

# Office of the Attorney General

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

NOVEMBER 1, 2022

**Patrick Morrissey**  
Attorney General

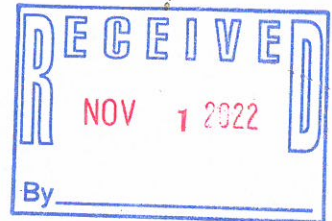


State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

November 1, 2022



*Gov office  
D. Price*

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

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

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

Re: Annual Report 2022

Dear Governor Justice, President Blair and Speaker Hanshaw:

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

During this reporting period, and in addition to the cases listed in this report, the Attorney General's office also has 39 active Legislative Claims Commission cases.

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

Very truly yours,

Candace Kraus  
Senior Deputy Attorney General



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

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Fax (304) 558-0140

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HOUSE OF DELEGATES  
SPEAKERS OFFICE

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Very truly yours,

A handwritten signature in blue ink that reads "Candace Kraus".

Candace Kraus  
Senior Deputy Attorney General



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

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November 1, 2022

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*Candace Kraus*

Candace Kraus  
Senior Deputy Attorney General

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**APPELLATE  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-20-0211	1:20-cv-749	USDC WVSD	William Parris Skeens v. Timothy King, Superintendent	§2254 Habeas petition alleging escape charge erroneously charged in Mercer County when Petitioner entered plea in Raleigh County.
Appellate	Bissett, Lara	APP-21-0254	1:21-cv-85	USDC WVND	Rickie Greenfield, Jr. v. Donnie Ames, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, constitutional violations arising from use of phone tower records, judicial misconduct, and illegal search and seizure.
Appellate	Bissett, Lara	APP-17-0024	2:15-cv-11422	USDC WVSD	Danny R. Swager v. David Ballard, Warden	§2254 Habeas 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.
Appellate	Bissett, Lara	APP-22-0085	2:21-cv-577	USDC WVSD	Antwyn Gibbs v. Donnie Ames, Superintendent	§2254 Habeas petition alleging illegal extradition, ineffective assistance of counsel, and lack of personal jurisdiction.
Appellate	Bissett, Lara	APP-22-0126	2:22-cv-228	USDC WVSD	Ronald Davis v. Donald Ames, Superintendent	§2254 Habeas petition alleging insufficient evidence, ineffective assistance of counsel, coerced testimony, and destruction of evidence.
Appellate	Bissett, Lara	APP-20-0221	20-0844	Supreme Court - WV	Robert Ewell Thomas v. Donnie Ames, Superintendent	Habeas appeal alleging error arising from failure to hold an omnibus hearing and appoint counsel.
Appellate	Bissett, Lara	APP-21-0026	20-1039	Supreme Court - WV	State of West Virginia v. Billy Joe McFarland, Jr.	Direct appeal alleging undue emphasis on victim impact statement during sentencing, error in allowing victim to present dash-cam video during sentencing, and failure to adhere to Rule 11(e)(2) when court conditionally accepted plea.
Appellate	Bissett, Lara	APP-21-0159	21-0077	Supreme Court - WV	State of West Virginia v. Michael Faulkner	Direct appeal alleging lack of subject matter jurisdiction and insufficient evidence of probation violation.
Appellate	Bissett, Lara	APP-22-0044	21-0156	Supreme Court - WV	Michael Greene v. Shelby Searls, Superintendent	Successive habeas appeal alleging error with plea agreement and plea.
Appellate	Bissett, Lara	APP-21-0140	21-0158	Supreme Court - WV	SER Timothy Taylor v. Shelby Searls, Superintendent	Original Jurisdiction Habeas petition does not articulate any error. Amended petition to be filed by appointed counsel.
Appellate	Bissett, Lara	APP-21-0071	21-0173	Supreme Court - WV	State of West Virginia v. Jamie Carson Hicks	Direct appeal alleging error in admitting evidence of relationship between Petitioner and witness, denial of post-trial motions, and error in reasoning for sentence imposed.
Appellate	Bissett, Lara	APP-21-0092	21-0263	Supreme Court - WV	State of West Virginia v. Izzac Christopher Weister	Direct appeal alleging error in finding offenses charged involved acts of violence and in commitment of Petitioner to Sharpe Hospital for 25 years.
Appellate	Bissett, Lara	APP-21-0098	21-0290	Supreme Court - WV	State of West Virginia v. Robert Higgins	Direct appeal alleging 8th Amendment violation regarding re-sentencing of Petitioner.
Appellate	Bissett, Lara	APP-21-0114	21-0356	Supreme Court - WV	State of West Virginia v. Anthony Devaughn Johnson	Direct appeal alleging abuse of discretion in denial of motion to cancel trial due to newly discovered evidence, error in refusal to disqualify prosecutor, violation of confrontation clause resulting from admission of hearsay, prejudice from family's presence in courtroom, and due process violations.
Appellate	Bissett, Lara	APP-21-0107	21-0382	Supreme Court - WV	State of West Virginia v. Michael Paul Conn	Certified Question regarding whether attempt to commit is qualifying offense under Sex Offender Registration statute.
Appellate	Bissett, Lara	APP-21-0112	21-0383	Supreme Court - WV	State of West Virginia v. Jimmy Ray Bonnett	Direct appeal alleging insufficient evidence and prejudice regarding presence of officer at counsel table with Petitioner.
Appellate	Bissett, Lara	APP-21-0125	21-0388	Supreme Court - WV	State of West Virginia v. Terry Grantham	Direct appeal alleging error in empaneling a jury with only one African American and insufficient evidence.
Appellate	Bissett, Lara	APP-21-0169	21-0514	Supreme Court - WV	State of West Virginia v. Daniel Plants	Rule 35(b) appeal alleging abuse of discretion by imposition of harsh sentence not commensurate with crime committed.
Appellate	Bissett, Lara	APP-21-0176	21-0526	Supreme Court - WV	State of West Virginia v. Roger Kent Stobart	Direct appeal alleging double jeopardy, failure to instruct jury, error in defining "uttering," failure to allow alibi defense, and insufficient evidence.
Appellate	Bissett, Lara	APP-21-0163	21-0536	Supreme Court - WV	Mark Sowards v. Donnie Ames, Superintendent	Habeas appeal alleging errors as a matter of law regarding speedy trial violation, improper jury instruction, improper evidentiary rulings, ineffective assistance of counsel, and cumulative error.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-21-0187	21-0587	Supreme Court - WV	State of West Virginia v. Terry Lee Hughes	Direct appeal alleging failure to make findings of fact and conclusions of law in denial of motion for sentence consideration.
Appellate	Bissett, Lara	APP-21-0196	21-0640	Supreme Court - WV	State of West Virginia v. Peter James Wodzinski, Jr.	Direct appeal alleging insufficient evidence, admission of prejudicial exhibits, and error in refusing to give instructions on lesser included offenses.
Appellate	Bissett, Lara	APP-21-0201	21-0648	Supreme Court - WV	Scotty E. Boothe v. Shelby Searls, Superintendent	Habeas appeal alleging error in findings of fact and conclusions of law without evidentiary hearing, ineffective assistance of trial and habeas counsel, conflict of interest of trial and habeas counsel, and various constitutional violations.
Appellate	Bissett, Lara	APP-21-0212	21-0674	Supreme Court - WV	State of West Virginia v. Jaquaylla Kessler	Direct appeal alleging improper admission of victim video statement, insufficient evidence, and newly discovered exculpatory evidence.
Appellate	Bissett, Lara	APP-21-0206	21-0680	Supreme Court - WV	Clifton Dent v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion for failure to hold omnibus hearing.
Appellate	Bissett, Lara	APP-21-0215	21-0683	Supreme Court - WV	State of West Virginia v. Brooklyn Zavion Johnson	Direct appeal alleging unlawful search and seizure, unlawful custodial interrogation, error in transfer to adult status, erroneous jury instruction, and introduction of bad acts evidence.
Appellate	Bissett, Lara	APP-21-0219	21-0696	Supreme Court - WV	State of West Virginia v. William T. Wilfong	Direct appeal alleging W.Va. Code § 61-7-7(a)(3) unconstitutional as void for vagueness and potential impact on the right to bear arms.
Appellate	Bissett, Lara	APP-21-0222	21-0713	Supreme Court - WV	State of West Virginia v. Herman Catlett	Direct appeal alleging error in denial of motion for re-sentencing, and failure to appoint counsel and hold a hearing.
Appellate	Bissett, Lara	APP-21-0225	21-0764	Supreme Court - WV	State of West Virginia v. Aaron Glen Hoard	Direct appeal alleging cumulative error and insufficient evidence.
Appellate	Bissett, Lara	APP-21-0240	21-0791	Supreme Court - WV	State of West Virginia v. Jeremy D. Bartram	Direct appeal alleging error in admitting Rule 404(b) evidence, unconstitutional error in allowing consideration of wanton endangerment, insufficient evidence, error in denial of jury instructions regarding lesser included offenses, and excessive punishment.
Appellate	Bissett, Lara	APP-21-0244	21-0876	Supreme Court - WV	State of West Virginia v. Charles Lamp, Jr.	Direct appeal alleging ineffective assistance of counsel.
Appellate	Bissett, Lara	APP-21-0246	21-0886	Supreme Court - WV	In Re: Douglas Kidd, III	Direct appeal alleging 8th Amendment violations arising from dismissed charges being used against Petitioner as punishment.
Appellate	Bissett, Lara	APP-21-0259	21-0969	Supreme Court - WV	State of West Virginia v. Todd Carpenter	Direct appeal alleging error in allowing Petitioner's alleged statement and denial of Petitioner's motion for directed verdict.
Appellate	Bissett, Lara	APP-22-0006	21-1018	Supreme Court - WV	State of West Virginia v. Richard L. Chambers, Jr.	Direct appeal alleging error in allowing Guardian ad Litem to sit with victim during testimony and error in denying indictment and jury verdict for "carbon copy" counts.
Appellate	Bissett, Lara	APP-22-0021	22-0015	Supreme Court - WV	State of West Virginia v. Donna L. Wilfong	Direct appeal alleging failure to suppress out-of-court and in-court identification, error in admission of cell phone extraction report, and error in denial of motion for new trial.
Appellate	Bissett, Lara	APP-22-0017	22-0059	Supreme Court - WV	Ryan L. Henson v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Bissett, Lara	APP-22-0035	22-0096	Supreme Court - WV	State of West Virginia v. Randy Lewis Utt	Direct appeal alleging insufficient evidence of transporting element of kidnapping and confinement/concealment/restraint, failure to produce alleged weapon, juror misconduct, and prosecutorial misconduct.
Appellate	Bissett, Lara	APP-22-0047	22-0160	Supreme Court - WV	Michael Vess v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel and failure to test evidence.
Appellate	Bissett, Lara	APP-22-0063	22-0164	Supreme Court - WV	In Re: S.S.	Juvenile appeal alleging insufficient evidence.
Appellate	Bissett, Lara	APP-22-0072	22-0245	Supreme Court - WV	Jeffrey L. Finley v. Donnie Ames	Habeas appeal alleging error in denial of petition based upon res judicata as grounds are unexhausted and ripe for review.
Appellate	Bissett, Lara	APP-22-0103	22-0278	Supreme Court - WV	State of West Virginia v. Todd P. Carpenter	Direct appeal alleging failure of court to correct sentence relating to counts 1 and 3.



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Appellate	Bissett, Lara	APP-22-0079	22-0318	Supreme Court - WV	SER Lemir Baker-Moore v. Perri J. DeChristopher	Original Jurisdiction Mandamus alleging destruction of evidence, failure to provide discovery, and misconduct by the State.
Appellate	Bissett, Lara	APP-22-0100	22-0321	Supreme Court - WV	Jonathan W. Physioc v. Donald Ames, Superintendent	Habeas appeal alleging arbitrary and capricious sentence for robbery conviction.
Appellate	Bissett, Lara	APP-22-0121	22-0392	Supreme Court - WV	DeAndre Moore v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel, failure to hold full omnibus hearing, and abuse of discretion in failing to fully consider evidence.
Appellate	Bissett, Lara	APP-22-0115	22-0403	Supreme Court - WV	State of West Virginia v. Caleb James Sidun	Direct appeal alleging insufficient evidence, improper jury selection due to bias, ineffective assistance of counsel, and error in failing to grant mistrial.
Appellate	Bissett, Lara	APP-22-0117	22-0421	Supreme Court - WV	State of West Virginia v. Clinton James Knotts	Direct appeal alleging failure to suppress evidence acquired through defective search warrants, error granting State's motion to sever trial, insufficient evidence, and failure to follow recidivist procedure.
Appellate	Bissett, Lara	APP-22-0135	22-0448	Supreme Court - WV	State of West Virginia v. Levi Staats	Direct appeal alleging error in revocation of post adjudicatory improvement period.
Appellate	Bissett, Lara	APP-22-0128	22-0451	Supreme Court - WV	Fredrico M. Hatcher v. Donald Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b) motion without adequate findings of fact and conclusions of law.
Appellate	Bissett, Lara	APP-22-0159	22-644	Supreme Court - WV	State of West Virginia v. Saul Vega	Direct appeal alleging prosecutorial misconduct and jury impartiality damaged by news article.
Appellate	Bissett, Lara	APP-22-0174	22-650	Supreme Court - WV	State of West Virginia v. Antonio Dejesus	Direct appeal alleging error in failing to disqualify prosecutor for bias and disproportionate sentencing.
Appellate	Bissett, Lara	APP-22-0138	22-660	Supreme Court - WV	State of West Virginia v. Amanda N. Morrison	Direct appeal alleging disproportionate and illegal sentence.
Appellate	Bissett, Lara	APP-22-0177	22-672	Supreme Court - WV	State of West Virginia v. Rachel Adkins	Direct appeal alleging breach of plea agreement regarding home confinement.
Appellate	Bissett, Lara	APP-22-0197	22-683	Supreme Court - WV	State of West Virginia v. Joshua Marcellus Phillips	Direct appeal alleging insufficient evidence.
Appellate	Bissett, Lara	APP-22-0168	22-718	Supreme Court - WV	Tex G. Holbrook, II v. Honorable Thomas Ewing, Judge of the Circuit Court of Fayette County, et al.	Original Jurisdiction Mandamus requesting permission to present complaint to grand jury.
Appellate	Bissett, Lara	APP-22-0178	22-725	Supreme Court - WV	Gregory A. Smith v. Shawn Straughn, Superintendent, Northern Correctional Center	Habeas appeal alleging abuse of discretion in denial of limited discovery.
Appellate	Bissett, Lara	APP-22-0186	22-736	Supreme Court - WV	David L. Ingram v. Shelby O. Searls, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in failing to hold evidentiary hearing and failing to appoint habeas counsel.
Appellate	Bissett, Lara	APP-22-0187	22-737	Supreme Court - WV	State of West Virginia v. Natosha Kuhn	Direct appeal alleging error in imposing maximum consecutive sentences with supervised release.
Appellate	Bissett, Lara	APP-17-0165	3:17-cv-22	USDC WVND	Harold Billiter v. Ralph Terry, Acting Warden	Federal habeas corpus petition by sex offender alleging failure to sequester witnesses, evidentiary errors, sufficiency of evidence, ineffective assistance, and prejudicial closing argument.
Appellate	Bissett, Lara	APP-19-0062	5:19-cv-196	USDC WVSD	Norma B. Griffin v. Patrick Morrissey, West Virginia Attorney General	§2254 Habeas petition alleging inordinate delay, statutory unconstitutionality, prosecutorial misconduct, improper instruction, and lack of speedy trial.
Appellate	Bissett, Lara	APP-22-0027	5:21-cv-41	USDC WVND	Ross Jenkins v. Shelby Searls, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Bissett, Lara	APP-22-0146	5:22-cv-00180	USDC WVSD	Steven Jacob Dukes v. Scott Mutter, Warden	§2254 Habeas petition alleging ineffective assistance of counsel.

