DMV Commissioner	Raymond Justice filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it determined that Mr. Justice showed signs of impairment, that Mr. Justice "continually harangued" the law enforcement officer at the hearing, and that Mr. Justice's testimony was self-serving. The petition alleges that OAH abused its discretion when it found that Mr. Justice drove while under the influence of alcohol.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0201	19-AA-2	Circuit Court Logan County	Scott Tanner McCloud v. Everett Frazier, DMV Commissioner	Scott McCloud filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges the decision of OAH violates the driver's constitutional or statutory rights, that OAH exceeded its statutory authority, that OAH followed unlawful procedures and is clearly wrong. Both parties have participated in oral argument, submitted proposed Final Orders before the Court, and await a Final Order from the Court.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0248	19-AA-3	Circuit Court McDowell County	William Welch v. Everett Frazier, DMV Commissioner	William Welch filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation. The petition alleges that the evidence presented at the OAH is false despite the Administrative Law Judge's finding that the officer's testimony was credible and that the Officer had reasonable grounds for the stop.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0199	19-C-84	Circuit Court Wyoming County	Penny Justus v. Everett Frazier, DMV Commissioner	Penny Justus filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition indicates she does not agree with the decision to uphold the revocation.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0122	19-C-88	Circuit Court Wyoming County	Frank Anderson, II v. Everett Frazier, DMV Commissioner	Frank Anderson filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Anderson's driver's license. The petition alleges that there is insufficient evidence to find that Mr. Anderson was operating a motor vehicle while under the influence of alcohol and there was a lack of evidence presented by the arresting officer to justify the stop.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0188	19-C-95	Circuit Court Wyoming County	Clark Smith v. Everett Frazier, DMV Commissioner	Clark Smith filed a petition for judicial review of an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Smith's driver's license. The Petitioner alleges that OAH erred when it concluded that DMV had satisfied its burden of proof, relying almost exclusively on a field sobriety test and ignoring the blood test results submitted by the Petitioner.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0208	19-AA-1	Circuit Court Fayette County	Shannon Z. Seay v. Everett Frazier, DMV Commissioner	Shannon Seay filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that the order is in violation of the 1st, 5th, and 14th Amendments of the United States Constitution.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0124	19-AA-10-B	Circuit Court Raleigh County	Phyllis Boyce v. Everett Frazier, DMV Commissioner	Phyllis Boyce appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of her driver's license. The petition alleges that DMV failed to carry its burden of proof. The petition further alleges that the evidence presented at the hearing established no impairment due to use of illegal drugs or alcohol. Finally, the petitioner alleges there was no probable cause for the law enforcement officer to engage in a traffic stop.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0224	19-AA-15	Circuit Court Raleigh County	Phyllis J. Boyce v. Everett Frazier, DMV Commissioner	Phyllis Boyce filed a petition to appeal OAH's decision which affirmed DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it found that DMV proved Ms. Boyce knowingly permitted a person who was under the influence of alcohol to drive her vehicle.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0093	19-AA-9-D	Circuit Court Raleigh County	Joseph Pollutra v. Everett Frazier, DMV Commissioner	Joseph Pollutra filed a Petition for Appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. Petitioner argues the DMV failed to prove Petitioner drove on a public street, and further argues OAH abused its discretion.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1069	13-P-472	Circuit Court Kanawha County	Zane Margocee v. Everett Frazier, DMV Commissioner	Zane Margocee was arrested for Driving Under the Influence and his license was revoked by the DMV. Thereafter, he requested a hearing from OAH. After several continuances of the hearing, he filed a writ which is now pending 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-16-0021	16-AA-1	Circuit Court Wirt County	Mark Murphy v. Everett Frazier, DMV Commissioner	Mark Murphy appealed an OAH decision affirming the revocation of his driver's license for Driving Under the Influence on the grounds that there was no reasonable suspicion to stop his car and the delay in issuing a final order caused him actual and substantial prejudice. The matter has been briefed by both parties.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0069	16-AA-109	Circuit Court Mason County	James Windle v. Everett Frazier, DMV Commissioner	James Windle appealed an OAH decision upholding the revocation of his driver's license for driving under the influence. Petitioner challenges the DUI checkpoint because the Investigating Officer did not produce proof that notice was published as required by law. We are in the process of briefing this matter.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0013	17-AA-3	Circuit Court Wetzel County	Jenny Mallicone v. Everett Frazier, DMV Commissioner	Jenny Mallicone appealed an OAH decision upholding the revocation of her driver's license for Driving Under the Influence. The Petitioner challenges the delays in holding an administrative hearing and in issuing an order following the hearing. Other issues raised by the Petitioner are the reason for stop; failure of the OAH to give her testimony weight; and denial that she knowingly refused the Intoximeter.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0122	17-AA-75	Circuit Court Kanawha County	Brian Propst v. Everett Frazier, DMV Commissioner	Brian Propst appealed an OAH decision in Putnam County, which was dismissed because the Petitioner neither resided nor did business in that county. The Petitioner filed a second appeal in Kanawha County before it was dismissed from Putnam County. The DMV filed a motion to dismiss from Kanawha County Circuit Court 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-18-0015	17-P-179	Circuit Court Wood County	George Stewart, Jr. v. Everett Frazier, DMV Commissioner	George Stewart appealed an OAH order which upheld the revocation of his driver's license for driving under the influence. The Petitioner failed to file a Designation of Record with the Court. The Petitioner argues that he did not refuse the secondary chemical test of the breath. The DMV filed a motion to dismiss alleging that the Petitioner, who lives in Ohio, neither resides nor does business in Wood County thereby depriving that court of jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0139	18-AA-229	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Heather Rishel	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the Order of Revocation of Ms. Rishel's driver's license. The petition alleges that the OAH erred when it rescinded the revocation because it found there was no reasonable suspicion to stop Ms. Rishel's vehicle. The petition further alleges that OAH erred when it failed to analyze and reconcile the evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0129	19-0351	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Jeffrey Debord	DMV Commissioner filed a petition to appeal the decision of the OAH which rescinded the DMV Commissioner's order of revocation of Mr. Debord's driver's license. The petition alleges that the OAH erred when it found that there was insufficient evidence to uphold the revocation.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0133	19-0519	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Gary Bragg	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it upheld the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Bragg's driver's license. The Circuit Court upheld OAH's decision because no blood test analysis was available despite the driver admitting on the record that he was under the influence at the time of the arrest.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0125	19-1022	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Justin Hensley	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it found that the driver was prejudiced by the delay of OAH in issuing its decision, which warranted the dismissal of the revocation.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0156	19-AA-10	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Brian Lee Raschella	DMV Commissioner filed a petition to appeal a decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Raschella's driver's license. The petition alleges that OAH erred when it reversed the revocation based on the sole fact that the blood test was lost, and completely excluded all other evidence presented.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0123	19-AA-103	Circuit Court Kanawha County	Bridget C. Nesselrotte v. Everett Frazier, DMV Commissioner	Bridget Nesselrotte filed an appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation. In the appeal, Ms. Nesselrotte argued that she had a sinus and upper respiratory cold at the time of the traffic stop and that all the symptoms she exhibited were a result of the over the counter medication she was taking.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0094	19-AA-108	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Lindsey Earl	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Earl's driver's license. The petition alleges that OAH erred when it exceeded its statutory authority. The petition further alleges that OAH erred when it disregarded substantive evidence presented by the investigating officer and then determined the driver was more credible.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0227	19-AA-155	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Matthew Qualls	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Qualls' driver's license. The petition alleges that OAH erred when it rescinded the revocation on the sole basis that the driver requested a blood test but neither CAMC nor Thomas Hospital would give him one because it was not medically necessary.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0112	19-AA-16	Circuit Court Harrison County	Christopher Knotts v. Everett Frazier, DMV Commissioner	Christopher Knotts filed a petition to appeal the decision of OAH, which affirmed the DMV Commissioner's order of revocation. Petitioner states he bumped a car and when the other driver indicated no damage was done, the Petitioner drove away. The other driver called 911 to report a hit and run. The investigating officer found the driver at a McDonald's drive thru and made an arrest for driving under the influence. Petitioner states the officer did not have a reasonable, articulable suspicion to stop the Petitioner and the facts as alleged by the caller were not corroborated before the stop of Petitioner occurred.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0113	19-AA-2	Circuit Court Raleigh County	Joseph Lafferty v. Everett Frazier, DMV Commissioner	Joseph Lafferty appealed the decision of OAH which affirmed the DMV Commissioner's order of revocation. The petition alleges that OAH erred when it held that the driver was intoxicated when his blood alcohol level was .075, which is below the threshold of legal intoxication, but can provide a basis for revocation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0110	19-AA-3	Circuit Court Randolph County	Dustin Isner v. Everett Frazier, DMV Commissioner	Dustin Isner filed a petition to appeal the decision of OAH, which affirmed the DMV Commissioner's order of revocation of his driver's license. The driver did not obtain proper service of the appeal on all required agencies and was going to do so per the rules. The Judge issued a briefing schedule which is in the process of being completed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0150	19-AA-51	Circuit Court Kanawha County	David Miller v. Everett Frazier, DMV Commissioner	David Miller filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner is alleging that DMV improperly entered the agency record into evidence at the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0163	19-AA-53	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Robert V. Waugh	DMV Commissioner filed a petition to appeal the decision of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Waugh's driver's license. The petition states that OAH erred when it excluded the blood test results from the evidence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0161	19-AA-58	Circuit Court Kanawha County	Claude S. Smith, IV v. Everett Frazier, DMV Commissioner	Claude Smith filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Smith specifically challenges the sobriety checkpoint, which is the cause of the charge for driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0146	19-AA-60	Circuit Court Kanawha County	Gregory Dotson v. Everett Frazier, DMV Commissioner	Gregory Dotson filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Dotson's driver's license. The Petition alleges that he was substantially prejudiced due to OAH's delay in the issuance of its decision.