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Appellate	Goudy, Ronald	APP-21-0103	20-1041	Supreme Court - WV	Nicholas Ryan Robey v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel and involuntary plea.
Appellate	Goudy, Ronald	APP-21-0190	21-0604	Supreme Court - WV	State of West Virginia v. Jeffrey Scott Smith	Direct appeal alleging abuse of discretion regarding excessive sentencing.
Appellate	Goudy, Ronald	APP-21-0200	21-0644	Supreme Court - WV	Carlos Tilley v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion in denial of writ.
Appellate	Goudy, Ronald	APP-21-0211	21-0678	Supreme Court - WV	State of West Virginia v. Matthew S. Dixon	Direct appeal alleging speedy trial violation, illegal stop, and other errors evidenced by the record.
Appellate	Goudy, Ronald	APP-21-0236	21-0793	Supreme Court - WV	State of West Virginia v. Bobby J. Criner	Direct appeal alleging error in admitting Petitioner's statement as voluntary.
Appellate	Goudy, Ronald	APP-21-0239	21-0806	Supreme Court - WV	State of West Virginia v. Henry Jo Ward	Direct appeal alleging due process violations due to actions of court and prosecution, and ineffective assistance of counsel.
Appellate	Goudy, Ronald	APP-22-0025	22-0023	Supreme Court - WV	State of West Virginia v. Charles Lee Finley	Direct appeal alleging misapplication of altered Pseudoephedrine statute.
Appellate	Goudy, Ronald	APP-22-0019	22-0034	Supreme Court - WV	State of West Virginia v. Robert Hayes	Direct appeal alleging error in sentencing Petitioner to active incarceration contrary to recommendation by State and motion for probation.
Appellate	Goudy, Ronald	APP-22-0038	22-0091	Supreme Court - WV	Jullian Anthony Scardina v. Russell Maston, Superintendent	Habeas appeal alleging error in denial of Losh List claims.
Appellate	Goudy, Ronald	APP-22-0029	22-0113	Supreme Court - WV	State of West Virginia v. David Sullivan	Direct appeal alleging improper indictment, erroneous competency finding, insufficient evidence, error in denying psychological evaluation of victim, disproportionate sentence, and involuntary confession.
Appellate	Goudy, Ronald	APP-22-0041	22-0150	Supreme Court - WV	State of West Virginia v. Gino Renaldo Estep	Direct appeal alleging error interpreting W.Va. Code § 61-7-10(f) and admission of evidence seized after Petitioner in custody but not mirandized.
Appellate	Goudy, Ronald	APP-22-0056	22-0210	Supreme Court - WV	State of West Virginia v. Leslie Greene	Direct appeal alleging improper jury instructions and violation of 5th Amendment regarding limited cross-examination of witness.
Appellate	Goudy, Ronald	APP-22-0070	22-0235	Supreme Court - WV	Jamal Azeez v. Sex Offender Registration Advisory Board	Original Jurisdiction Mandamus alleging newly discovered information and request for summary judgment.
Appellate	Goudy, Ronald	APP-22-0075	22-0239	Supreme Court - WV	State of West Virginia v. David Ray Thomas	Direct appeal alleging improper jury instructions and failure to hold in-camera hearing regarding out of court identification.
Appellate	Goudy, Ronald	APP-22-0095	22-0290	Supreme Court - WV	State of West Virginia v. Caleb Lee Atkins	Direct appeal alleging improper jury selection and error in admission of Rule 404(b) evidence.
Appellate	Goudy, Ronald	APP-22-0101	22-0296	Supreme Court - WV	Jeffrey Phipps v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus evidentiary hearing.
Appellate	Goudy, Ronald	APP-22-0093	22-0298	Supreme Court - WV	State of West Virginia v. Antoine Lane	Direct appeal alleging disproportionate sentencing.
Appellate	Goudy, Ronald	APP-22-0108	22-0364	Supreme Court - WV	Donald Lee Taylor v. Brian K. Lanham, Superintendent	Direct appeal alleging insufficient evidence, improper jury instruction regarding lesser included offenses, and error in excluding witness testimony.
Appellate	Goudy, Ronald	APP-22-0120	22-0402	Supreme Court - WV	John Hedrick v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel and disproportionate sentencing.
Appellate	Goudy, Ronald	APP-22-0129	22-0460	Supreme Court - WV	State of West Virginia v. Nicole L. Semans	Direct appeal alleging improper jury instruction.
Appellate	Goudy, Ronald	APP-22-0131	22-0472	Supreme Court - WV	State of West Virginia v. David J. Markley	Direct appeal alleging disproportionate sentencing.
Appellate	Goudy, Ronald	APP-22-0134	22-0477	Supreme Court - WV	State of West Virginia v. Nicholas Ivory Cook	Direct appeal alleging error in denial of probation and disproportionate sentencing.
Appellate	Goudy, Ronald	APP-22-0132	22-0486	Supreme Court - WV	State of West Virginia v. Todd Wesley Clutter	Direct appeal alleging error in approving magistrate court actions as lawful during closing argument.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Goudy, Ronald	APP-22-0140	22-0513	Supreme Court - WV	Reginald Kelly v. Carl Aldridge, Superintendent, Western Regional Jail and Correctional Facility	Habeas appeal alleging ineffective assistance of counsel, prosecutorial misconduct, and evidence discrepancies and fabrication.
Appellate	Goudy, Ronald	APP-22-0144	22-596	Supreme Court - WV	State of West Virginia v. Freddy D. Bostic	Direct appeal alleging involuntary plea, illegal sentence, and miscalculation of good time.
Appellate	Goudy, Ronald	APP-22-0194	22-685	Supreme Court - WV	State of West Virginia v. Kirsten Nicole Wetzel	Direct appeal of Rule 35(a) alleging error in denial of good time credit.
Appellate	Goudy, Ronald	APP-22-0171	22-693	Supreme Court - WV	State of West Virginia v. Russell Weis	Direct appeal alleging abuse of discretion in finding Petitioner violated supervised release rules regarding residence and possession of obscene materials; and disproportionate sentence imposed.
Appellate	Goudy, Ronald	APP-22-0166	22-717	Supreme Court - WV	SER Lemir Baker-Moore v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Original Jurisdiction Mandamus alleging error in denial of providing full and complete copy of transcript for habeas petition.
Appellate	Goudy, Ronald	APP-22-0192	22-728	Supreme Court - WV	State of West Virginia v. Jeremy Thomas Allen	Direct appeal alleging failure to abide by plea agreement and improper sentencing.
Appellate	Goudy, Ronald	APP-22-0195	22-764	Supreme Court - WV	State of West Virginia v. Desmond Clark	Direct appeal alleging due process violation in denial of resentencing for direct appeal purposes.
Appellate	Goudy, Ronald	APP-22-0124	3:22-cv-103	USDC WVND	Arnold Wayne McCartney v. Donnie Ames, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Goudy, Ronald	APP-12-337	5:12-cv-43	USDC WVSD	Tony Daugherty v. Dennis Dingus, Warden	\$2254 Habeas petition alleging ineffective assistance of counsel and other issues.
Appellate	Goudy, Ronald	APP-22-0148	To Be Assigned	Supreme Court - WV	SER John Cain v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	Original Jurisdiction Habeas alleging disproportionality of sentence imposed, improper interpretation of determinate sentences for certain sexual offenses, and denial of parole eligibility.
Appellate	Longwell, William	APP-19-0110	19-0187	Supreme Court - WV	SER Edward Dreyfuss v. Karen Pszczolkowski, Superintendent	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel, prosecutorial misconduct, Brady violations, and judicial misconduct.
Appellate	Longwell, William	APP-17-0213	2:16-cv-1853	USDC WVSD	Steven Lee Mahood v. David Ballard, Warden	\$2254 Habeas petition alleging denial of impartial jury, ineffective assistance of counsel, improper denial of instruction on voluntary intoxication, prosecutorial misconduct, and improper denial of motion for judgment of acquittal by Petitioner convicted of First Degree Murder.
Appellate	Longwell, William	APP-20-0034	2:20-cv-35	USDC WVND	Robert Lee Lewis v. Donald Ames, Superintendent	\$2254 Habeas petition alleging prosecutorial misconduct, improper Rule 404(b), improper jury instructions, juror misconduct, cumulative error, and constitutional violation arising from Defendant's jail attire.
Appellate	Longwell, William	APP-20-0182	2:20-cv-601	USDC WVSD	John Stover v. Donnie Ames, Superintendent	\$2254 Habeas petition alleging no omnibus hearing and ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0213	2:21-cv-434	USDC WVSD	Martez Griffin v. Shelby Searls, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0234	2:21-cv-523	USDC WVSD	Larry S. White, II v. Shelby Searls, Superintendent	\$2254 Habeas petition alleging insufficient evidence, ineffective assistance of counsel, Brady violations, illegal search of cell phone, and due process violations.
Appellate	Longwell, William	APP-20-0185	20-0744	Supreme Court - WV	State of West Virginia v. Ariel Bennett	Direct appeal alleging insufficiency of evidence and due process violations.
Appellate	Longwell, William	APP-21-0023	20-0802	Supreme Court - WV	Ray D. Cook v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging error in finding Petitioner not entitled to new guilt phase of trial or new mercy phase of trial.
Appellate	Longwell, William	APP-21-0160	21-0116	Supreme Court - WV	Thomas Menei v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging error in failure to provide an omnibus hearing, insufficient findings of fact and conclusions of law, and failure in addressing Losh list.
Appellate	Longwell, William	APP-21-0069	21-0172	Supreme Court - WV	James N. Mauldin v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel and reserving right to amend for additional claims after review of record.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-21-0085	21-0212	Supreme Court - WV	Apollo Rice v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion in denying petition.
Appellate	Longwell, William	APP-21-0101	21-0307	Supreme Court - WV	State of West Virginia v. Donald Lawrence Campbell, II	Direct appeal alleging insufficiency of evidence.
Appellate	Longwell, William	APP-21-0115	21-0323	Supreme Court - WV	State of West Virginia v. Justin Conner	Direct appeal alleging denial of effective assistance of counsel.
Appellate	Longwell, William	APP-21-0113	21-0374	Supreme Court - WV	State of West Virginia v. Alphrin A. Norman	Direct appeal alleging denial of deferral of sentencing to seek substance abuse treatment and/or probation was in error.
Appellate	Longwell, William	APP-21-0166	21-0475	Supreme Court - WV	Mark A. Sorsaia v. Linda Hunt, Putnam County Magistrate and Harlee Beasley	Appeal of writ of prohibition seeking reversal of circuit court's grant of writ and interpretation of W.Va. Code § 61-8-19.
Appellate	Longwell, William	APP-21-0168	21-0492	Supreme Court - WV	State of West Virginia v. Benjamin A. Harrison	Direct appeal alleging error in not following Rule 11 requirements regarding withdrawal of guilty plea in instance where Court does not follow sentencing recommendations.
Appellate	Longwell, William	APP-21-0173	21-0507	Supreme Court - WV	State of West Virginia v. Matthew A. Smith	Direct appeal alleging juror bias and ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0178	21-0548	Supreme Court - WV	State of West Virginia v. Michael Adkins	Direct appeal of probation revocation alleging insufficient evidence.
Appellate	Longwell, William	APP-21-0188	21-0573	Supreme Court - WV	State of West Virginia v. Evan Ottey, Jr.	Direct appeal alleging disproportionate sentencing, violation of due process, and misinformation regarding sentencing.
Appellate	Longwell, William	APP-21-0195	21-0630	Supreme Court - WV	State of West Virginia v. Robert Kramarage	Direct appeal alleging error in admission of suppressed jail recording after testimony "opened door," renewal of all objections to admission of Petitioner's statement, and failure to direct verdict.
Appellate	Longwell, William	APP-21-0209	21-0668	Supreme Court - WV	State of West Virginia v. James Hendershot	Direct appeal alleging failure to withdraw counsel, mistrial based on uniformed official presence influencing jury, failure to sever charges, violation of confrontation clause due to unavailability of medical examiner, and insufficient evidence.
Appellate	Longwell, William	APP-22-0001	21-0669	Supreme Court - WV	State of West Virginia v. Heather Musick	Direct appeal alleging insufficient evidence, excessive sentence, ineffective assistance of counsel, and newly discovered evidence.
Appellate	Longwell, William	APP-21-0205	21-0676	Supreme Court - WV	State of West Virginia v. Steven Wayne Funt	Rule 35(a) appeal alleging 2020 amendment to WV recidivist statute was procedural and therefore applicable retroactively to Petitioner.
Appellate	Longwell, William	APP-21-0224	21-0738	Supreme Court - WV	State of West Virginia v. Tremaine Lamar Jackson	Direct appeal alleging Brady violations regarding alternative shooter.
Appellate	Longwell, William	APP-21-0232	21-0749	Supreme Court - WV	Earl Conway v. Donnie Ames, Superintendent	Habeas appeal alleging insufficient evidence, disproportionate sentencing, denial of parole, and erroneous sentencing orders.
Appellate	Longwell, William	APP-21-0229	21-0787	Supreme Court - WV	Carl Lockhart v. Donnie Ames, Superintendent	Successive habeas alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0261	21-0891	Supreme Court - WV	State of West Virginia v. John Henry Miller	Direct appeal. No allegations identified at this time as Petitioner's counsel has not reviewed the record.
Appellate	Longwell, William	APP-21-0248	21-0904	Supreme Court - WV	State of West Virginia v. D.E.H., Jr.	Direct appeal alleging error by court in considering inappropriate factors and failure to consider requisite factors regarding transfer of juvenile, sentencing of juvenile, and disproportionate sentencing.
Appellate	Longwell, William	APP-22-0022	22-0013	Supreme Court - WV	State of West Virginia v. Keith J. Walker	Direct appeal alleging error in denial of continuance, denial of psychological evaluation of victim, and insufficient evidence.
Appellate	Longwell, William	APP-22-0018	22-0042	Supreme Court - WV	State of West Virginia v. Brian E. Lyon, II	Direct appeal alleging erroneous jury instruction, insufficient evidence, and inadmissible hearsay testimony.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-22-0030	22-0104	Supreme Court - WV	Omar Deonte Lewis v. Shelby Searls, Superintendent	Habeas appeal alleging violation of due process in failure to hold evidentiary hearing, misapplication of Strickland test, error finding Petitioner unsuccessful in challenge of traffic stop, and impact on guilty plea.
Appellate	Longwell, William	APP-22-0039	22-0119	Supreme Court - WV	State of West Virginia v. Bruce Edward Bird	Direct appeal alleging disproportionate sentencing and ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0049	22-0153	Supreme Court - WV	State of West Virginia v. Charles Wesley Wild	§2254 Habeas petition alleging no grounds as Petitioner is filing for protective stay and abeyance.
Appellate	Longwell, William	APP-22-0057	22-0197	Supreme Court - WV	State of West Virginia v. Rusty Allen White	Direct appeal alleging error in revocation of supervised release and imposition of 2 years additional incarceration.
Appellate	Longwell, William	APP-22-0065	22-0198	Supreme Court - WV	Clayton Eugene Eagle v. George Trent, Superintendent	Habeas appeal alleging error in denial of relief based on the record presented by Petitioner.