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0143	19-AA-75	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Raymond Burcker	DMV Commissioner appealed the decision of OAH which affirmed the DMV Commissioner's order of revocation, but reversed the aggravated charge of driving under the influence over the legal limit. The petition states that even though the diagnostic results of the blood test were admitted into evidence at the administrative hearing, the hearing examiner failed to give the results prima facie weight.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0073	19-AA-86	Circuit Court Kanawha County	Tanya Stone v. Everett Frazier, DMV Commissioner	Tanya Stone appealed an OAH decision affirming the DMV Commissioner's revocation of her driver's license. The Petition alleges that OAH improperly admitted the investigating officer's report despite his absence at the hearing, and that the Hearing Examiner failed to weigh credibility properly and unlawfully denied Petitioner's right to confront her accusers.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0097	19-AA-90	Circuit Court Kanawha County	Joshua Trout v. Everett Frazier, DMV Commissioner	Joshua Trout appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation. Mr. Trout failed to delineate any legal issues in his petition. He simply stated he wanted his license back.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0118	19-C-92	Circuit Court Wyoming County	Dalton Watts v. Everett Frazier, DMV Commissioner	Dalton Watts filed an appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition for appeal alleges that the driver's blood alcohol concentration was below the legal limit, the decision was violative of Petitioner's rights, the decision was in contravention of DMV procedures established in W.Va. Code 29A-5-1(d), and the rulings contain "boilerplate" language not specific to the case in violation of W.Va. Code 29A-5-3.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0054	20-0038	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Deitra Agin	DMV Commissioner filed a petition to appeal the OAH final order which reversed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that although the officer requested a blood test, and the driver agreed, no evidence of the blood test was admitted at the hearing. The sample was submitted but never tested. Respondent did not challenge the test.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0071	20-0076	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Dewayne Fowler	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it affirmed the decision of the OAH which held that although the Respondent was driving under the influence, because he submitted to a blood test and the blood sample was destroyed before testing, his due process rights were violated.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0107	20-012	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Matthew Fazio	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it upheld the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Fazio's driver's license and held that although the Respondent was driving under the influence, because he submitted to a blood test at the Investigating Officer's request, and no blood analysis was presented at the administrative hearing, his due process rights were violated.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0147	20-0127	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Garland Harless	DMV Commissioner appealed this case to the WV Supreme Court of Appeals stating that the Circuit Court erred in finding that the Supreme Court's Opinion in Dale v. Odum, 233 W.Va. 601, 760 S.E.2d 415 (2014) misapplied W.Va. Code 29A-5-2(b) and that the DMV's agency record should not have been excluded from evidence, that the DMV must produce the Investigating Officer at the hearing, that the DMV is the agency for purposes of admission of the record and is a party at the Office of Administrative Hearings, and that the Circuit Court erred in failing to give deference to the OAH Hearing Examiner's credibility determinations.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0143	20-0199	Supreme Court - WV	Herman Warner v. Everett Frazier, DMV Commissioner	This is an appeal filed by the driver from a final order from the Kanawha Circuit Court. The driver was charged with driving under the influence and the DMV Commissioner issued an Order of Revocation. A blood sample was taken but not submitted and the Circuit Court acknowledged the destruction of the blood sample, but concluded that it did not warrant reversal of the revocation of his driver's license.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0140	20-0313	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Joshua Simpkins	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it affirmed the decision of OAH which reversed the DMV Commissioner's Order of Revocation of Mr. Simpkins' driver's license because the blood test results were not produced. Both tribunals found a due process violation.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0145	20-0314	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Sandra Shaffer	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it reversed the decision of the OAH, which affirmed the DMV Commissioner's order of revocation and held that Ms. Shaffer was driving under the influence. OAH's decision properly relied on the agency documents and did not give testimonial evidence more weight than documentary evidence. By excluding the DMV's evidence, the circuit court found in favor of the driver.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0202	20-0336	Supreme Court - WV	Cheryl L. Yoder v. Everett Frazier, DMV Commissioner	DMV Commissioner appealed the Circuit Court's decision to the WV Supreme Court of Appeals. The Circuit Court held that the driver's rights were implicated due to the Investigating Officer's failure to appear at the hearing and further because she did not receive a blood test despite her request.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0127	20-0364	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Robert Howie	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it affirmed the decision of the OAH, which reversed the DMV Commissioner's order of revocation of Mr. Howie's driver's license. The tribunal held that although the Respondent was driving under the influence, the failure to provide blood test results violated the driver's due process rights.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0122	20-0464	Supreme Court - WV	Keith Taylor v. Everett Frazier, DMV Commissioner	Keith Taylor filed a petition to appeal the Circuit Court Order revoking his driver's license to the WV Supreme Court of Appeals. According to the Supreme Court's scheduling order, he did not submit the filing fee pursuant to W.Va. Code 59-1-13, and the case could be dismissed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0106	20-0482	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Nicholas Deems	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred in reversing the revocation of the driver's license on the basis that the driver was not given a 15 minute period in which to recant his initial refusal of the designated test of the breath.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0131	20-0745	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Kevin McCoy	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it reversed the OAH finding that there was adequate evidence to support the revocation.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0134	20-0790	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Crystal Parker	DMV Commissioner appealed this case to the WV Supreme Court of Appeals alleging that the Circuit Court erred when it affirmed the decision of OAH which reversed the DMV Commissioner's order of revocation of Ms. Parker's driver's license for driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0126	20-AA-1	Circuit Court Braxton County	Dana Houghton v. Everett Frazier, DMV Commissioner	Dana Houghton filed a petition to appeal the decision of OAH, which affirmed the DMV Commissioner's order of revocation. The petition alleges that the OAH is unconstitutional and the revocation was based solely on the fact that the driver refused the designated secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0107	20-AA-2	Circuit Court Jefferson County	Charles Evans v. Everett Frazier, DMV Commissioner	Charles Evans filed a petition to appeal the decision of OAH, which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it found the evidence credible even though he claims he never drove the car and the law enforcement officers never saw him drive.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0124	20-AA-2	Circuit Court Putnam County	Victoria Hastings v. Everett Frazier, DMV Commissioner	This is an appeal from the driver and is a drug case. The driver states the final hearing was conducted at the OAH without the testimony of the arresting officer. He further alleges that the arresting officer did not conduct the traffic stop.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0074	20-AA-34	Circuit Court Kanawha County	Christopher Null v. Everett Frazier, DMV Commissioner	Christopher Null appealed the decision of OAH which affirmed the DMV Commissioner's order of revocation of driver's license. The petition alleges that OAH's delay in issuing its decision violates his constitutional right to due process.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0128	20-AA-48	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Brian Kennedy	DMV Commissioner filed a petition to appeal the decision of the OAH, which reversed the DMV Commissioner's order of revocation of Mr. Kennedy's driver's license. The petition alleges that OAH erred when it reversed the revocation solely on the basis that no blood analysis was presented at the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0072	20-AA-49	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Gaye Eades	DMV Commissioner appealed the decision of the OAH which affirmed the DMV Commissioner's order of revocation of the driver's license; however, the OAH rescinded the enhancement.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0075	20-AA-51	Circuit Court Kanawha County	Kevin E. Parsons v. Everett Frazier, DMV Commissioner	Kevin Parsons appealed the OAH decision which affirmed the DMV Commissioner's order of revocation of driver's license for being under the influence of alcohol and drugs. The petition for appeal also alleges the delay of OAH in issuing its decision violated Mr. Parson's constitutional right to due process.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0076	20-AA-61	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Cheryl A. Ward	DMV Commissioner filed a petition to appeal the decision of OAH which reversed the Commissioner's order of revocation of Ms. Ward's driver's license on the basis that a blood test was not performed despite the driver's request.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0141	20-C-8	Circuit Court Wyoming County	Andrew Toler v. Everett Frazier, DMV Commissioner	Andrew Toler filed a petition appealing the decision of OAH which affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that OAH erred when it concluded that DMV satisfied its burden of proof, by relying exclusively on a document, completed by a witness who failed to testify or subject himself to cross examination.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0111	20-P-13	Circuit Court Morgan County	Stephen Kalfas v. Everett Frazier, DMV Commissioner	Stephen Kalfas filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that the delay in the OAH issuance of its final order violated his rights. The driver is asking the Court to reverse the DMV Commissioner's ruling and/or issue a Writ prohibiting the revocation of his driver's license.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-20-0114	20-P-2	Circuit Court Wirt County	Zachary Taylor v. Everett Frazier, DMV Commissioner	Zachary Taylor filed a petition to appeal the decision of the OAH, which affirmed the DMV Commissioner's Order of Revocation of his driver's license for driving under the influence and causing death.