Appellate	Longwell, William	APP-22-0077	22-0238	Supreme Court - WV	State of West Virginia v. Douglas Edward Harper	Direct appeal alleging insufficient evidence to support Alford plea.
Appellate	Longwell, William	APP-22-0071	22-0246	Supreme Court - WV	SER Lemir Baker-Moore v. Donald Ames, Superintendent	Original Jurisdiction Mandamus alleging failure to provide full copy of transcript for preparation of habeas.
Appellate	Longwell, William	APP-22-0076	22-0252	Supreme Court - WV	State of West Virginia v. Juan McMutary	Direct appeal alleging illegal seizure, improper enhancement regarding weight of controlled substance, and improper jury deliberation.
Appellate	Longwell, William	APP-22-0084	22-0267	Supreme Court - WV	State of West Virginia v. Edward Yeager	Direct appeal alleging error in denial of post-trial motions and any other errors evident upon review of record.
Appellate	Longwell, William	APP-22-0098	22-0301	Supreme Court - WV	Brian Morgan v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b)(6) motion, denial of Rule 35(a) motion, and failure to certify Petitioner's question regarding procedural autonomy.
Appellate	Longwell, William	APP-22-0096	22-0314	Supreme Court - WV	State of West Virginia v. Celina Sansone	Direct appeal alleging ineffective assistance of counsel, improper jury instructions, Brady violation, insufficient evidence, speedy trial violation, and due process violations.
Appellate	Longwell, William	APP-22-0080	22-0320	Supreme Court - WV	State of West Virginia v. Aaron Franklin Edwards	Direct appeal alleging ex post facto violation regarding application of post trial supervision and failure to notify of terms and conditions.
Appellate	Longwell, William	APP-22-0086	22-0339	Supreme Court - WV	In Re: Cody Hall	Direct appeal alleging denial of expungement inappropriate.
Appellate	Longwell, William	APP-22-0106	22-0344	Supreme Court - WV	State of West Virginia v. Shane Andrew Miller	Direct appeal alleging insufficient evidence, Rule 404(b) issues, error in admission of flight evidence, improper jury instructions, and error in denial of post trial motions.
Appellate	Longwell, William	APP-22-0111	22-0356	Supreme Court - WV	State of West Virginia v. Gary Smith, II	Direct appeal alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0130	22-0465	Supreme Court - WV	State of West Virginia v. Elmer M. Mills	Direct appeal. No assignments of error alleged in Notice of Appeal.
Appellate	Longwell, William	APP-22-0133	22-0467	Supreme Court - WV	State of West Virginia v. Andrew Jackson McCauley, Jr.	Direct appeal alleging insufficiency of evidence, improper expert testimony, error in admission of texts, and denial of change of venue.
Appellate	Longwell, William	APP-22-0162	22-558	Supreme Court - WV	SER David Vashawn Reasby v. Honorable Mark E. Wills	Original Jurisdiction Prohibition alleging error in denial of motion to dismiss Habitual Offender Information.
Appellate	Longwell, William	APP-22-0155	22-568	Supreme Court - WV	Robert Hacker v. Ralph Terry, Warden	Habeas appeal alleging defective indictment, violation of Miranda, improper sentence, Brady violations, perjured testimony, double jeopardy, and ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0151	22-607	Supreme Court - WV	State of West Virginia v. Angel Alberta Estep	Direct appeal alleging illegal search, insufficient evidence, improper jury charge and instructions, double jeopardy violation, error in failure to impose alternative sentencing, and improper jury selection.
Appellate	Longwell, William	APP-22-0149	22-653	Supreme Court - WV	SER Edward Spaulding v. Honorable Lora Dyer, Judge	Original Jurisdiction Prohibition alleging insufficient indictment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-22-0196	22-710	Supreme Court - WV	State of West Virginia v. Marty L. Browning	Direct appeal alleging jurisdictional error, violation of speedy trial, and confrontation clause violation.
Appellate	Longwell, William	APP-22-0190	22-724	Supreme Court - WV	Eric Corder v. Shawn Straughn, Superintendent, Northern Regional Correctional Center	Habeas appeal alleging plea was involuntary and not intelligently made.
Appellate	Longwell, William	APP-22-0191	22-728	Supreme Court - WV	SER Richard Lawson v. Donald F. Ames, Superintendent, Mount Olive Correctional Complex	Habeas appeal alleging error in applying res judicata doctrine and failure to issue findings of fact and conclusions of law.
Appellate	Longwell, William	APP-22-0165	22-ICA-122	Intermediate Court of Appeals – WV	In Re: Petition of D.K for Expungement of Record	Direct appeal alleging error in declining petition based on misapprehension of law.
Appellate	Longwell, William	APP-18-0243	3:18-cv-1464	USDC WVSD	Jeffrey Lee Finley v. Donald F. Ames, Superintendent	§2254 Habeas petition alleging the trial judge met with jury out of his presence, denial of effective assistance of counsel, and Brady violation.
Appellate	Longwell, William	APP-22-0145	3:22-cv-00343	USDC WVSD	Patricia Ann Aldridge v. J.D. Salaz, Superintendent, Lakin Correctional Center and Jail	§2254 Habeas petition alleging ineffective assistance of counsel, failure to present forensic evidence, and perjury by trial counsel.
Appellate	Longwell, William	APP-22-0122	3:22-cv-108	USDC WVSD	Rajion Alterek Mayo v. Shelby Searls, Superintendent	§2254 Habeas petition alleging error in juvenile transfer, ineffective assistance of counsel, and disproportionate sentencing.
Appellate	Longwell, William	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden	§2254 Habeas petition alleging ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error.
Appellate	Longwell, William	APP-21-0152	5:20-cv-661	USDC WVSD	Angela Dawn Miller v. J.D. Sallaz, Superintendent	§2254 Habeas petition alleging denial of psychiatric defense, ineffective assistance of counsel, new evidence of juror misconduct, and improper voir dire.
Appellate	Longwell, William	APP-22-0067	5:21-cv-198	USDC WVND	Frank Antrobus v. Huttonsville Correctional Center	§2254 Habeas petition alleging Brady violation, newly discovered evidence, knowing use of perjured testimony, pre-indictment delay, 4th Amendment violation, and severe sentence.
Appellate	Nease-Proper, Andrea	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden	§2254 Habeas petition alleging ineffective assistance of counsel, imposition of cruel and unusual punishment, and instructional error.
Appellate	Nease-Proper, Andrea	APP-20-0181	2:20-cv-573	USDC WVSD	Raymond Andrew Richardson v. Donnie Ames, Superintendent	§2254 Habeas petition alleging insufficiency of evidence.
Appellate	Nease-Proper, Andrea	APP-20-0079	20-0222	Supreme Court - WV	State of West Virginia v. Benjamin R. Taylor	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.
Appellate	Nease-Proper, Andrea	APP-20-0220	20-0891	Supreme Court - WV	State of West Virginia v. Jason Michael Payne	Rule 35(a) appeal alleging error in doubling recidivist sentences.
Appellate	Nease-Proper, Andrea	APP-21-0046	21-0078	Supreme Court - WV	John Keenan v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging abuse of discretion in denying omnibus hearing, error in finding (1) no Zain III issues, (2) effective assistance of counsel, (3) sufficient evidence, and (4) no violation of proportionality clause.
Appellate	Nease-Proper, Andrea	APP-21-0057	21-0162	Supreme Court - WV	State of West Virginia v. Shaun Richard Duke	Direct appeal alleging improper jury instruction, double jeopardy violation, and insufficient evidence regarding conspiracy.
Appellate	Nease-Proper, Andrea	APP-21-0089	21-0265	Supreme Court - WV	State of West Virginia v. Nicholas Shackelford	Rule 35(b) appeal alleging error in failing to consider Youthful Offender Act and breach of plea agreement.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-21-0245	21-0346	Supreme Court - WV	State of West Virginia v. Teresa A. Stine a/k/a Teresa A. Dixon	Direct appeal alleging abuse of discretion in considering an impermissible factor in denying Petitioner's request for alternative sentencing.
Appellate	Nease-Proper, Andrea	APP-21-0128	21-0352	Supreme Court - WV	In Re: A.W.	Direct appeal alleging error in placing Petitioner in roundtable program, failure of DHHR to make reasonable efforts to achieve permanency, and error in not following the recommendations of the treating psychologist.
Appellate	Nease-Proper, Andrea	APP-21-0127	21-0419	Supreme Court - WV	Edwin Wright v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of habeas counsel.
Appellate	Nease-Proper, Andrea	APP-21-0155	21-0487	Supreme Court - WV	State of West Virginia v. William S. Thompson	Direct appeal alleging insufficient evidence and error in denial of juror questionnaire.
Appellate	Nease-Proper, Andrea	APP-21-0171	21-0490	Supreme Court - WV	State of West Virginia v. Emily Keefer	Rule 35(b) appeal alleging failure of court to consider inability to attend certain maternal programs in prison and finding that Rule 35(b) motion untimely.
Appellate	Nease-Proper, Andrea	APP-21-0161	21-0524	Supreme Court - WV	Charles Terry v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of actual innocence, ineffective assistance of counsel, insufficient evidence, improper jury instruction, and cumulative error.
Appellate	Nease-Proper, Andrea	APP-21-0197	21-0588	Supreme Court - WV	John David Smith v. Donnie Ames, Superintendent	Habeas appeal alleging failure to appeal denied habeas due to death of counsel.
Appellate	Nease-Proper, Andrea	APP-21-0208	21-0605	Supreme Court - WV	Todd Wayne Boyes v. State of West Virginia	Rule 35(a) appeal alleging double jeopardy violation in upholding consecutive sentencing for two like offenses occurring in same transaction.
Appellate	Nease-Proper, Andrea	APP-21-0185	21-0619	Supreme Court - WV	State of West Virginia v. Shane Peck	Direct appeal alleging abuse of discretion for failure to issue findings of fact and conclusions of law regarding motion to rescind/quash indictment violating Petitioner's due process rights.
Appellate	Nease-Proper, Andrea	APP-21-0199	21-0651	Supreme Court - WV	State of West Virginia v. Robert L. Holcomb	Direct appeal alleging insufficient evidence and error in admitting hearsay.
Appellate	Nease-Proper, Andrea	APP-21-0203	21-0656	Supreme Court - WV	State of West Virginia v. James Ryan Vincent	Direct appeal alleging insufficient evidence, failure to establish element of premeditation, and admission of prejudicial evidence of Paganism.
Appellate	Nease-Proper, Andrea	APP-21-0217	21-0695	Supreme Court - WV	State of West Virginia v. Anthony William Cartagena	Rule 35(a) appeal alleging error in not receiving credit for time served and credit for good time after revocation of probation.
Appellate	Nease-Proper, Andrea	APP-21-0220	21-0699	Supreme Court - WV	State of West Virginia v. Caleb Tebeau	Direct appeal alleging error in permitting minor victim to testify via closed circuit, admission of PTSD testimony by expert, violation of Miranda rights, insufficiency of evidence, and improper statements by Prosecuting Attorney in closing.
Appellate	Nease-Proper, Andrea	APP-21-0227	21-0769	Supreme Court - WV	State of West Virginia v. Andrew Douglas Wells	Direct appeal alleging cumulative error, improper jury instructions, 6th Amendment violation, use of illegally obtained statement, and error in broadcasting through "live" microphone to jury sidebar discussion.
Appellate	Nease-Proper, Andrea	APP-21-0247	21-0864	Supreme Court - WV	State of West Virginia v. Nathaniel Edward Burroughs	Direct appeal alleging defective indictment and insufficient evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-22-0023	21-0940	Supreme Court - WV	Brian Merchant v. John Anderson, Superintendent	Habeas appeal alleging ineffective assistance of counsel, violation of three term rule, and illegal use of recidivist to enhance sentence.
Appellate	Nease-Proper, Andrea	APP-21-0250	21-0943	Supreme Court - WV	State of West Virginia v. Timothy Maichle	Direct appeal alleging defective indictment and improper jury instruction.
Appellate	Nease-Proper, Andrea	APP-21-0260	21-0964	Supreme Court - WV	State of West Virginia v. Keith Allen Wood	Direct appeal alleging error in denial of Petitioner's expert testimony, creation of "Super Witness," denial of redaction of medical records, prejudicial effect of presence of bikers against child abuse in gallery, double jeopardy violation, improper jury instructions, and abuse of discretion in sentencing.
Appellate	Nease-Proper, Andrea	APP-22-0008	21-1011	Supreme Court - WV	State of West Virginia v. Elizabeth Jane Justice	Direct appeal alleging error in admission of evidence obtained through unlawful search.
Appellate	Nease-Proper, Andrea	APP-22-0009	21-1039	Supreme Court - WV	State of West Virginia v. Alexander Thomas Infante	Direct appeal alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0012	22-0011	Supreme Court - WV	Juan Moore v. Donnie Ames, Superintendent	Habeas appeal alleging misapplication of collateral estoppel regarding counsel's conflict of interest.
Appellate	Nease-Proper, Andrea	APP-22-0015	22-0072	Supreme Court - WV	State of West Virginia v. Dylan Rexrode	Direct appeal alleging reversible error in denying motion for directed verdict and imposition of 50 years supervision as excessive and unconstitutional.
Appellate	Nease-Proper, Andrea	APP-22-0036	22-0099	Supreme Court - WV	State of West Virginia v. Danny Edward Lane	Direct appeal alleging insufficient evidence, cruel and unusual punishment, improper juror selection, trial court misconduct, failure to grant mistrial, denial of expert testimony, improper jury instructions.
Appellate	Nease-Proper, Andrea	APP-22-0037	22-0107	Supreme Court - WV	State of West Virginia v. John William Robinette	Direct appeal alleging error in denial of disqualification motions and interference of Day Report on Petitioner's liberty interest.
Appellate	Nease-Proper, Andrea	APP-22-0046	22-0161	Supreme Court - WV	William C. Jordan v. Harvey Hawkins, Superintendent	Habeas appeal alleging error in denying motion to treat habeas petition as writ of coram nobis.
Appellate	Nease-Proper, Andrea	APP-22-0058	22-0190	Supreme Court - WV	State of West Virginia v. Michael Paul Jones	Direct appeal alleging Brady and 4th Amendment violations regarding electronic device information, failure to provide discovery timely, and error in victim testimony after COVID positive.
Appellate	Nease-Proper, Andrea	APP-22-0053	22-0219	Supreme Court - WV	State of West Virginia v. Shane Eric Hagerman	Direct appeal alleging improper jury selection, improper jury instruction regarding elements of voluntary manslaughter, insufficient evidence, and failure to instruct on self-defense.
Appellate	Nease-Proper, Andrea	APP-22-0066	22-0222	Supreme Court - WV	Paul Darren Spinks v. Donnie Ames, Superintendent	Habeas appeal alleging constitutional error, improper jury instruction, ineffective assistance of counsel, and failure to allow expert testimony.
Appellate	Nease-Proper, Andrea	APP-22-0092	22-0295	Supreme Court - WV	State of West Virginia v. Daniel Vigil	Direct appeal alleging insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0090	22-0328	Supreme Court - WV	David M. Wasanyi v. Randall Mutter, Superintendent	Habeas appeal alleging lack of jurisdiction over federal charges, illegal search and seizure, illegal indictment, and ineffective assistance of counsel.



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Appellate	Nease-Proper, Andrea	APP-22-0105	22-0367	Supreme Court - WV	Lotta Gray v. State of West Virginia and Honorable Harry L. Snow	Direct appeal alleging denial of mandamus as violation of due process relating to quashing of subpoena.
Appellate	Nease-Proper, Andrea	APP-22-0113	22-0369	Supreme Court - WV	State of West Virginia v. Godfrey Eugene Warren	Direct appeal alleging insufficiency of evidence, failure to postpone trial due to Defendant's impairment on last day of trial, error in denial of Co-Defendant's motion to suppress seized weapon, and erroneous interpretation of W.Va. Code § 61-7-10.
Appellate	Nease-Proper, Andrea	APP-22-0118	22-0399	Supreme Court - WV	SER Charles Bruce Franklin v. Rachel Romano, Harrison County Prosecuting Attorney	Original Jurisdiction Mandamus alleging failure of Prosecutor to indict Petitioner.
Appellate	Nease-Proper, Andrea	APP-22-0127	22-0444	Supreme Court - WV	SER Jeremy Kiser v. South Central Regional Jail	Original Jurisdiction Habeas alleging double jeopardy, improper grand jury, unlawful evaluation, and refusal of Pre-Sentence Investigation.
Appellate	Nease-Proper, Andrea	APP-22-0137	22-0505	Supreme Court - WV	State of West Virginia v. Brandon B. Watts	Direct appeal alleging insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0154	22-600	Supreme Court - WV	SER James Degasperin v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	Habeas appeal alleging abuse of discretion in denying relief on all claims and denying additional expert testimony.
Appellate	Nease-Proper, Andrea	APP-22-0157	22-608	Supreme Court - WV	State of West Virginia v. Trevor Lee Hicklin	Direct appeal alleging abuse of discretion in failing to impose alternative sentencing and error in allowing Guardian ad Litem to offer sentencing recommendation.
Appellate	Nease-Proper, Andrea	APP-22-0173	22-665	Supreme Court - WV	State of West Virginia v. Richard R. Ruffner	Direct appeal alleging error in failing to impose alternative sentence.
Appellate	Nease-Proper, Andrea	APP-22-0176	22-676	Supreme Court - WV	State of West Virginia v. Amanda Massie	Direct appeal alleging error in jury instruction regarding self-defense, admission of reputation as evidence, misstatement of unanimous verdict, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0164	22-711	Supreme Court - WV	State of West Virginia v. Leonard Dale Varner, Jr.	Direct appeal alleging error in failing to impose probation.
Appellate	Nease-Proper, Andrea	APP-22-0185	22-743	Supreme Court - WV	SER Michael E. Brown v. Hon. Paul T. Farrell, Judge of the Circuit Court of Cabell County, and Shawn Straughn, Superintendent, Northern Regional Correctional Center	Original Jurisdiction Prohibition alleging error in denial of motion to disqualify judge.
Appellate	Nease-Proper, Andrea	APP-22-0182	22-750	Supreme Court - WV	SER David L. Ingram v. Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County	Original Jurisdiction Mandamus alleging error in failing to appoint habeas counsel and to hold omnibus hearing to develop the record.
Appellate	Nease-Proper, Andrea	APP-22-0184	22-761	Supreme Court - WV	State of West Virginia v. Ronald Edwin Lee	Direct appeal alleging unlawful arrest based upon false statement.
Appellate	Nease-Proper, Andrea	APP-22-0183	22-762	Supreme Court - WV	State of West Virginia v. Nathan Cortez Duncan	Direct appeal alleging error in denial of Rule 35(b) motion and failing to issue findings of fact and conclusions of law.