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-19-0091	19-AA-112	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Larry E. Glassburn, Jr.	DMV Commissioner filed a petition to appeal the OAH decision that reversed the DMV Commissioner's order of revocation of Mr. Glassburn's driver's license. The DMV alleges that OAH erred when it: (1) made a ruling that excluded evidence not heard at the hearing; (2) abused its discretion and committed error of law by its exclusion of evidence specifically permitted by statute; and (3) by not affording the Investigating Officer's sworn statement a rebuttable presumption of accuracy.
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-19-0207	19-AA-121	Circuit Court Kanawha County	Norman H. Fowler v. Everett Frazier, DMV Commissioner	Norman Fowler filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Fowler alleges that OAH erred when it failed to apply W.Va. Code 17C-6-1(b), that OAH erroneously violated his right to counsel, right to conduct meaningful cross-examination of his accuser, present evidence, and violated his right to equal protection and due process.
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-20-0116	19-AA-174	Circuit Court Kanawha County	Kenneth Green v. Everett Frazier, DMV Commissioner	Kenneth Green filed a petition to appeal the decision of OAH that affirmed the DMV Commissioner's Order of Revocation of his driver's license. The petition alleges that the stop by the police officer was invalid because the officer alleged Mr. Green had defective equipment, which the driver states is false.
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-20-0115	20-AA-13	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Traci Levine	DMV Commissioner filed a petition to appeal the decision of the OAH, which rescinded DMV Commissioner's order of revocation of Ms. Levine's drivers license. OAH hearing examiner reversed the DMV revocation because even though the investigating officer testified that he stopped Levine's car for having no headlights while driving at night, the bodycam footage that was submitted shows Levine's headlights as turned on. Ruled to be an unlawful stop, therefore an unlawful arrest. However, the bodycam footage does not begin until after Levine's vehicle has already been stopped and the officer is exiting his cruiser.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, 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 W.Va. Code 11-17-4b, which imposes an excise tax on sales of e-cigarette liquid. Following the denial of the Tax Department's Motion to Dismiss, it filed an Answer defending the constitutionality of W.Va. Code 11-17-4b. Plaintiff has taken no additional action to prosecute its claim and the case remains pending.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, 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 W.Va. Code 11-17-4b, which imposes an excise tax 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 motion remains pending. The Court issued a Rule 41(b) notice. The Plaintiff objected to the dismissal and the Tax Department supported dismissal.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, 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 W.Va. Code 11-17-4b, which imposes an excise tax 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. Proposed orders were submitted by both parties and the motion remains pending.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, 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 W.Va. Code 11-17-4b, which imposes an excise tax 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 denied the Tax Department's Motion to Dismiss and, thereafter, the Tax Department filed an Answer defending the constitutionality of W.Va. Code 11-17-4b. Plaintiff has taken no additional action to prosecute its claim and the case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0002	20-AA-3	Circuit Court Berkeley County	WV ABCA v. Flam3z "Fi Wi Spot" Event and Jerk Center Restaurant	The WV Alcohol Beverage Control Administration (WVABCA) penalized Flam3z "Fi Wi Spot" Event & Jerk Center Restaurant, LLC for operating after hours in violation of W.Va. Code 60-7-12(a)(11), 12(a)(5) and 175 CSR 2, section 4.8. The WVABCA prevailed following an administrative hearing and the licensee appealed this decision to Circuit Court. The WVABCA has not yet been served with the Petition for Appeal.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0029	20-C-116	Circuit Court Cabell County	Goldsmid Sydnor, Inc., v. State Tax Department	The petitioner appealed an OTA Decision which affirmed the State Tax Department's assessment of Tobacco Product Excise Tax Liability. The petition alleges that the OTA decision is clearly erroneous and based on an incorrect legal standard and that the Tax Department lacks jurisdiction to tax the petitioner under the due process clause of the United States Constitution. The Tax Commissioner filed a Motion to Dismiss based upon the petitioner's failure to file the mandatory appeal bond. Oral argument on the Motion to Dismiss has been scheduled.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0063	3:17-cv-01362	USDC WVSD	City of Huntington/Cabell County Commission v. AmerisourceBergen, et al.	McKesson Corporation issued a subpoena duces tecum to the Office of the Insurance Commissioner (OIC) to appear and present documents that it believed to be under its control and custody. A production was made and the case is being further monitored to determine if the OIC will need to do anything else in this matter.
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0238	19-AA-162	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. James Lowe, Jr.	DMV Commissioner appealed the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Lowe's driver's license. The petition alleges that OAH erred when it found that DMV did not prove that Mr. Lowe was impaired while driving, despite Mr. Lowe admitting that he was smoking synthetic marijuana just prior to driving and the paraphernalia was in the vehicle at the time of the stop.
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0212	19-AA-3	Circuit Court Greenbrier County	Andrew Fitzgerald v. Everett Frazier, DMV Commissioner	Andrew Fitzgerald filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH improperly admitted the DUI information sheet as evidence and the Division of Motor Vehicles failed to present sufficient evidence that Andrew Fitzgerald knowingly allowed Mr. Cook to operate a motor vehicle under the influence of alcohol.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0077	19-P-170-2	Circuit Court Harrison County	William J. Kallel, Jr. v. Everett Frazier, DMV Commissioner	William Kallel filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that the OAH erred when it allowed the introduction of inadmissible evidence and made findings of fact not supported by the evidence.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0126	19-AA-5	Circuit Court Putnam County	Chris A. Hastings v. Everett Frazier, DMV Commissioner	Chris Hastings appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Hastings' driver's license. The petition alleges that the arresting officer had no experience detecting a driver under the influence and the testing conducted by other law enforcement officers was done improperly. The petition alleges that OAH committed clear error by weighing evidence improperly.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0116	19-C-229	Circuit Court Mercer County	Randy Jennings v. Everett Frazier, DMV Commissioner	Randy Jennings appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Jennings' driver's license after he was observed by a private citizen allegedly driving under the influence. The Petition alleges that OAH erred when it affirmed the DMV Commissioner's order because the order was based upon evidence obtained in violation of constitutional provisions. The Petitioner further alleges that the order exceeds statutory authority due to the unlawful entry of law enforcement resulting in such findings and evidence being inadmissible.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-20-0066	20-AA-4	Circuit Court Kanawha County	Lucas Shafer v. Everett Frazier, DMV Commissioner	Mr. Shafer appealed the decision of the OAH which upheld the DMV Commissioner's order of revocation. The appeal alleges that there were no indicators of impairment despite the evidence in the record that reflects the driver was impaired.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0210	19-AA-129	Circuit Court Kanawha County	Burl Adkins v. Everett Frazier, DMV Commissioner	Burl Adkins filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH Examiner improperly admitted the DUI information sheet as evidence and the DMV failed to present sufficient evidence that Burl Adkins knowingly allowed Mr. Burnett to operate a motor vehicle under the influence of alcohol. The Petition also alleges that the delay in issuance of the Final Order prejudiced Mr. Adkins.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0247	19-AA-157	Circuit Court Kanawha County	Charles Latorre v. Everett Frazier, DMV Commissioner	DMV Commissioner has appealed the decision of OAH which shortened the time period of the DMV Commissioner's order of revocation of his driver's license. A longer revocation was warranted because the driver refused the secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-20-0084	19-AA-3	Circuit Court Nicholas County	Terry Viers v. Everett Frazier, DMV Commissioner	Mr. Viers is appealing the OAH order which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petition alleges that there was insufficient evidence presented to prove that he was under the influence of controlled substances or drugs while operating his vehicle.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0081	19-AA-97	Circuit Court Kanawha County	Basil A. Carpenter v. Everett Frazier, DMV Commissioner	Basil Carpenter appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Carpenter's driver's license. In Mr. Carpenter's petition, he alleges that he successfully refuted the evidence.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0226	20-0337	Supreme Court - WV	Delilah R. Smith v. Everett Frazier, DMV Commissioner	Delilah Smith filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it relied solely on the DUI Information Sheet and completely ignored sworn testimony of Ms. Smith and her expert witness.