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Appellate	Nease-Proper, Andrea	APP-19-0175	5:19-cv-163	USDC WVSD	Jack Jones v. Sean Strawn, Superintendent	§2254 Habeas petition alleging the Quinn-Barbe Issue and failure to provide exculpatory evidence.
Appellate	Nease-Proper, Andrea	APP-21-0120	5:21-cv-56	USDC WVND	Richard Kartman v. Shelby Searls, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel arising from failure to investigate and conflict of interest and due process violations.
Appellate	Nease-Proper, Andrea	APP-22-0150	5:22-cv-163	USDC WVND	Henry Clay Davis v. Warden NRJ	§2254 Habeas petition alleging involuntary plea and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-20-0051	1:19-cv-135	USDC WVND	Clarke D. Patterson v. Thomas Harlan, Interim Superintendent	§2254 Habeas petition alleging distrust in Wheeling district court and requesting permission to file in DC Circuit.
Appellate	Niday, Mary	APP-20-0161	1:20-cv-498	USDC WVND	Harry A. Barron v. Donald Ames, Superintendent	Federal habeas appeal alleging prosecutorial misconduct, shifting of burden of proof, hearsay, ineffective assistance of counsel, and violation of confrontation clause.
Appellate	Niday, Mary	APP-19-0104	2:19-cv-53	USDC WVSD	Ronald E. Lambert, Jr. v. Donald Ames, Superintendent	§2254 Habeas petition alleging violation of procedural due process in determination of competency and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-20-0100	2:20-cv-386	USDC WVSD	Michael K. Merrifield v. Donnie Ames, Superintendent	§2254 Habeas petition requesting issuance of bail due to absence of available corrective process and existence of extraordinary circumstances.
Appellate	Niday, Mary	APP-21-0036	2:20-cv-43	USDC WVSD	Dennis J. Rydbom v. Donnie Ames, Superintendent	Habeas appeal alleging violations relating to speedy trial right, right to proceed pro se, unlawful search and seizure, 14th Amendment, jurisdiction, and due process.
Appellate	Niday, Mary	APP-21-0074	2:21-cv-190	USDC WVND	Keith Martin Molineaux v. Donnie Ames, Superintendent	Habeas appeal. Petitioner did not state any allegations, claiming he didn't understand the questions, and has requested appointment of counsel. Court ordered response to include analysis regarding exhaustion.
Appellate	Niday, Mary	APP-22-0153	2:22-cv-00103	USDC WVSD	Carl Tramane Magee v. Donald F. Ames, Superintendent, Mount Olive Correctional Complex	§2254 Habeas petition alleging defective indictment, Brady violations, plain error regarding post-conviction rights, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0125	2:22-cv-103	USDC WVSD	Carl Tramane Magee v. Donald Ames, Superintendent	§ 2254 Habeas petition alleging defective indictment, Brady violations, plain error regarding post-conviction rights, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0081	2:22-cv-165	USDC WVSD	Donald Anthony Workman v. Timothy King, Superintendent	Federal petition alleging ineffective assistance of counsel and equal protection violations.
Appellate	Niday, Mary	APP-20-0031	20-0010	Supreme Court - WV	State of West Virginia v. Jerome Devonte Russell	Direct appeal alleging incorrect sentence.
Appellate	Niday, Mary	APP-20-0061	20-0143	Supreme Court - WV	Thomas E. Leftwich v. Donnie Ames, Superintendent	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.
Appellate	Niday, Mary	APP-20-0117	20-0386	Supreme Court - WV	SER Terrance Antoine McArthur v. Honorable Louis H. Bloom	Writ of Mandamus alleging ineffective assistance of counsel, defective indictment, three term violation, excessive bail, and irregularities impacting entry of plea.
Appellate	Niday, Mary	APP-20-0168	20-0605	Supreme Court - WV	State of West Virginia v. Raymond Bickley	Appeal of probation revocation and revocation of extended supervised release alleging due process violations. Petitioner is seeking reversal of sentence to be returned to original position to have a jury trial.
Appellate	Niday, Mary	APP-21-0017	20-0619	Supreme Court - WV	Matthew Gates v. Donnie Ames, Superintendent	Habeas appeal alleging plain error and abuse of discretion in finding no viable claim of ineffective assistance of counsel without hearing or appointment of habeas counsel.
Appellate	Niday, Mary	APP-21-0076	21-0227	Supreme Court - WV	State of West Virginia v. Carli Renae Reed	Direct appeal alleging error regarding Rule 404(b), improper jury instructions, insufficient evidence, granting motion to bifurcate, prosecutorial misconduct, and failure to indict timely.
Appellate	Niday, Mary	APP-21-0104	21-0251	Supreme Court - WV	Christopher Cox v. Donnie Ames, Superintendent	Habeas appeal alleging newly discovered evidence and ineffective assistance of counsel.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-21-0086	21-0256	Supreme Court - WV	Harry Reynolds v. Donnie Ames, Superintendent	Habeas appeal alleging due process violations and prosecutorial misconduct.
Appellate	Niday, Mary	APP-21-0090	21-0268	Supreme Court - WV	State of West Virginia v. Kyle Lewis Taylor	Direct appeal alleging improper jury charge, prosecutorial misconduct, error in failing to grant motion for directed verdict, and any other claim after review of transcripts.
Appellate	Niday, Mary	APP-21-0111	21-0376	Supreme Court - WV	State of West Virginia v. Thomas McLeod	Rule 35(b) appeal alleging error in denial without findings of fact and conclusions of law.
Appellate	Niday, Mary	APP-21-0134	21-0395	Supreme Court - WV	Brandon Saul v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus hearing and denial of relief regarding claims raised.
Appellate	Niday, Mary	APP-21-0129	21-0403	Supreme Court - WV	Thomas White, Jr. v. Donnie Ames, Superintendent	Habeas appeal alleging error as a matter of law in denial of petition.
Appellate	Niday, Mary	APP-21-0135	21-0432	Supreme Court - WV	Ricky Vincent Pendleton v. Donald Ames, Superintendent	Habeas appeal alleging abuse of discretion in failure to address full scope of claim under Rule 60(b)(1)(4)(6) motion.
Appellate	Niday, Mary	APP-21-0138	21-0467	Supreme Court - WV	State of West Virginia v. Michael Coffey	Direct appeal alleging error in denying motion to cross and impeach mother of victim (Rule 609 and Rule 404(b)), denial of motion in limine regarding expert testimony, and denial of motion to question mother of victim regarding calls to hospital.
Appellate	Niday, Mary	APP-21-0156	21-0472	Supreme Court - WV	State of West Virginia v. Michael White	Direct appeal of home confinement revocation alleging abuse of discretion in requiring drug/alcohol rehab as condition of home incarceration and revocation based on Petitioner's violation of home confinement conditions.
Appellate	Niday, Mary	APP-21-0175	21-0532	Supreme Court - WV	State of West Virginia v. Adonne A. Horton	Direct appeal alleging imposition of life sentence disproportionately severe.
Appellate	Niday, Mary	APP-21-0162	21-0534	Supreme Court - WV	Jaylen Alexander v. Donnie Ames, Superintendent	Habeas appeal alleging due process violation based on ineffective assistance of counsel, illegal and disproportionate sentence, insufficiency of evidence, failure to provide transcripts, coerced confession and defective indictment.
Appellate	Niday, Mary	APP-21-0172	21-0550	Supreme Court - WV	State of West Virginia v. James Thomas Miller	Direct appeal alleging insufficient evidence, involuntary confession, severe sentence imposed, and violation of three term rule/right to speedy trial.
Appellate	Niday, Mary	APP-21-0186	21-0598	Supreme Court - WV	State of West Virginia v. Michael Moles, Jr.	Direct appeal alleging error in failing to advise regarding Rule 11 plea and guilty plea made unknowingly and involuntarily/without advice of counsel.
Appellate	Niday, Mary	APP-21-0193	21-0612	Supreme Court - WV	Jamie Miller v. Donnie Ames, Superintendent	Habeas appeal alleging defective jury instructions, double jeopardy violation, defective indictment, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0202	21-0638	Supreme Court - WV	State of West Virginia v. Carl Wayne Rich	Direct appeal alleging recidivist information defective and untimely filed, improper impeachment of State's witness, recusal of Judge Dent, prejudicial and violative of Petitioner's due process rights, insufficient evidence, and disproportionate sentencing.
Appellate	Niday, Mary	APP-21-0216	21-0689	Supreme Court - WV	State of West Virginia v. Timothy Lee Hager	Direct appeal alleging error in admitting Petitioner's confession obtained while in custody and hearsay testimony of State's key witness.
Appellate	Niday, Mary	APP-21-0221	21-0708	Supreme Court - WV	Roy F. Hillberry, II v. Donald Ames, Superintendent	Habeas appeal alleging cell-site location information was unconstitutionally obtained and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0226	21-0778	Supreme Court - WV	State of West Virginia v. Rodney H. Stemple	Direct appeal alleging disproportionate and excessive sentence.
Appellate	Niday, Mary	APP-21-0237	21-0797	Supreme Court - WV	State of West Virginia v. Kenneth Bernard Nelson	Direct appeal alleging error in admission of Rule 404(b) evidence, defective indictment, 6th Amendment violation, due process violations, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0249	21-0882	Supreme Court - WV	Lewis Dailey v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel and unconstitutional disparity of sentence.
Appellate	Niday, Mary	APP-21-0253	21-0945	Supreme Court - WV	Charles Barie v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0258	21-0972	Supreme Court - WV	State of West Virginia v. Jay Folse	Direct appeal alleging abuse of discretion in denying Petitioner's appeal as untimely.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-22-0007	21-1028	Supreme Court - WV	State of West Virginia v. Joseph Horn	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0034	22-0082	Supreme Court - WV	State of West Virginia v. Tammy Gray	Direct appeal alleging insufficient evidence and defective search warrant.
Appellate	Niday, Mary	APP-22-0045	22-0159	Supreme Court - WV	State of West Virginia v. Darius Jamal Porter	Direct appeal alleging error in denying motion to sever, discovery violations, insufficient evidence, and consideration of impermissible factors at sentencing.
Appellate	Niday, Mary	APP-22-0055	22-0205	Supreme Court - WV	State of West Virginia v. Thomas H. Banks	Direct appeal alleging violation of 4th Amendment right in admission of drugs obtained in search.
Appellate	Niday, Mary	APP-22-0054	22-0211	Supreme Court - WV	State of West Virginia v. Charles Eric Ward	Direct appeal alleging error in admission of evidence seized in illegal search.
Appellate	Niday, Mary	APP-22-0094	22-0291	Supreme Court - WV	State of West Virginia v. Tremale Leon Straughter	Direct appeal alleging coerced and involuntary plea, and breach of plea agreement.
Appellate	Niday, Mary	APP-22-0097	22-0306	Supreme Court - WV	State of West Virginia v. Donnyel Simmons	Direct appeal alleging error in denial of mistrial arising from improper witness testimony, insufficient evidence, and improper admission of video of custodial statement.
Appellate	Niday, Mary	APP-22-0088	22-0315	Supreme Court - WV	State of West Virginia v. Bryan Obloy	Direct appeal alleging error conducting trial despite Petitioner's incapacitation and inability to appear.
Appellate	Niday, Mary	APP-22-0091	22-0330	Supreme Court - WV	Jack R. Watts v. Shaun Strawn, Superintendent	Habeas appeal alleging error in failing to issue findings of fact and conclusions of law, denial of amended petition, and failure to conduct omnibus hearing.
Appellate	Niday, Mary	APP-22-0089	22-0331	Supreme Court - WV	SER Donald Lee Taylor v. Brian K. Lanham, Superintendent	Original Jurisdiction Habeas alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0116	22-0397	Supreme Court - WV	Olin Maticce Gaskins v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus hearing.
Appellate	Niday, Mary	APP-22-0123	22-0449	Supreme Court - WV	Danny R. Six v. Donald S. Ames, Superintendent	Habeas appeal alleging failure to conduct omnibus hearing and deficient order regarding findings of fact and conclusions of law.
Appellate	Niday, Mary	APP-22-0136	22-0506	Supreme Court - WV	State of West Virginia v. Wilfred Hinchman	Habeas appeal alleging error in denial of habeas after omnibus hearing.
Appellate	Niday, Mary	APP-22-0139	22-577	Supreme Court - WV	State of West Virginia v. Michael Faulkner	Direct appeal alleging plain error and lack of jurisdiction regarding probation.
Appellate	Niday, Mary	APP-22-0156	22-634	Supreme Court - WV	State of West Virginia v. Michelle Boggs	Direct appeal alleging insufficient evidence and vagueness of W.Va. Code § 61-8D-2a.
Appellate	Niday, Mary	APP-22-0147	22-700	Supreme Court - WV	Gregory C. Burdette v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	Habeas appeal alleging error in finding of res judicata regarding Petitioner's constitutional claims involving juror selection, sentencing, error in denial of additional forensic testing, and insufficient evidence.
Appellate	Niday, Mary	APP-22-0169	22-700	Supreme Court - WV	Gregory C. Burdette v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	Habeas appeal alleging error in finding claims barred by res judicata, 8th Amendment violations, jury selection errors, and insufficient evidence.
Appellate	Niday, Mary	APP-22-0179	22-738	Supreme Court - WV	Jeremiah Max Brown, Jr. v. Shelby Searles, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in failing to hold evidentiary hearing.
Appellate	Niday, Mary	APP-22-0193	22-742	Supreme Court - WV	Charles Montana McCane, Jr. v. David Young, Superintendent, South Central Regional Jail	Habeas appeal alleging ineffective assistance of counsel, video surveillance not admitted into evidence, and failure to call witnesses.
Appellate	Niday, Mary	APP-22-0181	22-759	Supreme Court - WV	State of West Virginia v. Kyle K. Slaughter	Direct appeal alleging error in failing to grant credit for time served.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-22-0028	3:21-cv-145	USDC WVND	Yasser Abdelhaq v. Donald Ames, Superintendent	Federal petition alleging insufficient evidence in violation of 14th Amendment, violation of 6th Amendment, victim's family sentencing recommendation communicated to jury during closing, and erroneous jury instructions.
Appellate	Niday, Mary	APP-22-0026	3:21-cv-159	USDC WVND	Darnell Carlton Bouie v. Donald Ames, Superintendent	Federal habeas alleging reversible error in admission of Co-Defendant's confession, violation of 5th and 6th Amendments in admission of statements to Officer, due process violation, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0180	3:22-cv-00169	USDC WVND	Brandon S. Saul v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	§2254 Habeas petition alleging defective indictment, consecutive sentences for same transaction, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0069	3:22-cv-33	USDC WVND	Michael Daniel Bowman v. Shawn Straughn, Superintendent	§2254 Federal habeas alleging willful, intentional grand jury fraud, police misconduct, ineffective assistance of counsel, and prosecutorial misconduct.
Appellate	Niday, Mary	APP-22-0082	3:22-cv-69	USDC WVND	Michael L. Blickenstaff v. Donald Ames, Superintendent	Federal petition alleging ineffective assistance of counsel and violation of 6th and 14th Amendments arising from extradition.
Appellate	Niday, Mary	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden	§2254 Habeas 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.
Appellate	Niday, Mary	APP-20-0149	5:20-cv-107	USDC WVND	Melvin G. Simms v. Donald Ames, Superintendent	Habeas appeal alleging deprivation of right to remain silent, due process violations resulting from prosecutorial misconduct, ineffective assistance of counsel, violation of 6th Amendment, and error in denial of state habeas petition.
Appellate	Niday, Mary	APP-21-0153	5:20-cv-675	USDC WVSD	Mickey Daniel, Jr. v. Karen Pzczolkowski, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, coerced, involuntary plea, and denial of speedy trial.
Appellate	Niday, Mary	APP-22-0172	5:22-cv-00212	USDC WVND	William Eric Coontz v. Shelby O. Searls, Superintendent	§2254 Habeas alleging ineffective assistance of counsel, violation of plea agreement, due process violation arising from sex offender registration, and lack of jurisdiction due to absence of counsel.
Appellate	Niday, Mary	APP-22-0167	5:22-cv-232	USDC WVND	Elan Bell-Veney v. Shelby Searls, Superintendent, Huttonsville Correctional Center	§2254 Habeas petition alleging sentence based on inaccurate facts.
Appellate	Plante, Courtney	APP-21-0238	21-0796	Supreme Court - WV	State of West Virginia v. Christopher McDonald	Direct appeal alleging disproportionate sentencing.
Appellate	See, Lindsay	APP-16-0203	1:16-cv-178	USDC WVND	Antonio Prophet v. David Ballard, Warden	Federal habeas corpus proceeding alleging grounds based on pre-trial publicity, jury issues, prosecutorial misconduct involving post-arrest silence, and other issues.
Appellate	See, Lindsay	APP-19-0030	3:19-cv-126	USDC WVSD	Quinton Peterson v. Ralph Terry, Acting Warden	§2254 Habeas petition alleging ineffective assistance of counsel and Brady violations.
Appellate	Smith, Katherine	APP-20-0183	1:20-cv-235	USDC WVND	Julia Ann Surbaugh v. J.D. Sallaz, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, improper/lack of jury instruction regarding blood evidence, improper witness testimony, improper admission of evidence from first trial, and prosecutorial misconduct.
Appellate	Smith, Katherine	APP-22-0050	1:22-cv-00082	USDC WVSD	Daniel W. Collins v. Donald Ames, Superintendent	§2254 Habeas petition alleging no grounds as Petitioner is filing for protective stay and abeyance.
Appellate	Smith, Katherine	APP-21-0154	2:20-cv-255	USDC WVSD	Edward Omarrah, Jr. v. Donnie Ames, Superintendent	Habeas appeal alleging involuntary plea, ineffective assistance of counsel, and diminished capacity.
Appellate	Smith, Katherine	APP-20-0191	20-0765	Supreme Court - WV	State of West Virginia v. David Riffle	Direct appeal of resentencing alleging greater sentence than originally imposed upon resentencing after appeal.
Appellate	Smith, Katherine	APP-21-0050	21-0115	Supreme Court - WV	State of West Virginia v. Kelly Marie Tusing	Direct appeal alleging illegal sentence, error in denying motion to exclude gruesome photos, failure of State to prove intent and malice, error in excluding letter from Petitioner's expert witness, and cumulative error.
Appellate	Smith, Katherine	APP-21-0063	21-0155	Supreme Court - WV	Robert L. Paige v. Russell Maston, Superintendent	Habeas appeal alleging abuse of discretion in denial of habeas.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Smith, Katherine	APP-21-0198	21-0167	Supreme Court - WV	Joshawa Clark v. Donnie Ames, Superintendent	Habeas appeal alleging prejudicial pretrial publicity, double jeopardy, suppression of exculpatory evidence, excessive sentence, erroneous Pre-Sentence Investigation report, ineffective assistance of counsel, and irregularities with arrest.
Appellate	Smith, Katherine	APP-21-0097	21-0328	Supreme Court - WV	State of West Virginia v. Kevin Ray Fowler, Jr.	Direct appeal alleging improper indictment, failure to obtain psychological evaluation, excessive sentence, and excessive restitution.
Appellate	Smith, Katherine	APP-21-0136	21-0384	Supreme Court - WV	State of West Virginia v. Ricky Vincent Pendleton	Habeas appeal alleging abuse of discretion in denial of motion for arrest of judgment (Rule 34) challenging sufficiency of indictment and failure to include findings of fact and conclusions of law.
Appellate	Smith, Katherine	APP-21-0126	21-0396	Supreme Court - WV	State of West Virginia v. Tracy Pennington	Direct appeal alleging error in denial of motion to suppress evidence of victim found in Petitioner's home in violation of 4th Amendment.
Appellate	Smith, Katherine	APP-21-0144	21-0424	Supreme Court - WV	State of West Virginia v. Candice T. Salmons	Direct appeal alleging abuse of discretion in admission of illegally obtained evidence, error in denial of motion for directed verdict, and improper jury instructions.
Appellate	Smith, Katherine	APP-21-0142	21-0465	Supreme Court - WV	Desmond Demetrius Clark v. Donnie Ames, Superintendent	Habeas appeal (third petition) alleging ineffective assistance of counsel.
Appellate	Smith, Katherine	APP-21-0167	21-0519	Supreme Court - WV	State of West Virginia v. Andrew Wayne Miller	Direct appeal alleging error in denial of preliminary hearing on violation of home incarceration as condition of bond as required by Rule 32.1 (rules of criminal procedure).
Appellate	Smith, Katherine	APP-21-0194	21-0542	Supreme Court - WV	State of West Virginia v. Jessie Davis	Rule 35 appeal alleging error in denial of motion to reconsider arising from untimely filing, failure to hold a hearing, and failure to recuse judge.
Appellate	Smith, Katherine	APP-21-0228	21-0690	Supreme Court - WV	State of West Virginia v. Joshua Andrew Drennan	Direct appeal alleging error in failing to instruct jury of beyond a reasonable doubt standard for no mercy verdict, insufficient evidence regarding mental illness, and other such errors upon review of record.
Appellate	Smith, Katherine	APP-21-0214	21-0717	Supreme Court - WV	State of West Virginia v. Phillip N. Keener	Rule 35(a) appeal alleging judicial prejudice (abuse of discretion) in denial of motion. Petitioner seeking credit for time served on home confinement.
Appellate	Smith, Katherine	APP-21-0243	21-0875	Supreme Court - WV	State of West Virginia v. Christopher D. Jackson	Direct appeal alleging disproportionate sentencing.
Appellate	Smith, Katherine	APP-21-0257	21-0978	Supreme Court - WV	Eric Kell v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion regarding Petitioner's competence.
Appellate	Smith, Katherine	APP-22-0010	22-0004	Supreme Court - WV	State of West Virginia v. James Feaster	Direct appeal alleging error in denial of motion for new trial and insufficiency of evidence.
Appellate	Smith, Katherine	APP-22-0020	22-0022	Supreme Court - WV	State of West Virginia v. Roger Allen Pettry	Direct appeal alleging error in considering juvenile record for sentencing and finding that Petitioner had a substance abuse problem.
Appellate	Smith, Katherine	APP-22-0032	22-0068	Supreme Court - WV	SER Gary Keller v. Honorable Thomas H. Ewing	Writ of Mandamus alleging error in not assigning case to specific judge and unreasonable delay regarding motion for counsel.
Appellate	Smith, Katherine	APP-22-0016	22-0079	Supreme Court - WV	State of West Virginia v. Chester Robert Ulysess Lilly, III	Direct appeal alleging improper voir dire, prosecutorial misconduct, and ineffective assistance of counsel.
Appellate	Smith, Katherine	APP-22-0042	22-0108	Supreme Court - WV	SER Aron Freeland v. Shelby Searls, Superintendent	Original Jurisdiction Habeas appeal alleging judicial conflict of interest, prosecutorial misconduct, violation of 6th and 14th Amendments by denial of independent DNA expert, Brady violations, and 1st Amendment violations.
Appellate	Smith, Katherine	APP-22-0043	22-0147	Supreme Court - WV	Timothy Charlton v. Shawn Straughn, Superintendent	Habeas appeal alleging ineffective assistance of counsel regarding error in exclusion of DNA, use of Rule 404(b) evidence, and insufficient evidence.
Appellate	Smith, Katherine	APP-22-0064	22-0175	Supreme Court - WV	William T. Widmyer v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b) relief, insufficient order regarding findings of fact and conclusions of law, and failure to appoint counsel.
Appellate	Smith, Katherine	APP-22-0059	22-0203	Supreme Court - WV	State of West Virginia v. Davide Laquan Hudson, Jr.	Direct appeal alleging error in improper jury selection, prejudicial photo and text evidence, improper Rule 404(b), bias, and Brady violations.
Appellate	Smith, Katherine	APP-22-0078	22-0273	Supreme Court - WV	William Eric Coontz v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel, breach of plea agreement, and violation of 5th and 14th Amendments.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Smith, Katherine	APP-22-0083	22-0287	Supreme Court - WV	State of West Virginia v. David Eugene Eakle	Direct appeal alleging disproportionate sentence and failure to impose alternative sentence.
Appellate	Smith, Katherine	APP-22-0102	22-0337	Supreme Court - WV	State of West Virginia v. Samuel Lee Donaldson, Jr.	Direct appeal alleging ineffective assistance of counsel.
Appellate	Smith, Katherine	APP-22-0107	22-0355	Supreme Court - WV	State of West Virginia v. Joseph Stephens	Direct appeal alleging insufficient evidence, improper jury instruction regarding lesser included offenses, and error in excluding witness testimony.
Appellate	Smith, Katherine	APP-22-0104	22-0363	Supreme Court - WV	State of West Virginia v. Christopher James Cody	Direct appeal alleging error in denial of motion to suppress as Petitioner did not consent.
Appellate	Smith, Katherine	APP-22-0114	22-0375	Supreme Court - WV	State of West Virginia v. Bernard Echols	Rule 35(a) appeal alleging error in enhancement of sentence.
Appellate	Smith, Katherine	APP-22-0110	22-0381	Supreme Court - WV	SER James M. Law v. Joseph Wood, Superintendent	Original Jurisdiction Habeas appeal alleging error in application of recidivist statute.
Appellate	Smith, Katherine	APP-22-0119	22-0412	Supreme Court - WV	State of West Virginia v. Corey Nipper	Original Jurisdiction Mandamus alleging failure of Prosecutor to indict Petitioner.
Appellate	Smith, Katherine	APP-22-0143	22-566	Supreme Court - WV	State of West Virginia v. Danny P. Schoolcraft	Direct appeal alleging failure to show intent and insufficient indictment.
Appellate	Smith, Katherine	APP-22-0158	22-646	Supreme Court - WV	State of West Virginia v. Nicholas Kane Montgomery	Direct appeal alleging ineffective assistance of counsel, and error in denial of alternative sentencing or placement in youthful offender program.
Appellate	Smith, Katherine	APP-22-0175	22-667	Supreme Court - WV	State of West Virginia v. David Bumgarner	Direct appeal alleging improper jury instruction regarding duress, limitation on defense closing argument, and judicial misconduct through jury instructions.
Appellate	Smith, Katherine	APP-22-0170	22-705	Supreme Court - WV	State of West Virginia v. Julie Browning	Direct appeal alleging failure to conduct McGinnis hearing.
Appellate	Smith, Katherine	APP-22-0163	22-715	Supreme Court - WV	Michael Hodge v. Donnie Ames, Superintendent, Mount Olive Correctional Complex	Habeas appeal alleging error in denial of omnibus hearing and failure to appoint counsel.
Appellate	Smith, Katherine	APP-22-0189	22-719	Supreme Court - WV	State of West Virginia v. Sherie M. Tichenell	Direct appeal alleging court lacked subject matter jurisdiction, violation of confrontation clause, and admission of Rule 404(b) evidence.
Appellate	Smith, Katherine	APP-22-0188	22-771	Supreme Court - US	State of West Virginia v. Bradley Rohrbaugh	Direct appeal alleging insufficient evidence and error in denial of motion to suppress vehicle stop evidence.
Appellate	Smith, Katherine	APP-22-0161	22-ICA-121	Intermediate Court of Appeals – WV	Folse In Re: Application for Grand Jury Presentment	Direct appeal. Specific errors are not articulated in petition.
Appellate	Smith, Katherine	APP-21-0242	3:21-cv-166	Supreme Court - WV	Randy L. Hammer v. Shawn Straughn, Superintendent	§2254 Habeas petition alleging violation of due process because prosecutor fraudulently holding office, improper jurisdiction of circuit court and judicial misconduct.
Appellate	Smith, Katherine	APP-21-0251	3:21-cv-618	USDC WVSD	Alan L. Hicks v. Donnie Ames, Superintendent	§2254 Habeas petition alleging double jeopardy, failure to grant mistrial, failure to instruct on self-defense, and error in giving malice instruction.
Appellate	Smith, Katherine	APP-22-0152	5:22-cv-00339	USDC WVSD	Travis Ray Norwood v. Donald Ames, Superintendent	§2254 Habeas petition alleging disproportionate sentencing and ineffective assistance of counsel.
Appellate	Smith, Katherine	APP-22-0087	5:22-cv-206	USDC WVSD	Thomas Leftwich v. Donnie Ames, Superintendent	§2254 Habeas petition alleging excessive sentence in violation of double jeopardy, coerced confession, ineffective assistance of counsel, defective indictment, improper jury instruction and jury composition, and due process violation.
Appellate	Smith, Katherine	APP-22-0068	5:22-cv-32	USDC WVND	Robert Rhodes v. Donald Ames, Superintendent	§2254 Federal habeas Rule 59(e) motion.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-19-0207	19-0897	Supreme Court - WV	State of West Virginia v. Jessica N. Roberts	Direct appeal alleging errors regarding involuntary confession, double jeopardy violations (felony murder), color of law issues, diminished capacity, confrontation issues, and prompt presentment issues.
Appellate	Villanueva-Matkovich, Karen	APP-19-0231	19-0939	Supreme Court - WV	In Re: Ibrahim S. Abdelnour	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.
Appellate	Villanueva-Matkovich, Karen	APP-17-0144	2:16-cv-7333	USDC WVSD	Eric Allen Foster v. Marvin Plumley, Warden	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Villanueva-Matkovich, Karen	APP-21-0001	20-0798	Supreme Court - WV	State of West Virginia v. Dale Lee Carr	Direct appeal alleging abuse of discretion for denial of motion to modify sentence as court failed to credit Petitioner with time served for an unrelated charge (possession of heroin).
Appellate	Villanueva-Matkovich, Karen	APP-21-0024	20-0975	Supreme Court - WV	State of West Virginia v. Jesse Suttle	Direct appeal alleging error in denial of motion to adjourn payment and failure to inform Petitioner of fees owed.
Appellate	Villanueva-Matkovich, Karen	APP-21-0177	21-0529	Supreme Court - WV	State of West Virginia v. Robert Wayne Klotz, Jr.	Direct appeal alleging abuse of discretion in failing to consider imposing alternative sentence.
Appellate	Villanueva-Matkovich, Karen	APP-21-0170	21-0543	Supreme Court - WV	State of West Virginia v. Richard Lee Taylor	Direct appeal alleging abuse of discretion due to imposition of excessive sentence.
Appellate	Villanueva-Matkovich, Karen	APP-21-0191	21-0601	Supreme Court - WV	State of West Virginia v. Christina M. Cuddy	Rule 35(b) appeal alleging improper determination of timeframe to file motion to reconsider.
Appellate	Villanueva-Matkovich, Karen	APP-22-0060	21-0873	Supreme Court - WV	State of West Virginia v. Micah A. McClain	Certified question regarding the interpretation of W.Va. Code § 17C-4-1.
Appellate	Villanueva-Matkovich, Karen	APP-22-0160	22-668	Supreme Court - WV	SER David L. Ingram v. Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County	Original Jurisdiction Mandamus alleging error in failing to appoint habeas counsel and to hold omnibus hearing to develop the record.
Appellate	Villanueva-Matkovich, Karen	APP-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard	§2254 Habeas petition alleging ineffective assistance of counsel, improper basis for recidivist enhancement, and denial of due process by requiring him to appear shackled before the jury.
Appellate	Villanueva-Matkovich, Karen	APP-17-131	5:17-cv-3111	USDC WVSD	Norma Brown Griffin v. State of West Virginia	§2254 Habeas petition alleging extortion statute is unconstitutional, prosecutorial misconduct, and ineffective assistance of counsel.
Appellate	Williams, Michael	APP-21-0147	21-0456	Supreme Court - WV	State of West Virginia v. Alexander Paul Delorenzo	Direct appeal alleging error in suppression of psychologist testimony, in denial of motion to disqualify Prosecuting Attorney, illegal access to attorney-client privileged material, violation of Miranda rights, and failure to allow testimony of defense expert.