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0115	20-0365	Supreme Court - WV	Jeffrey A. Lilly v. Everett Frazier, DMV Commissioner	Jeffrey Lilly appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Lilly's driver's license. In his petition, he alleges that OAH erroneously concluded that DMV satisfied its burden of proof, even though the driver asserts that evidence submitted by DMV was less reliable and less credible. Additionally, Petitioner alleges there was more credible evidence presented by the Petitioner that was in direct conflict and contradictory to the testimony regarding probable cause.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-20-0082	20-AA-15	Circuit Court Kanawha County	Joshua Lawton v. Everett Frazier, DMV Commissioner	Mr. Lawton filed an appeal of the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that there was not sufficient evidence in the record to affirm the revocation of his license.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-20-0081	20-AA-27	Circuit Court Kanawha County	David Hunter v. Everett Frazier, DMV Commissioner	David Hunter filed an appeal of the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license alleging that there was not sufficient evidence in the record to affirm the revocation.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-20-0080	20-AA-40	Circuit Court Kanawha County	Chase Hall v. Everett Frazier, DMV Commissioner	Mr. Hall appealed the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license on the sole basis that the OAH's 2.5 year delay in issuing its final order violated Mr. Hall's constitutional rights.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-20-0079	20-P-37	Circuit Court Jackson County	Pamela Blackshire v. Everett Frazier, DMV Commissioner	Ms. Blackshire is appealing the OAH order which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that there was not sufficient evidence in the record to affirm the order of revocation, despite Ms. Blackshire's admission and the intoximeter showed a 0.15 blood alcohol concentration, well above the legal limit.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-20-0069	20-AA-21	Circuit Court Kanawha County	Abednego Soita v. Everett Frazier, DMV Commissioner	Abednego Soita appealed the OAH decision which affirmed the DMV Commissioner's Order of Revocation of Driver's License due to the driver being under the influence of an illegal substance while operating a motor vehicle.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-20-0070	20-AA-23	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. William Selby	DMV Commissioner filed a petition to appeal the OAH decision which reversed the DMV Commissioner's Order of Revocation of Mr. Selby's driver's license. The DMV alleges that OAH erred when it ruled that Mr. Selby did not refuse to take the secondary chemical test of his breath. Additionally, Mr. Selby filed a cross appeal alleging that OAH erred when it ruled that Mr. Selby was impaired while operating a motor vehicle.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0132	15-C-914	Circuit Court Kanawha County	A-1 Amusement, Inc., et al. v. West Virginia Lottery, et al.	Plaintiffs allege that Lottery and IGT, an independent vendor, have required them to make changes to their Limited Video Lottery terminals. The Plaintiffs' chief complaint is that IGT, a Nevada corporation, no longer supports the ICIS protocol which was the computer language used by their machines when permits were awarded. Dismissal of the Due Process and Civil Conspiracy Claims are sought based upon qualified immunity. Dismissal of the Regulatory Taking Claim is sought based upon the fact that the Lottery's decisions reflected changes in the marketplace that it could not control. A Motion to Dismiss all claims and Memorandum in Support has been filed on behalf of the Lottery, Lottery Commission and Director. A hearing was recently held and the parties are awaiting the Court's decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-19-0251	19-AA-169	Circuit Court Kanawha County	Air Evac EMS v. Cheatham, et al.	Air Evac filed a petition to appeal the order from Public Employees Insurance Agency (PEIA) which denied Air Evac's demand for proceedings pursuant to W.Va. Code R. § 151-3-1, et seq. The petition alleges that PEIA's denial of proceedings is "arbitrary and capricious" and "clearly wrong" in light of W.Va. Code 29A-5-4(g). The petition seeks reimbursement in full from PEIA for disputed air ambulance transports provided by Air Evac to PEIA insureds during and after the related litigation in the Fourth Circuit Court of Appeals. A Motion to Dismiss has been filed alleging Air Evac's claims for reimbursement are barred by sovereign immunity and issue preclusion.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0025	20-C-271	Circuit Court Kanawha County	Kayla Brown Giordano v. WV Lottery, WV Lottery Commission, John A. Myers, Director, and Dave Hardy, Secretary of Dept. of Revenue	Kayla Brown Giordano, a former employee of the West Virginia Lottery, filed a complaint against Lottery and other related State Defendants asserting the following violations: (1) violation of the Human Rights Act by allowing a hostile work environment to exist and subjecting her to unlawful discrimination, (2) a violation of public policy by depriving her of equal employment opportunities, (3) violating the Human Rights Act by not accomodating her because of her disability which eventually resulted in her termination and, (4) a violation of the Wage and Payment Protection Act when Lottery failed to pay all alleged wages due to her by the next pay period. A motion to dismiss remains pending.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-20-0004	3:20-cv-4	USDC WVND	Capon Valley Bank v. Timber Ridge, Inc., et al.	Capon Valley Bank filed a Complaint for Interpleader to disburse funds remaining in an account that belonged to Timber Ridge, Inc., following its Bankruptcy. Significant liens filed by the IRS and the West Virginia State Tax Department remain unpaid. Accordingly, an agreement was reached to disburse the funds in order of priority. The Court issued an order disbursing funds pursuant to the agreement. The Tax Department is awaiting payment.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0123	15-AA-63	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Anthony Riddell	DMV Commissioner filed a petition to appeal the decision of the OAH which modified the DMV Commissioner's order of revocation of Mr. Riddle's license for driving while under the influence of alcohol with a blood alcohol concentration in excess of 0.15. The DMV alleges that the tribunal erred by excluding its evidence in contravention of the law.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0020	17-AA-101	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Lynn Murphy	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV's order of revocation of Ms. Murphy's driver's license. The petition states that the tribunal misapplied W.Va. Code 17C-5-9 and abrogated its duty under W.Va. Code 17C-5A-2(f).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0082	17-AA-3	Circuit Court Raleigh County	Brittany A. Lilly v. Teresa D. Maynard, Director, West Virginia Department of Transportation, Office of Administrative Hearings	Brittany Lilly filed an Amended Petition for Appeal seeking reversal of an OAH order denying her a hearing in the matter. The petition alleges a violation of Ms. Lilly's due process rights, because OAH exceeded its statutory authority, and abused its discretion. OAH denied Ms. Lilly a hearing on the DMV's Order of Revocation alleging it was untimely requested. Ms. Lilly claims she never received the Order of Revocation Notice from DMV.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0086	17-AA-70	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Tina Bowman	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Bowman's driver's license. The petition states that the tribunal misapplied W.Va. Code 17C-5-9 and abrogated its duty under W.Va. Code 17C-5A-2(f).

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	Everett Frazier, DMV Commissioner v. Misty Workman	DMV Commissioner filed a petition to appeal the decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Workman's driver's license. The petition alleges that the tribunal misapplied W.Va. Code 17C-5-9 and abrogated its duty under W.Va. Code 17C-5A-2(f).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0063	18-0702	Supreme Court - WV	Joshua Feagley v. Everett Frazier, DMV Commissioner	Joshua Feagley filed a Petition for Writ of Prohibition in the Circuit Court of Monongalia County alleging that the DMV should be prohibited from conducting an administrative hearing. Mr. Feagley should have named the OAH. The DMV moved to dismiss for lack of jurisdiction and failure to name an indispensable party. The Circuit Court granted the writ against the wrong agency, and the DMV filed an appeal with the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0085	18-AA-223	Circuit Court Kanawha County	John Fouch v. Everett Frazier, DMV Commissioner	John Fouch appealed a decision of the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition alleges that his due process rights were violated because he was unable to cross-examine the arresting officer at the hearing, even though he did not subpoena the arresting officer.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0174	19-0362	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Teresa Maynard and Clarence Sigley	DMV Commissioner filed a petition to appeal the Circuit Court's decision which upheld the OAH's decision reversing the DMV Commissioner's order of revocation of Mr. Sigley's driver's license. The arguments raised in the appeal are whether OAH had subject matter jurisdiction to hear Mr. Sigley's license revocation and whether OAH's jurisdiction is limited to only contested cases.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0185	19-0755	Supreme Court - WV	State ex rel. Everett Frazier, DMV Commissioner v. Honorable William S. Thompson, Boone County Circuit Judge and Nicholas Blankenship	DMV Commissioner filed a Petition for Writ of Prohibition in the WV Supreme Court of Appeals. The Petition for Writ of Prohibition presents two questions: (1) May a circuit court Judge enter an ex parte order granting a stay of an Order of Revocation issued by the DMV Commissioner? and (2) In an appeal of an order of an administrative license revocation, may a circuit court order the opposing party to prepare and file the administrative record of the OAH with the circuit court?