**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, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Boothroyd, John	AEB-21-0344	1:20-bk-10394	Bankruptcy Court-US OHSD	In Re: Murray Maple Eagle Coal	Proof of Claim filed against Murray Maple Eagle Coal, LLC.
Arts, Education and Boards	Boothroyd, John	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Timothy Prather	Decertification proceeding against miner.
Arts, Education and Boards	Boothroyd, John	AEB-21-0343	2:19-bk-56885	Bankruptcy Court-US OHSD	In Re: Murray Energy Holdings	Proof of Claim filed on behalf of Miners' Health, Safety & Training.
Arts, Education and Boards	Boothroyd, John	AEB-20-0116	20-AA-62	Circuit Court Kanawha County	Bobby Beavers 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-21-0070	21-AA-8	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Anthony Albert	Appeal of Board decision dismissing certification suspension and finding insufficient foundation for breath alcohol test results.
Arts, Education and Boards	Boothroyd, John	AEB-21-0245	21-P-172	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Board of Appeals and James Atkinson	Writ of Prohibition against Board of Appeals.
Arts, Education and Boards	Boothroyd, John	AEB-19-0198	3:19-bk-30292	Bankruptcy Court-US WVSD	In Re: Revelation Energy	Bankruptcy proceeding. Proof of Claim filed.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0172	06-F-407	Circuit Court Mercer County	Chauncey Ziglar v. Southern Regional Jail, et al.	Petition for a Writ of Mandamus for alleged failure to release inmate on time.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0313	21-0716	Supreme Court - WV	Tex G. Holbrook v. WV Division of Corrections	Petition for Writ of Mandamus seeking an order requiring agency to provide paper transcript of inmate disciplinary hearing.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0333	21-0773	Supreme Court - WV	Tex Holbrook v. WV Division of Corrections	Petition for Writ of Prohibition seeking an order requiring agency to allow him to challenge prior denial of grievance.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0414	21-0931	Supreme Court - WV	Brandon Blackmon v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking review of disciplinary conviction and alleging due process violations.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0170	22-0424	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Mr. Freeland filed a petition to appeal a decision from Randolph County Circuit Court which denied his Petition for Injunction finding he had not exhausted all administrative remedies.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0280	22-647	Supreme Court - WV	State of WV ex rel. Ricky Pendleton v. WV Division of Corrections	Petition for Writ of Mandamus to allow him to listen to his audio recording of a disciplinary hearing as many times as needed.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0283	22-722	Supreme Court - WV	Harry Phillips v. WV Division of Corrections	Harry Phillips is appealing the denial of his petition for writ of habeas corpus due to the Court's failure to appoint counsel and take his evidence into consideration.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0273	22-C-306	Circuit Court Raleigh County	Richard Jay Wriston v. WV Division of Corrections	Complaint filed for access to government documents following denial of documents in a Freedom of Information Act request.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0169	22-C-59	Circuit Court Randolph County	Donald C. Stout v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging violations of 8th and 14th Amendment rights and violations of Articles 3 and 5 of the West Virginia Constitution.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0249	22-C-697	Circuit Court Kanawha County	Tiffany Walton v. WV Division of Protective Services	Verified Complaint for Declaratory and Emergency Injunctive Relief alleging violation of 1st Amendment rights when she was not permitted to record a Legislative Session on HB 302.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0252	22-F-58	Circuit Court Jackson County	Dalton Ray White v. WV Division of Corrections	The Jackson County Circuit Court issued an Order to Show Cause to the WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0251	22-F-61	Circuit Court Jackson County	Corey Dylan Neeley v. WV Division of Corrections	Jackson County Circuit Court issued an order to show cause to WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0253	22-F-63	Circuit Court Jackson County	Michael Thomas White v. WV Division of Corrections	Jackson County Circuit Court issued an order to show cause to the WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0218	22-G-10	Circuit Court Mason County	WV Divison of Corrections v. K.C.G.	The WV Division of Corrections filed a Petition for Appointment of Guardian and Conservator due to inmate's mental state while being housed at Lakin Correctional Center.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0290	22-P-352	Circuit Court Kanawha County	Marcus McDonald v. WV Division of Corrections, WV Board of Parole	Marcus McDonald filed a writ of mandamus to order WV Division of Corrections and WV Board of Parole to amend the Plaintiff's Parole Eligibility date.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0224	3:22-cv-00132	USDC WVND	Rocco Zuccaro v. WV Division of Corrections	Mr. Zuccaro seeks an injunction to prevent him from being forced to take antipsychotic medication, which he claims causes him severe side effects.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0130	CC-05-2022-C-23	Circuit Court Brooke County	Brian Peterson v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking a sentence reduction/modification due to suffering cruel and unusual punishment by being subjected to excessive force by correctional officers.
Arts, Education and Boards	Eates, Anthony	CNB-17-0172	18-C-247	Circuit Court Kanawha County	William Wendell v. WV State Police	Complaint for Declaratory Judgment.
Arts, Education and Boards	Eates, Anthony	AEB-19-0110	19-C-375	Circuit Court Kanawha County	Jan Kletter v. Board of Medicine	Physician sued Board of Medicine seeking to have malpractice information expunged from his historical records.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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	Derek Walker v. WV State Police	Circuit court reversed decision upholding termination of employment. The WV State Police appealed to the WV Supreme Court of Appeals.
Arts, Education and Boards	Eates, Anthony	AEB-22-0038	21-0954	Supreme Court - WV	William Larue v. WV State Police	Original Jurisdiction Petition for Writ of Mandamus to have name removed from sex offender registry.
Arts, Education and Boards	Eates, Anthony	AEB-22-0018	21-C-1201	Circuit Court Kanawha County	Russell Coble v. WV State Police	Sex offender registrant required to register because of military conviction. Filed declaratory judgment action to have name removed from registry.
Arts, Education and Boards	Eates, Anthony	AEB-21-0010	21-C-56	Circuit Court Kanawha County	WV Federation of Teachers v. WV Department of Education	WV Federation of Teachers brought declaratory judgment, injunctive action, and writ against the Department of Education, WV Board of Education, and State Superintendent seeking to stop return to in-person instruction. Case is pending the issuance of an Order by the Court.
Arts, Education and Boards	Eates, Anthony	AEB-21-0283	21-C-631	Circuit Court Kanawha County	Todd Lewis Taylor v. City of Charleston and WV Policemen's Pension and Relief Fund	The WV Municipal Pensions Oversight Board has intervened in this civil action in which a Charleston Police Officer contests the calculation of his pension benefits.
Arts, Education and Boards	Eates, Anthony	AEB-21-0170	21-C-98	Circuit Court Wood County	William Cunningham v. WV State Police	Sex offender registrant challenging requirement to register workplaces when "employed" as an independent contractor.
Arts, Education and Boards	Eates, Anthony	AEB-21-0201	21-P-148	Circuit Court Kanawha County	Sheila Gamble v. WV State Police	Petition for Writ of Mandamus to remove Petitioner from sex offender registry.
Arts, Education and Boards	Eates, Anthony	AEB-21-0013	21-P-15	Circuit Court Kanawha County	WV Education Association v. WV Department of Education	Teachers' organization seeks injunctive relief against WV Department of Education, WV Board of Education, and State Superintendent of Schools to stop the requirement for in-person instruction. Case is pending the issuance of an Order by the Court.
Arts, Education and Boards	Eates, Anthony	AEB-21-0304	21-P-294	Circuit Court Kanawha County	State of WV ex rel. Anderson v. Cabell County Board of Education, et al.	Parents of disabled students seek Writ of Mandamus against WV Board of Education and others to compel the implementation of a COVID exposure control plan in the Cabell County school system. Case is pending the issuance of an Order by the Court.
Arts, Education and Boards	Eates, Anthony	AEB-21-0317	21-P-302	Circuit Court Kanawha County	Anthony Duncan v. Real Estate Commission	Plaintiff filed Petition for Writ of Mandamus/Declaratory Judgment following the Real Estate Commission's refusal to file an injunctive complaint against targets of Plaintiff's 2019 disciplinary complaint.
Arts, Education and Boards	Eates, Anthony	AEB-21-0365	21-P-339	Circuit Court Kanawha County	Lynn Chavez v. Licensed Practical Nurses	Complaint for injunctive relief against Licensed Practical Nurses Board for failure to respond to a Freedom of Information Act request.
Arts, Education and Boards	Eates, Anthony	AEB-22-0152	22-C-357	Circuit Court Kanawha County	Paul Harrison v. Municipal Pension Oversight Board	Petitioner filed Declaratory judgment following dismissal of prior action in which the Municipal Pension Oversight Board intervened.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	AEB-22-0165	CC-41-2022-C-185	Circuit Court Raleigh County	Beckley Fire/Police Pension Board v. Municipal Pension Oversight Board	Declaratory Judgment complaint challenging forced calculation of pensions in full years, as opposed to fractional years.
Arts, Education and Boards	Eates, Anthony	AEB-22-0185	CC-51-2022-C-15	Circuit Court Webster County	Dewayne and Kerry Holcomb v. WV Development Office	Alleging breach of contract caused by RISE program house construction.
Arts, Education and Boards	Franklin, Katherine	DNR-19-0037	19-C-38	Circuit Court Ritchie County	Delmas Shipman 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-suit notice was not given. Motion to Dismiss in 19-C-38 has not been ruled upon. Plaintiff refiled suit with proper pre-suit notice. On 12/14/21 the Judge granted withdrawal of counsel filed by Plaintiff's counsel (Butler) in 20-C-32. No further action on behalf of Plaintiff.
Arts, Education and Boards	Franklin, Katherine	AEB-21-0355	20-C-32	Circuit Court Ritchie County	Delmas Shipman v. WV Division of Natural Resources, et al. (II)	Plaintiff's second suit regarding right-of-way dispute/adverse possession roadway request at North Bend State Park.
Arts, Education and Boards	Franklin, Katherine	AEB-20-0191	2021-0270-DOC	Circuit Court Kanawha County	Stuart Peters v. WV Division of Natural Resources (II) (P)	Appeal of adverse decision of WV Public Employees Grievance Board.
Arts, Education and Boards	Marshall, Adriana	AEB-18-0092	17-C-102	Circuit Court Mason County	Elizabeth Morgan v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Modesto Guerrero v. WV Parole Board	Petition for Writ of Habeas Corpus relating to Parole Board hearing and challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	DMAPS-19-0185	19-P-25	Circuit Court Kanawha County	Richard Allen Hogan v. WV Parole Board	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Marshall, Adriana	DMAPS-20-0091	20-C-158	Circuit Court Cabell County	James Cremeans v. WV Parole Board	Petition for Writ of Habeas Corpus challenging parole revocation decision as abuse of discretion.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0169	20-C-192-1	Circuit Court Harrison County	Brian Ashcraft v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0417	21-0965	Supreme Court - WV	Jesse Prince v. WV Parole Board	Petition for Writ of Mandamus alleging violations of his constitutional rights due to revocation of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0005	21-1043	Supreme Court - WV	Dajuan Jackson v. WV Parole Board	Petition for Writ of Habeas Corpus alleging parole interview violations.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Marshall, Adriana	AEB-22-0060	21-AA-61	Circuit Court Kanawha County	Donald Rowe v. WV Department of Environmental Protection	Employee appealed denial of unemployment.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0068	21-C-18	Circuit Court Putnam County	Andrew Robert Smith v. WV Parole Board	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0314	21-C-25	Circuit Court Pocahontas County	Timothy O'Dell v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0194	21-C-67	Circuit Court Harrison County	Joshua Cunningham v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0004	21-P-18	Circuit Court Kanawha County	Thomas MacPhee v. WV Parole Board	Petition for Writ of Habeas Corpus alleging violation of his due process rights by not allowing him to review his file prior to his parole hearing.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0195	21-P-191	Circuit Court Kanawha County	Michael McKinley v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0124	22-0289	Supreme Court - WV	SER Donald Taylor v. Carl Aldridge	Pro Se Original Jurisdiction Petition for Writ of Habeas Corpus involving parole issues.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0146	22-0350	Supreme Court - WV	SER Benjamin Lee Wilson v. Brian Lanham	Original Jurisdiction Writ of Habeas Corpus before WV Supreme Court of Appeals.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0145	22-C-135	Circuit Court Cabell County	Shawn Cook v. WV Division of Corrections	Writ of Habeas Corpus.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0166	22-C-15	Circuit Court Upshur County	Ronald Reese v. Betsy Jividen	Habeas petition involving parole issues.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0174	22-C-188	Circuit Court Monongalia County	Donald Taylor v. Brian Lanham	Habeas petition involving Petitioner's parole revocation.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0295	22-P-263	Circuit Court Kanawha County	Lynn Chavez v. WV Board of Licensed Practical Nurses	Complaint for injunctive relief seeking compliance with Freedom of Information Act request and for Board to reinvestigate complaint.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Marshall, Adriana	AEB-22-0125	22-P-352	Circuit Court Kanawha County	SER Marcus McDonald v. WV Division of Corrections	Mandamus action regarding Petitioner's eligibility date for parole.
Arts, Education and Boards	Murphy, Gretchen	AEB-22-0262	22-C-370	Circuit Court Kanawha County	Gurupdes Pandher v. WV State University	Plaintiff alleges violations of the WV Wage Payment and Collection Act. Plaintiff was hired as Dean of College of Business but he resigned and demanded to be paid for work that was not performed. Respondent's Motion to Dismiss was denied.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0087	21-0149	Supreme Court - WV	Keith Lowe v. WV Division of Corrections	Petition for Writ of Mandamus/Habeas Corpus regarding quality of life program at Mount Olive Correctional Center.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0153	21-0257	Supreme Court - WV	Charles Alth v. WV Division of Corrections	Petition for Writ of Habeas Corpus. This case has been dismissed.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0164	21-0329	Supreme Court - WV	Quantel Saunders v. WV Division of Corrections	Petition for Writ of Habeas Corpus. Case has been dismissed.
Arts, Education and Boards	Sizemore, Vaughn	AEB-21-0165	21-0333	Supreme Court - WV	Darrell Carter v. WV Division of Corrections	Petition for Writ of Mandamus and Writ of Habeas Corpus.
Arts, Education and Boards	Spatafore, Sam	AEB-21-0129	20-AA-91	Circuit Court Kanawha County	Walid Radwan v. West Virginia University	Grievant's employment contract was not renewed. Grievance was denied and appealed to circuit court.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0173	15-C-1885	Circuit Court Kanawha County	Miguel Delgado v. Division of Corrections	Limited appearance for purposes of injunctive relief opposition and transportation issues related to trial.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0073	18-C-103	Circuit Court Kanawha County	Bannar C. Catlett v. Division of Corrections	Complaint for injunctive relief alleging a Freedom of Information Act request not answered completely.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0086	19-AA-12	Circuit Court Kanawha County	Larry Allen v. Regional Jail Authority	Circuit court appeal by Grievant of adverse decision by the WV Public Employees Grievance Board.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0174	19-C-208	Circuit Court Kanawha County	Christopher Payne v. Division of Corrections	Habeas petition alleging deliberate indifference to medical needs.
Arts, Education and Boards	Sword, Philip	AEB-21-0204	2:12-cv-286	USDC WVSD	Quantel Saunders v. WV Division of Corrections	Petition for Writ of Habeas Corpus challenging inmate disciplinary hearing.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0008	2:19-cv-00395	USDC WVSD	Maurice Flint v. Regional Jail Authority	Alleged use of force incident involving an Officer.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0043	2:19-cv-140	USDC WVSD	Jermain Hill v. Regional Jail Authority	Inmate litigation alleging violation of constitutional rights arising from disciplinary action.
Arts, Education and Boards	Sword, Philip	AEB-21-0404	2:20-cv-744	USDC WVSD	Christopher Punzo v. WV Division of Corrections	Claim for non-pecuniary relief and non-specific damages seeking a court order for threats of violence to stop and staff to be held accountable for threats and use of force.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0045	20-0163	Supreme Court - WV	Larry Cantrell v. Divisions of Corrections	Appeal of dismissal of habeas action without evidentiary hearing on conditions of confinement.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Sword, Philip	DMAPS-20-0044	20-C-6	Circuit Court Mason County	Brittney Eads v. Division of Corrections	Inmate attempting to recover rent payments from Lakin Correctional Facility.
Arts, Education and Boards	Sword, Philip	AEB-20-0321	20-P-19	Circuit Court Pleasants County	Jason Mylar v. WV Division of Corrections	Petition for Writ of Prohibition regarding restitution payments by inmates.
Arts, Education and Boards	Sword, Philip	AEB-20-0312	20-P-303	Circuit Court Kanawha County	Jason Ancell v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging double jeopardy for conviction and inmate disciplinary action.
Arts, Education and Boards	Sword, Philip	AEB-21-0055	21-0085	Supreme Court - WV	Dewayne Humphrey v. WV Division of Corrections	Petition for Writ of Mandamus regarding length of incarceration.
Arts, Education and Boards	Sword, Philip	AEB-21-0121	21-0204	Supreme Court - WV	Jalen Alexander v. WV Division of Corrections	Petition for Writ of Mandamus/Habeas Corpus regarding quality of life and administrative segregation reviews.
Arts, Education and Boards	Sword, Philip	AEB-21-0163	21-0271	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Mandamus seeking an order requiring agency to provide gender reassignment surgery.
Arts, Education and Boards	Sword, Philip	AEB-21-0243	21-0341	Supreme Court - WV	Hank Heckman v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking an award of meritorious time served.
Arts, Education and Boards	Sword, Philip	AEB-21-0206	21-0426	Supreme Court - WV	Tony Walton v. WV Division of Corrections	Appeal of circuit court denial of Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0107	21-0546	Supreme Court - WV	Timothy O'Dell v. State of West Virginia	Petition for Writ of Habeas Corpus appealing classification which prevents him from being able to be assigned to work release.
Arts, Education and Boards	Sword, Philip	AEB-21-0389	21-0756	Supreme Court - WV	Benny Roberts v. WV Division of Corrections	Appeal of circuit court decision dismissing petition as frivolous.
Arts, Education and Boards	Sword, Philip	AEB-21-0330	21-0761	Supreme Court - WV	Thomas Bartley v. WV Division of Corrections	Petition for Writ of Mandamus regarding an additional 120 days of good time credit.
Arts, Education and Boards	Sword, Philip	AEB-21-0324	21-0771	Supreme Court - WV	James O. Walker v. WV Division of Corrections	Petition for Writ of Mandamus to award him with 120 days of additional good time served for exceptional work and performance.
Arts, Education and Boards	Sword, Philip	AEB-22-0089	21-0879	Supreme Court - WV	Jalen Alexander v. WV Division of Corrections	Appeal of Kanawha County Circuit Court decision denying Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Sword, Philip	AEB-21-0430	21-0976	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Habeas Corpus regarding sexual abuse and interfering with a transgender inmate's medical treatments.
Arts, Education and Boards	Sword, Philip	AEB-21-0375	21-C-29(D)	Circuit Court Pocahontas County	Adam Via v. WV Division of Corrections	Petition for Writ of Habeas Corpus regarding quality of life due to concern for own physical and mental well-being.
Arts, Education and Boards	Sword, Philip	AEB-21-0432	21-C-78	Circuit Court Marshall County	Christopher Shy v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging use of excessive force.
Arts, Education and Boards	Sword, Philip	AEB-21-0100	21-P-30	Circuit Court Kanawha County	Nicholas Gearde v. Regional Jail Authority	Petition for Writ of Prohibition against Magistrate Linger and Commissioner Jividen regarding good time for misdemeanants.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Sword, Philip	AEB-22-0063	22-0108	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Petition for Writ of Habeas Corpus for allegedly being barred from the law library, thus inhibiting his ability to file his appendix record.
Arts, Education and Boards	Sword, Philip	AEB-22-0059	22-0170	Supreme Court - WV	James Messer v. WV Division of Corrections	Petition for Writ of Mandamus alleging he is being mandated to take classes/programs affecting his eligibility for parole.
Arts, Education and Boards	Sword, Philip	AEB-22-0116	22-P-122	Circuit Court Kanawha County	Keefe Commissary Network, LLC v. WV Division of Corrections	Verified Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0068	3:18-cv-01526	USDC WVSD	John Baxley v. Regional Jail Authority (Western)	Inmate litigation regarding conditions of confinement.
Arts, Education and Boards	Sword, Philip	AEB-21-0234	3:21-cv-253	USDC WVSD	Billy Joe Lucas v. WV Division of Corrections	Plaintiff alleges he was attacked by another inmate and denied medical treatment. He seeks relief from the court for psychiatric help and for assurance this will not happen to other inmates.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0063	2:10-cv-36	USDC WVSD	Daniel Slonaker v. WV Division of Corrections	Claim regarding security classification level, privilege programs, and work release eligibility.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0226	2:20-cv-00255	USDC WVSD	Edward Omarrah, Jr. v. WV Division of Corrections	Petition for Writ of Habeas Corpus challenging validity of criminal sentence.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0359	2:21-cv-249	USDC WVSD	Ricky Pendleton v. WV Division of Corrections	Civil action filed seeking return of i-Bible not returned upon release from incarceration.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0087	2:21-cv-249	USDC WVSD	Ricky Pendleton v. WV Division of Corrections	Summons and complaint for non-return of his i-Bible while incarcerated.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0022	2:21-cv-260	USDC WVSD	Jimmy Lambert v. WV Division of Corrections	Petition for Writ of Habeas Corpus challenging disciplinary proceedings.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0248	2:22-cv-00350	USDC WVSD	Tiffany Walton v. WV Division of Protective Services, et al.	Complaint for Declaratory and Emergency Injunctive Relief alleging violation of 1st Amendment rights when she was not permitted to record a Legislative Session on HB 302.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0151	2:22-cv-178	USDC WVSD	Ricky Vincent Pendleton v. Betsy C. Jividen, et al.	Petitioner is alleging a violation of his 1st Amendment and equal protection rights for being required to consume a diet that does not conform with his religious beliefs and having significant digestion issues as a result.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0311	20-C-217	Circuit Court Monongalia County	Aron Freeland v. WV Division of Corrections	Civil case subpoena for policy directives.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0099	20-P-285	Circuit Court Kanawha County	Aron Freeland v. WV Division of Corrections	Petition for Writ of Mandamus regarding meritorious good time and lack of legislative rules.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0286	21-0679	Supreme Court - WV	Travis Hayhurst v. WV Division of Corrections	Petition for Writ of Mandamus seeking an award of meritorious good time.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0017	21-0909	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Petition for Writ of Mandamus regarding not driving inmate to courthouse to examine documents. Petitioner appealed to the WV Supreme Court of Appeals.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0064	21-0909	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Appeal of Kanawha County Circuit Court decision denying Mr. Freeland's Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0413	21-0963	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking reversal of plea, expungement of record, restoration of loss of good time, and reassignment to different unit.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Tyler, Jodi	AEB-21-0412	21-0971	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Mandamus seeking deletion of records from inmate file, recalculation of his time, and issuance of a new inmate time sheet showing his new discharge date.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0426	21-0977	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging failure to receive adequate medical care as relates to gender dysphoria.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0067	21-C-126	Circuit Court Kanawha County	Richard Taft, et al. v. WV Division of Corrections and Rehabilitation	Freedom of Information Act response challenge.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0119	21-C-38	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Request for amendment of prayer for relief removing his Fresh Favorite Food from the prayer.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0118	21-C-43	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging his due process rights were violated due to failure to substantiate the charge and denial of his request for presentation of a witness.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0117	21-C-64	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking a reversal and expungement of conviction, and retraining or replacement of hearing examiner.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0425	21-P-395	Circuit Court Kanawha County	Harry Phillips v. WV Division of Corrections	Petition for Writ of Habeas Corpus involving suspension for disciplinary action.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0075	21-P-399	Circuit Court Kanawha County	Terrance Hamrick v. WV Division of Corrections	Petition for Writ of Mandamus directing Division of Corrections run his sentence concurrent with Kanawha County Cases 16-F-142(1) and 13-F-205.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0019	22-0024	Supreme Court - WV	Christopher Simons v. WV Division of Corrections	Petition for Writ of Mandamus and Prohibition All Under Seal alleging retaliation against him.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0045	22-0136	Supreme Court - WV	Bryan Humphrey v. WV Division of Corrections	Petition for Writ of Mandamus regarding housing conditions.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0282	22-039	Supreme Court - WV	Carl Jackson v. WV Division of Corrections	Carl Jackson filed a Petition for Writ of Habeas Corpus calling for the release from custody due to deprivation of due process rights and equal protection while incarcerated.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0153	22-0401	Supreme Court - WV	Donald Lee Taylor v. Brian K. Lanham, et al.	Writ of Habeas Corpus commanding release from illegal segregation and Respondent's custody.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0331	22-0496	Supreme Court - WV	Jerry Lee Key v. WV Division of Corrections	Petition for Writ of Mandamus relating to denial of good time credit and the inmate appealed.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0281	22-0713	Supreme Court - WV	Jerry Lee Key v. WV Division of Corrections	Appealed a lower court decision alleging that the court erred when it ordered that Mr. Key failed to cite an injury in fact and that he failed to state any actual harm against him.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Tyler, Jodi	AEB-22-0138	22-C-135	Circuit Court Cabell County	Shawn Cook v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking release from incarceration based upon credit for good time served and never receiving a parole hearing.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0274	22-C-302	Circuit Court Raleigh County	Andrew Miller v. Michael Francis	Andrew Miller filed a Petition for Writ of Habeas Corpus alleging that the Court's attempt to revoke his parole is double jeopardy.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0036	22-M20C-188	Magistrate Court Kanawha County	Joshua Morrow v. WV Division of Corrections	Claim filed alleging lost property at South Central Regional Jail.
Arts, Education and Boards	Vella, Joanne	AEB-21-0284	21-0653	Supreme Court - WV	Andrew Miller v. WV Parole Board	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0336	21-0703	Supreme Court - WV	Andrew Miller v. WV Parole Board	Petition for Writ of Mandamus challenging revocation of parole.
Arts, Education and Boards	Vella, Joanne	AEB-21-0364	21-0862	Supreme Court - WV	Andrew Miller v. WV Parole Board	Petition for Writ of Habeas Corpus regarding parole violation on kidnapping charge.
Arts, Education and Boards	Vella, Joanne	AEB-21-0248	22-0014	Supreme Court - WV	Geovoni Gail Jones v. Board of Professional Surveyors	Administrative appeal regarding the Board of Professional Surveyors' finding of no probable cause to pursue complaint against surveyor. Appealed to the WV Supreme Court of Appeals.
Arts, Education and Boards	Vella, Joanne	AEB-21-0403	41-2021-C-319	Circuit Court Raleigh County	Andrew Miller v. WV Parole Board	Petition for Writ of Mandamus alleging double jeopardy.
Arts, Education and Boards	Weiler, Mark	AEB-22-0085	21-0890	Supreme Court - WV	Monique Lacy v. WorkForce West Virginia	Appeal from a Final Order of the Kanawha County Circuit Court affirming the WorkForce WV Board of Review's Decision disqualifying Ms. Lacy from receiving benefits.
Arts, Education and Boards	Weiler, Mark	AEB-22-0066	22-P-144	Circuit Court Kanawha County	Massage Therapy Licensure Board v. New Asian Massage	Massage Therapy Licensure Board is pursuing an injunction for unlicensed practice at 1594 Washington Street, East, Charleston, WV 25311.
Arts, Education and Boards	Weiler, Mark	AEB-22-0065	22-P-145	Circuit Court Kanawha County	Massage Therapy Licensure Board v. Lily Spa	Massage Therapy Licensure Board is proceeding with a Petition for Injunction against Lily Spa for unlicensed massage services.