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0173	19-AA-1	Circuit Court Lewis County	Raymond Shortridge v. Everett Frazier, DMV Commissioner	Raymond Shortridge filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition recited the standard of review and failed to state the assignments of error relied upon by the Petitioner. The petition also fails to include a copy of the decision it is seeking judicial review of and other accompanying documents required by the Rules of Procedure of Administrative Appeals. A motion to dismiss was filed on behalf of DMV.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0193	19-AA-1	Circuit Court McDowell County	Robert Beck v. Everett Frazier, DMV Commissioner	Robert Beck filed a petition to appeal the final order of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that the investigating officer had no reason to pull the Petitioner over and the OAH provided no evidence regarding this in its final order. The Petitioner further alleges that OAH erred when it declined to give any weight to the negative results of the blood test or drug screen results. Finally, the petitioner alleges that OAH erred when it discredited the driver's testimony without explanation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0169	19-AA-1-K	Circuit Court Raleigh County	Michael A. Kelly v. Everett Frazier, DMV Commissioner	Michael Kelly filed a petition for judicial review of the decision issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it ruled that DMV satisfied its burden of proof and relied almost exclusively on one officer's testimony with little corroboration of the allegations and did not afford proper weight to petitioner's witness testimony.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0175	19-AA-100	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Nathan Talbert	DMV Commissioner filed a petition for judicial review of the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Talbert's driver's license. The petition states that, 1) There was clear evidence that Mr. Talbert committed aggravated DUI, which is determinative of the matter, and the OAH erred in reversing the revocation solely on the basis that Mr. Talbert did not receive a blood test; and 2) Because the Investigating Officer's mistake of law was reasonable, the OAH erred in ignoring the un rebutted evidence of aggravated DUI.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0085	19-AA-106	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Douglas Null	DMV Commissioner filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Null's driver's license. The crux of this petition is that despite the blood test being destroyed at the termination of the companion criminal case, there was other clear evidence that Mr. Null was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0092	19-AA-110	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. James Reynolds	DMV Commissioner filed a petition for judicial review of the decision of the OAH which reversed the DMV's order of revocation of Mr. Reynolds' driver's license. The petition alleges that OAH erred when it reversed the DMV's revocation based on the sole issue that there was not a blood test entered into evidence at the administrative hearing, despite the presence of other clear evidence entered to support the revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0171	19-AA-3	Circuit Court Raleigh County	Justin Levin v. Everett Frazier, DMV Commissioner	Justin Levin filed a petition for judicial review of a decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it relied on a document, completed by a witness who failed to testify or subject himself to cross examination forcing the Petitioner to defend himself against a faceless, expressionless document in violation of his constitutional rights.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0104	19-AA-3	Circuit Court Fayette County	Tracy Queen v. Everett Frazier, DMV Commissioner	Tracy Queen filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it violated the driver's constitutional rights pursuant to the 1st, 5th, and 14th Amendments of the United States Constitution.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0093	19-AA-62	Circuit Court Kanawha County	James Lowe, Jr. v. Everett Frazier, DMV Commissioner	DMV Commissioner filed a petition to appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Lowe's driver's license. The OAH erred when it found that DMV failed to prove impairment despite evidence in the record that Mr. Lowe was driving after having ingested synthetic marijuana, and was impaired which is sufficient to uphold a license revocation pursuant to Albrecht v. State, 173 W.Va. 268, 314 S.E.2d 859 (1984).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0170	19-AA-67	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Melody Lasure	DMV Commissioner filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Ms. Lasure's driver's license. The petition alleges that OAH committed clear error of law by requiring additional evidence of a causal connection between Ms. Lasure's routine ingestion of her medications and her wreck.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0074	19-AA-7	Circuit Court Raleigh County	Mickey Coalson v. Everett Frazier, DMV Commissioner	Mickey Coalson filed a Petition for Judicial Review of the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges constitutional violations of the driver's right to confront his accusers and that the Petitioner was not afforded due process.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0080	19-AA-8-K	Circuit Court Raleigh County	Brittany A. Lilly v. Everett Frazier, DMV Commissioner	Brittany Lilly filed a Petition to Appeal the decision issued by OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The Petition alleges that OAH abused its discretion when it affirmed DMV's revocation order, because there was no evidence presented that the Petitioner drove her vehicle where law enforcement found her.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0182	19-AA-80	Circuit Court Kanawha County	Joshua Derechin v. Everett Frazier, DMV Commissioner	Joshua Derechin filed an appeal of the final order issued by the OAH, which affirmed the DMV Commissioner's order of revocation of his driver's license. He is alleging that he was actually and substantially prejudiced by the almost four (4) year delay of the OAH issuance of its final order. The DMV filed a cross-petition alleging that it was actually and substantially prejudiced by the OAH delay because the DMV cannot fulfill its legislative mandate to get drivers off the road as quickly as possible.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0075	19-AA-88	Circuit Court Kanawha County	Dinos J. Smith v. Everett Frazier, DMV Commissioner	Dinos Smith filed a petition for judicial review of the order issued by OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petition alleges three legal errors: reliance on hearsay testimony of law enforcement officer, constitutional due process violation due to delay of issuance of order by OAH, and the lack of evidence that Petitioner had driven a vehicle on public property.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0154	19-AA-96	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Robert J. Bowyer	DMV Commissioner filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Bowyer's driver's license. The petition alleges that: 1) The Respondent's hearing request was untimely filed; therefore, the OAH lacked subject matter jurisdiction to hear the instant matter; and 2) The Respondent's refusal to submit to the secondary chemical test is a basis for revocation independent of the revocation for DUI.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0072	19-AA-99	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. George Gilbert	DMV Commissioner filed a petition for judicial review of the final order issued by the OAH which reversed the DMV Commissioner's order of revocation of Mr. Gilbert's driver's license. The petition states that there was clear evidence that Mr. Gilbert was driving under the influence, which is determinative of the matter, and the OAH erred in reversing the revocation solely on the basis that there were no blood test results.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0200	19-P-47	Circuit Court Jackson County	Ryan M. Graves v. Everett Frazier, DMV Commissioner	Ryan Graves filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Graves' driver's license. The petition alleges that the facts alleged at the hearing do not warrant the suspension of his license and the delay in rendering a decision has actually and substantially prejudiced him.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0078	20-0726	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Taylor Braley	DMV Commissioner filed a Notice of Appeal stating that the Circuit Court erred when it found that OAH's delay in entering final orders was egregious and when it found that Mr. Braley was actually and substantially prejudiced by the delay in the OAH entering its final order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0097	20-0746	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Joseph Slye	DMV Commissioner filed a Notice of Appeal of the Circuit Court Decision which upheld the OAH decision which reversed the DMV Commissioner's order of revocation. The assignment of error alleges that the Circuit Court erred when it misinterpreted W.Va. Code 17C-5-7.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0091	20-AA-1	Circuit Court Putnam County	Lindsay Kent v. Everett Frazier, DMV Commissioner	Lindsay Kent filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it relied on the arresting officer who found her in the driver's seat with car running during a domestic dispute in a parking lot. The Petitioner alleges she was not driving. However, she admits to being under the influence of methamphetamine, marijuana & heroin.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0092	20-AA-18	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. James Kitchen	DMV Commissioner filed a Petition to Appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Kitchen's driver's license. The petition alleges that OAH erred when it ruled that the results of the blood test showed that there is merely evidence of consumption of marijuana rather than impairment of driving.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0100	20-AA-19	Circuit Court Kanawha County	Benjamin Shuttlesworth v. Everett Frazier, DMV Commissioner	Mr. Shuttlesworth appealed the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it found that he was driving under the influence because the Arresting Officer failed to appear at the administrative hearing to testify.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0090	20-AA-2	Circuit Court Logan County	Katrina Hill v. Everett Frazier, DMV Commissioner	Katrina Hill filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it determined that the Investigating Officer had reasonable grounds to believe she was driving under the influence and that there was sufficient evidence of DUI. The petition further alleges that OAH erred when it did not consider the disposition of the criminal case and was wrong to discount her medical documents
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0102	20-AA-2	Circuit Court McDowell County	Larry Walker v. Everett Frazier, DMV Commissioner	Larry Walker filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it made an improper credibility determination and misapplied the law regarding the driver's right to demand a blood test.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0095	20-AA-25	Circuit Court Kanawha County	Courtney Rhodenizer v. Everett Frazier, DMV Commissioner	Courtney Rhodenizer filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that she was prejudiced due to the delay of 6 years in issuing its order which violates her constitutional rights.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0096	20-AA-26	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. George Sloan	DMV Commissioner filed a Petition to Appeal the decision of OAH which reversed the DMV Commissioner's Order of Revocation of Mr. Sloan's driver's license. The petition alleges that OAH erred when it ruled that the driver was not lawfully arrested.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0103	20-AA-3	Circuit Court Putnam County	Bruce Hale v. Everett Frazier, DMV Commissioner	Mr. Hale filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that he filed the petition so that the Court could "look more into the matter of what actually happened" on the day of his arrest for driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0088	20-AA-3	Circuit Court McDowell County	Terry Finley v. Everett Frazier, DMV Commissioner	Terry Finley filed a Petition to Appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it withheld evidence in custody of the Welch Police Department.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0101	20-AA-31	Circuit Court Kanawha County	Kevin Walker v. Everett Frazier, DMV Commissioner	DMV Commissioner filed a Petition to Appeal the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Walker's driver's license. The petition alleges that OAH erred when it reversed the revocation for DUI despite its finding that the driver was in fact driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0087	20-AA-36	Circuit Court Kanawha County	Jessica Cline v. Everett Frazier, DMV Commissioner	Jessica Cline filed a Petition to Appeal the OAH decision which affirmed the DMV Commissioner's Order of Revocation of her driver's license. The petition alleges that she was prejudiced by the OAH's delay in issuing a final order and alleged that the Counsel for DMV did not prove that she was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0094	20-AA-42	Circuit Court Kanawha County	Jill Miles v. Everett Frazier, DMV Commissioner	Ms. Miles' license was revoked by the DMV Commissioner for driving under the influence. She received fourteen (14) points against her driver's license. In order to erase the points, she took a defensive driving course. However, she did not take the course within the timeframe required and it did not qualify to erase her points. She filed an appeal claiming that it should count toward erasing the points on her driver's license.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0086	20-AA-43	Circuit Court Kanawha County	Aaron Caldwell v. Everett Frazier, DMV Commissioner	Mr. Caldwell filed a Petition to Appeal the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred in determining that the blood drawer and blood analyst affidavits were insufficient and also ignored the other relevant evidence of Driving Under the Influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0099	20-AA-44	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. David Thomas	DMV Commissioner filed a Petition to Appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Thomas' driver's license. The petition alleges that OAH erred in its interpretation of the Implied Consent Statute.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0098	20-AA-47	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Linwood Starling	DMV Commissioner filed a Petition to Appeal the decision of OAH which reversed the DMV Commissioner's order of revocation of Mr. Starling's driver's license. The petition alleges that OAH erred in ignoring the relevant evidence of the applicable driving under the influence statute.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0077	20-C-7	Circuit Court Wyoming County	John Bowman v. Everett Frazier, DMV Commissioner	John Bowman filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his motorcycle license. The petition alleges that the arresting officer did not witness him driving. It further states that the arresting officer pulled into a gas station behind driver's motorcycle and when the driver came out of the store the arresting officer alleged he showed signs of intoxication and subsequently failed field sobriety tests. The petition alleges that he was not impaired or under the influence of an illegal substance.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0151	20-M02C-2314	Magistrate Court Berkeley County	Win Pre-Owned Cars, Inc. v. Everett Frazier, DMV Commissioner	DMV revoked Win Pre-Owned Cars, Inc.'s dealer license for not reporting the death of the licensee and for continuing to operate without a licensee. Instead of filing an administrative appeal, the family members operating the business filed a complaint in Magistrate Court alleging that DMV Dealer Services illegally denied their licensure and discriminated against them. They are seeking \$5,000 in damages – not reversal of its decision.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0136	19-AA-122	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Aaron Powers	DMV Commissioner filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Mr. Powers' driver's license. The Petition states that OAH erred when it reversed the enhancement of the revocation period for driving with a blood alcohol concentration level in excess of 0.15 because the evidence presented at the administrative hearing did not show that the proper protocols were followed to administer the tests to determine driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-20-0068	19-AA-176	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. David Gaither, Jr.	DMV Commissioner filed a petition to appeal the final decision of the OAH which reversed the DMV Commissioner's order of revocation. The DMV asserts that the OAH erred in misinterpreting the evidence in the record.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0229	19-P-144	Circuit Court Jefferson County	Teresa Gauvin v. Everett Frazier, DMV Commissioner	Teresa Gauvin filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that the search was unreasonable due to a BOLO directive, that her blood alcohol concentration reading was below the legal limit, and that the blood test was entered without proper foundation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-19-0049	19-12771	USDC PAED	In Re: Herz, Herz & Reichle, Inc.	Herz, Herz & Reichle operated in West Virginia as Timberline Four Seasons Resort Management Co., Inc., and owes a total of \$39,200.00 to the State Tax Department. The Chapter 11 Petition was filed in Eastern District Bankruptcy Court of Pennsylvania where the owner resides. The case was converted to a Chapter 7. The case is being monitored for the distribution report to be filed by the Trustee to ensure the Tax Department is paid in the correct order of priority.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-19-0047	19-12773	USDC PAED	In Re: Long Run Realty, Inc., d/b/a Timberline Four Seasons Realty	Long Run Realty operates in West Virginia and owes a total of \$42,028.13 to the State Tax Department. The Chapter 11 Petition was filed in Eastern District Bankruptcy Court of Pennsylvania where the owner resides. The case was converted to a Chapter 7. The case is being monitored for the distribution report to be filed by Trustee to ensure the Tax Department is paid in the correct order of priority.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-19-0046	19-12775	USDC PAED	In Re: Timberline Four Seasons Resort Management Co., Inc.	The Timberline companies are three entities (Timberline, Herz and Longrun) that operated the Timberline Ski Resort. The companies owe a total of \$705,825.37 to the State Tax Department. The Tax Department filed a proof of claim. Timberline has filed a motion in the bankruptcy court to sell its assets, and it is anticipated that the tax debt will be paid in full upon sale of the ski resort.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0061	19-30289	Bankruptcy Court-US WVSD	In Re: Blackjewel, LLC, et al.	The WV Attorney General is an Interested Party and filed a pleading in support of the unpaid miners and to inquire whether the proceeds from the assets of Blackjewel will be sufficient to pay the miners of WV. Blackjewel filed a Motion Authorizing Payment of Prepetition Employee Wages, Salaries and Other Compensation, which was granted.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0010	19-C-167(D)	Circuit Court Greenbrier County	Justin S. Lewis, Administrator of the Estate of Jeffrey E. Lewis v. Justin S. Lewis, et al.	Justin S. Lewis, Administrator of the Estate of Jeffrey E. Lewis, filed a petition to subject real estate to payment of debts. The Estate has \$2,385,711.33 worth of claims filed against it. The Administrator wants to sell the real estate to satisfy some of the debt associated with the Estate. The Tax Department seeks to protect its lien position.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0013	19-C-22	Circuit Court Wetzel County	Standard Oil Company, Inc. v. Dale W. Steager, State Tax Commissioner, Third Party Defendant	Standard Oil filed a Third Party Complaint against the Tax Department alleging that it has failed to comply with W.Va. Code 11-1C-10(d), 11-1C-10(d)(2), 11-6K-1(b), 11-6K-3(c), and 11-6K-3(a) as they pertain to the valuation of natural resource wells located in the county. A motion to dismiss for Petitioner's failure to provide jurisdictional pre-suit notice to the Attorney General's Office and the Tax Department was filed. A briefing schedule has been issued.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-19-0054	19-C-26	Circuit Court Mason County	Mark Hussell as Administrator for the Estate of Larry A. Hussell, deceased v. Mark Hussell and Spouse as heirs, et al.	The Administrator of the Estate of Larry Hussell filed a Complaint to Sell Real Estate of the Deceased. There are numerous IRS and State Tax Department liens which apply to the property along with certain other debts. An Answer was filed on behalf of the Tax Department to protect its lien priority.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-19-0234	20-10390	Bankruptcy Court-US OHSD	In Re: Murray Energy Holdings, Co.	Murray Energy filed Chapter 11 Bankruptcy. The Tax Department filed a proof of claim based on its priority tax claim. The plan was confirmed and the tax claims will be paid in order of priority. This case is being monitored to ensure payment is made.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0123	20-22524-rdd	Bankruptcy Court-US NYSD	In Re: Frontier West Virginia, Inc.	Proof of Claim filed on behalf of the State of West Virginia in this bankruptcy matter to recover \$4,949,200.00, which represents an equitable subrogation relative to amounts it has paid to the federal government related to civil litigation in the USDC WVSD, Citynet, LLC v. Frontier West Virginia, Inc., et al., 2:14-cv-15947.
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0033	20-C-282	Circuit Court Kanawha County	Harold Ward, Director of Division of Mining and Reclamation v. ERP Environmental Fund, Inc.	Mr. Ward, Director of Division of Mining and Reclamation, filed a civil suit against ERP Environmental Fund regarding a particular coal mine it owns in West Virginia. The Tax Department has an interest in the coal company and therefore requested the Office of the Attorney General to monitor this lawsuit.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Tomasik, James	TAX-20-0045	6:19-bk-06589	Bankruptcy Court-US FLMD	In Re: Via Airlines, Inc.	Via Airlines has a pending bankruptcy in Florida. The Auditor's Office requested representation for its claim filed against Via Airlines for unpaid public utility taxes. The plan was confirmed and proposed to pay priority tax claims in full. The Judge held an evidentiary hearing following confirmation of the plan. The Judge has scheduled this matter for a hearing to issue her ruling.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0007	20-AA-1	Circuit Court Berkeley County	Thomas H. Collins and Lori E. Collins v. State Tax Commissioner	Mr. & Mrs. Collins filed an appeal of the administrative decision issued by OTA which determined that Mr. Collins' retirement is not exempt from personal income tax because he retired from the State of Maryland as a State Trooper. The petition alleges that OTA's decision is clearly erroneous and based upon an incorrect legal standard. The Circuit Court dismissed this matter for lack of jurisdiction. However, the Taxpayers are still within their appeal period.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0105	20-AA-71	Circuit Court Kanawha County	Trevor Pack v. Adjutant General's Office/Mountaineer Challenge Academy	Trevor Pack filed a Petition to Appeal the Dismissal Order from the Public Employee's Grievance Board that denied his grievance because he was a Military Authority Employee who has no standing to file a grievance with the Public Employees Grievance Board. Instead, Mr. Pack must utilize the grievance process through the Military Authority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-12-441	10-C-388	Circuit Court Ohio County	David O'Brien v. Charles "Randy" Dye, Director, WV Division of Forestry, et al.	Mr. O'Brien filed the ad valorem property tax return claiming that his real property should be valued as managed timberland property for the 2009, 2010 and 2011 tax years. The Tax Department filed an answer to dismiss all three years as being untimely appealed or prematurely appealed. Mr. O'Brien filed a motion for summary judgment. A response to the motion was timely filed. We are awaiting a decision from the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-11-1132	11-C-171-P	Circuit Court Logan County	Dale and James H. Wiley v. State Tax Department	Dale and James Wiley have judgments against Ersel Prince for assault with a deadly weapon. Mr. Prince is currently in the federal penitentiary on drug related charges. The Wiley's have sued to seize Mr. Prince's real property and sell the property at public auction. The Tax Department is a defendant in the lawsuit since it has several tax liens against Mr. Prince. An Answer was filed on behalf of the State Tax Department preserving its lien status and seeking payment.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-13-1068	13-C-51	Circuit Court Summers County	Michael D. Skinner v. State Tax Department	Michael Skinner filed a Complaint naming Richard McFall and the Tax Department as Defendants. In his prayer for relief, Mr. Skinner requested that two parcels of land owned by Mr. McFall be sold by a Special Commissioner to satisfy the judgment lien in favor of Mr. Skinner and to satisfy any other liens which may be filed against Mr. McFall. An Answer was filed on behalf of the Tax Department defending its lien position in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-723	14-C-776-K	Circuit Court Raleigh County	Green Tree Servicing, LLC v. William F. Mullins, et al.	The original deed of trust which encumbers real property owned by William and Toni Mullins was not recorded properly. Green Tree, the current mortgage holder, has requested that the Court correct the error and award Green Tree a first lien priority. The Tax Department has a lien on this property and filed an answer protecting its lien position. Subsequently, the Tax Department withdrew its lien recorded against Respondent Mullins. The parent company of Green Tree filed bankruptcy in the Southern District of New York in February, 2019. The case is still pending in circuit court.
Tax, Revenue, Court of Claims, and Transportation	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 Commissioner	The taxpayer appealed the decision from the OTA which dismissed this matter. A motion to dismiss was filed on behalf of the Tax Department due to the taxpayer's failure to file the mandatory appeal bond.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0033	16-AA-2W	Circuit Court Hancock County	Arcelormittal Weirton v. Dale W. Steager, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor	Arcelormittal is appealing a Property Tax Ruling. The taxpayers argue the steel scrap produced at their facility is subject to the Freeport Exemption. An Answer was filed on behalf of the Tax Department defending the PTR. The Hancock County Assessor filed a Motion to Intervene, which was granted. This case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0105	17-cv-04046	USDC WVSD	John M. Falbo v. Albert Thomas Falbo, Mary Gruiffi, United States, and Dale W. Steager, State Tax Commissioner	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. A Partial Motion for Summary Judgment was filed by the Tax Department and was granted by the Judge. The Tax Liens have been preserved in their order of priority. While this case originated in State Circuit Court, the IRS removed it to District Court due to its liens on the property. The Trustee is in the process of selling the real estate to pay off the liens in their order of priority.
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 the legal description of two tracts of land that a deed of trust encumbers along with adjacent property. The Tax Department has a lien against Melvin Bailey. The Tax Department filed an Answer to protect and preserve its lien position. The Plaintiff recently filed an affidavit of service by publication and order of publication to achieve service on the Baileys. Petitioner filed a Motion for Default Judgment on the Defendants who have not answered the Complaint.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0072	18-1106	Supreme Court - WV	Antero Resources Corporation v. Dale W. Steager, State Tax Commissioner	Antero Resources filed two petitions for reassessment of Consumer Sales and Use Tax in OTA on behalf of Antero Resources and Antero Resources Bluestone in the amount of \$1,272,540.62 and \$1,325.59, respectively. OTA issued an Order modifying the assessments to \$25,613.82, combined. The Circuit Court reversed the Office of Tax Appeals decision and ruled in the Tax Department's favor. Antero appealed to the WV Supreme Court of Appeals. Oral Argument was held and the decision is expected by the end of the term.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0147	18-AA-1	Circuit Court Ritchie County	Antero Resources Corporation v. Dale W. Steager, State Tax Commissioner, Assessor Arlene Mossor, Assessor of Ritchie County, and Ritchie County Commission	Antero Resources filed a Petition in Ritchie County seeking reversal of the Ritchie County Board of Assessment Appeals decision which affirmed the Tax Department's valuation of producing oil and gas wells in the county. Antero Resources owns 75 Marcellus Shale wells in Ritchie County and believes the Tax Department is over-valuing these wells and seeks a correction. This appeal is for the 2018 tax year. It is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0003	18-AA-1	Circuit Court Doddridge County	Antero Resources Corporation v. Dale W. Steager, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	Antero Resources appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the County. This is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0135	18-AA-1	Circuit Court Tyler County	Antero Resources v. Dale W. Steager, State Tax Commissioner, Lisa Jackson, Assessor, and Tyler County Commission	Antero Resources appealed the Tyler County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the county. This is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0037	18-AA-1	Circuit Court Raleigh County	Beaver Coal Company, Limited v. Division of Forestry, Dale W. Steager, State Tax Commissioner, and Raleigh County Assessor	Beaver Coal filed a Petition for Review of a Property Tax Ruling issued by the Tax Department which stated that property owned by Beaver Coal is not eligible for managed timberland valuation. The Tax Department denied Beaver Coal Company's request for valuation as Managed Timberland. This matter should be resolved by the WV Supreme Court of Appeals decision in Penn Virginia Operating Co., LLC, v. Yokum, 242 W.Va. 116, 829 S.E.2d 747 (2019). The parties are awaiting the circulated order remanding the case from the Circuit Court to the Division of Forestry.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0134	18-AA-2	Circuit Court Tyler County	Consol Energy, Inc., d/b/a CNX Gas Company, LLC v. Dale W. Steager, State Tax Commissioner, et al.	CNX appealed the Tyler County Board of Assessment and Appeals' order for the 2018 tax year which upheld the State Tax Department's valuations of CNX's natural gas wells in the County. This is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). The CNX wells will be re-valued after the current assessment appeals are completed for the 2019 tax year.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0002	18-AA-2	Circuit Court Doddridge County	EQT Production Company v. Dale W. Steager, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	EQT Production appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of EQT's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An agreed order has been circulated.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0001	18-C-281	Circuit Court Ohio County	SWN Production Company v. Dale W. Steager, State Tax Commissioner, Tiffany Hoffman, Assessor, and Ohio County Commission	SWN appealed the Ohio County Board of Assessment and Appeals order which upheld the State Tax Department's valuations for the 2018 tax year of SWN's natural gas wells in the county. The Tax Commissioner filed an answer defending the valuations. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0141	18-P-184	Circuit Court Wood County	New Penn Financial, LLC, d/b/a Shellpoint Mortgage Servicing v. Robin C. Reed, et al.	New Penn Financial filed a complaint to reform a Deed of Trust which contained a scrivener's error. The State Tax Department has liens against the taxpayer who owned the subject property at the time of foreclosure. An Answer has been filed on behalf of the Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0004	18-P-235	Circuit Court Harrison County	Antero Resources Corporation v. Dale W. Steager, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources appealed the Harrison County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of Antero's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0138	18-P-48	Circuit Court Marshall County	SWN Production Company v. Dale W. Steager, State Tax Commissioner, et al.	SWN appealed the Marshall County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of SWN's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An agreed order has been circulated.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0244	19-AA-1	Circuit Court Doddridge County	Antero Resources Corp. v. Dale W. Steager, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	Antero Resources Corporation filed a petition to appeal the decision of the Doddridge County Commission, sitting as the Board of Assessment Appeals, which upheld the Tax Department's valuation of its oil and gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An answer has been filed.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0006	19-AA-1	Circuit Court Hampshire County	Stephen Settimi v. Dale W. Steager, State Tax Commissioner	Stephen Settimi filed a Petition to Appeal a Property Tax Ruling issued by the Tax Department which denied Mr. Settimi's request for his property to be classified as farm property. The Property Tax Ruling determined that there were no signs of farming. The Petitioner states that the Tax Department failed to consider crops that take more than 1 year to mature, and that some of the crops are test-beds to test viability. A Motion for Summary Judgment was recently filed on behalf of the Tax Department and no decision has been made.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0237	19-AA-1	Circuit Court Pocahontas County	The Silver Creek Association, Inc. v. Dale W. Steager, State Tax Commissioner	The Silver Creek Association filed a petition to appeal the decision of OTA which affirmed the Tax Department's denial of the Taxpayer's request for the net operating loss carry-forward credit for tax year 2013. Recently, the Judge directed Counsel for the Taxpayer to perfect the appeal.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0001	19-AA-1	Circuit Court Upshur County	Virgil D. Miller and Susan K. Miller v. Dale W. Steager, State Tax Commissioner	Virgil and Susan Miller are appealing the decision of the OTA which affirmed the Tax Department's denial of an exemption relieving them of paying personal income taxes. The Petitioners argue that Mr. Miller's income as a retired Sheriff's Deputy should be exempt pursuant to W.Va. Code 11-21-12(c)(6). However, the Tax Department denied that exemption because Mr. Miller is enrolled in the Public Employees Retirement System (PERS) which is subject to taxation. A motion asking the Court to direct the Taxpayer to perfect the appeal and designate the entire OTA Record was filed on behalf of the Tax Department which is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0061	19-C-168	Circuit Court Mercer County	Princeton Community Hospital Association, Inc. and Mercer County Fire Service Board v. Henry I. Small, Jr., Honorable T.A. Bailey, Sheriff of Mercer County, and Dale W. Steager, State Tax Commissioner	Princeton Community Hospital and Mercer County Fire Service Board filed a complaint against Henry I. Small, Jr. to enforce judgment liens pursuant to W.Va. Code 38-3-9, et seq. The Plaintiffs named the Tax Department as a Defendant because of the existence of the tax lien against Henry I. Small, Jr. The Plaintiffs failed to provide the State with the jurisdictional pre-suit notification pursuant to W.Va. Code 55-17-3. A motion to dismiss was filed on behalf of the State Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0038	19-C-180	Circuit Court Cabell County	Jerry L. and Amy L. Floyd v. Dale W. Steager, State Tax Commissioner	Taxpayers appealed a decision from the OTA regarding the taxation of income for members of the West Virginia National Guard. The Tax Department prevailed at the Circuit Court. It is anticipated the Taxpayers will appeal this decision to the WV Supreme Court of Appeals. The deadline for the Taxpayers to appeal has not expired.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0090	19-C-43	Circuit Court Mineral County	Mary Ann Taylor v. Dale W. Steager, State Tax Commissioner	Mary Ann Taylor filed a Petition for Writ of Mandamus requesting the Court to order the Tax Department to disburse funds in Petitioner's "account" as of December 31, 2018. However, proper service has not been made upon the Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0239	19-C-61	Circuit Court Mineral County	Keith Taylor v. Dale W. Steager, State Tax Commissioner	Mr. Taylor filed a petition for restraining order against the Tax Department which has seized some of Mr. Taylor's income to satisfy past due income taxes from the 2012 tax year. This seizure of income stems from the 2012 tax year matter that was decided in the WV Supreme Court of Appeals. Mr. Taylor claims he had no knowledge of the seizure of property and he alleges that there is no past due amount. This civil action has not been properly served on the Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0008	19-C-62	Circuit Court Wyoming County	Charles W. Schollar, Jr. v. Dale W. Steager, State Tax Commissioner	Mr. Schollar filed a petition to appeal the administrative decision issued by OTA which determined that Mr. Schollar was not entitled to exempt his pension from personal income taxes. OTA's decision modified the Tax Department's original assessment to remove the penalties. A motion to dismiss was filed on behalf of the Tax Department for failure to perfect the appeal.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0071	19-C-742	Circuit Court Kanawha County	NR Deed, LLC v. Charles E. Lantz, et al.	A lawsuit was filed to obtain a partial release of the tax lien against Charles Lantz. The opposing counsel has served the pre-suit notice.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0070	19-C-743	Circuit Court Kanawha County	NR Deed, LLC v. Joseph D. Darabos, et al.	NR Deed filed a lawsuit to obtain a partial release of the tax lien against Joseph D. Darabos. A motion for summary judgment was filed on behalf of the property owners which was granted. The Tax Department is awaiting the expiration of the appeal period.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0243	19-C-76	Circuit Court Mineral County	Keith Taylor v. Tim Waggoner, State Tax Department Legal Services	Keith Taylor filed a Civil Complaint naming Tim Waggoner, an attorney in the State Tax Department's Legal Services Division, as the defendant. The complaint alleges that Mr. Waggoner has committed a conspiracy to defraud the Court by entering forged documents into the record; malfeasance in violation of his sworn oath and duty as an officer of the Court; and fraud upon the Court. This matter stems from the 2012 tax year where Mr. Taylor lost his appeal in the WV Supreme Court of Appeals and the assessment of the Tax Department was reinstated. This matter has not been properly served on the Tax Department or Mr. Waggoner.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0102	19-P-183-3	Circuit Court Harrison County	Grand China Buffet & Grill, Inc., Qi Fen & Hui Chen v. Dale W. Steager, State Tax Commissioner	Grand China Buffet filed a petition to appeal an OTA decision. The Petitioners are alleging that OTA erred in affirming the Tax Department's consumer sales tax assessment. The Petitioners allege that OTA erred when it affirmed the Tax Department's calculation because it failed to use the best information available and instead assumed every customer ordered a full buffet, ignoring the customers that might have purchased menu items. The briefing schedule is complete. The parties are awaiting the Circuit Court decision.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0025	19-P-40-1	Circuit Court Harrison County	City of Clarksburg, Clarksburg Development Authority & Robinson Grand Landlord, LLC v. Dale W. Steager, State Tax Commissioner, and Joseph R. Romano, Assessor	A Petition for Appeal was filed naming the Tax Department and Assessor Joseph Romano appealing a Property Tax Ruling which determined that the Robinson Grand Performing Arts Center is not exempt from ad valorem property tax because it is not being used for public purposes. The briefing schedule is complete. The parties are awaiting the decision from the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0058	2:19-cv-00417	USDC WVSD	USA v. Mountaineer Manufacturing, Inc., Mining Motors, Inc., Tanya Middleton, RTM Properties, LLC, WVTC, LLC, WorkForce West Virginia, Dale W. Steager, State Tax Commissioner, and Cecil Walker Machinery Co.	The United States filed a Complaint for Federal Taxes and Foreclosure of Tax Liens against Mountaineer Manufacturing, Inc. to enforce corresponding federal tax liens that encumber real estate in Fayette County. The Tax Department has several liens against Mountaineer Manufacturing. An Answer was filed to protect the position of the State Tax Liens. Several parties filed motions for summary judgment. The parties are awaiting a decision from the Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0105	20-0002	Supreme Court - WV	Keith G. Taylor v. Honorable Jim Justice, Governor of West Virginia	This is related to another tax case wherein Mr. Taylor appealed his original assessment from the State Tax Commissioner for the 2012 tax year. OTA affirmed the assessment. The Circuit Court reversed the assessment of the Tax Department and Mr. Taylor appealed that to the WV Supreme Court of Appeals. The WV Supreme Court of Appeals affirmed the Tax Deptment's original assessment. This litigation seeks to have the same matter readjudicated by the Honorable Governor Jim Justice.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-005	20-0226	Supreme Court - WV	Asian Grill v. Dale W. Steager, State Tax Commissioner	Asian Grill filed a petition to appeal the administrative decision of the OTA 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 a motion to dismiss for failure to file the mandatory appeal bond. Asian Grill filed a response stating no appeal bond was necessary. The circuit court ruled in favor of the Taxpayer. The Tax Department appealed this matter to the WV Supreme Court of Appeals.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0252	20-AA-12	Circuit Court Kanawha County	Dale W. Steager, State Tax Commissioner v. Lindy Paving, Inc.	The State Tax Department appealed an administrative decision that vacated the Tax Department's denial of refund to Lindy Paving, Inc. in the amount of \$712,822.14, with interest. Taxpayer sought an exemption from the sales and use tax relating to its purchase of asphalt used in paving work done for four oil and gas producers. The Taxpayer argues that the paving services are directly used or consumed in the production of oil and gas, and the Tax Department argues that they are not. The matter has been fully briefed and is ripe for decision by the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0017	20-C-26	Circuit Court Mingo County	The First National Bank of Williamson v. Joshua B. Fields, Stacy Lea Fields and Dale W. Steager, State Tax Commissioner	A complaint was filed to determine the lien priority that is encumbering the real property. The complaint also seeks a determination on whether the rents and leases can satisfy the liens within 5 years. If it is determined that it cannot, a decree is sought to sell the real property at public auction to satisfy all liens in their order of priority. The Court appointed a Special Commissioner.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0039	20-C-77	Circuit Court Putnam County	Frye, LLC v. Earl Davis, Ellis P. Davis, Glen Davis, Deborah Lawrence, Kathy Robinette, Tammy R. Davis, Unknown Heirs of Kenneth L. Davis, Richard A. Adkins, Cabell Huntington Hospital, Inc., Putnam County Fire Service Board, Inc., Putnam County Board of Education, and Jasper Engines & Transmission	Frye, LLC filed a complaint to quiet title of property it acquired at a tax lien sale in Putnam County, WV. The Complaint sought to ascertain the exact boundary lines of the property and have the property declared free and clear of all liens and encumbrances. The Tax Department was not named as a party but was notified of the litigation as a potential interested party. An answer was filed on behalf of the State Tax Department not opposing the requested relief.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0027	20-C-8	Circuit Court Hancock County	TriState River Products, Inc., v. Joseph Alongi, Hancock County Assessor, and Dale W. Steager, State Tax Commissioner	TriState River Products filed a petition to appeal a Property Tax Ruling issued by the Tax Commissioner. The Petitioner alleges that the Tax Department erroneously determined the dredging equipment that was located on the Ohio River bank which bordered Hancock County established a tax situs and is subject to ad valorem taxation by the Assessor. TriState also alleges they pay other taxes on the sand and gravel that is acquired from dredging the river to Pennsylvania and West Virginia. An answer on behalf of the Tax Department was timely filed.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0034	20-C-83	Circuit Court Harrison County	Antero Resources Corp. v. Dale W. Steager, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources filed a petition to appeal the decision of the Hancock County Commission, sitting as the Board of Assessment Appeals, which affirmed the Tax Department's allegedly overstated valuation of Antero's oil and gas wells in the County. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-20-0089	20-P-62	Circuit Court Harrison County	City of Clarksburg v. Dale W. Steager, State Tax Commissioner, and Joseph Romano, Assessor	The City of Clarksburg filed a Petition to Appeal a Property Tax Ruling which determined that the Robinson Grand Theatre owned by the City of Clarksburg is not exempt from ad valorem taxes pursuant to W.Va. Code 11-3-9(a)(3). A response was timely filed defending the property tax ruling. This matter is related to City of Clarksburg v. Steager, 19-P-40.