**CIVIL RIGHTS  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Haight, Ann	CIV-20-0003	22-AA-9	Circuit Court Kanawha County	Robb Livingood v. Public Defender Corporation, 5th Judicial District	Employment probable cause based on sex discrimination.
Civil Rights	Haight, Ann	CIV-21-0004	CC-02-2021-C-155	Circuit Court Berkeley County	Gregory Parr v. Oxford House, Inc. and Oxford House Bishop Overlook	Fair Housing Act reasonable cause finding of discrimination based on race resulting in eviction and otherwise denying housing/making housing unavailable.
Civil Rights	Krivonyak, Chanin	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.  Civil action has been stayed until the criminal trials are over. The criminal trials are currently set for November 15, 2022.
Civil Rights	Krivonyak, Chanin	CIV-21-0017	21-C-271	Circuit Court Monongalia County	Barbara Ann Corrigan and Hollie McLean v. Metro Property Management	Fair Housing Act reasonable cause for otherwise denying housing or making housing unavailable based on disability discrimination.
Civil Rights	Krivonyak, Chanin	CIV-22-0028	22-C-198	Circuit Court Monongalia County	Kristen Ranson v. Dark Knight, LLC	Fair Housing Act reasonable cause based on disability discrimination.
Civil Rights	Krivonyak, Chanin	CIV-21-0021	CC-24-2022-C-54	Circuit Court Marion County	Phyllis Wisenbaler and Tony Ferraro v. Ronald Utt and Blissfield Estates, LLC	Fair Housing Act reasonable cause for different terms, conditions, and privileges of rental of a dwelling, and by making housing unavailable based on disability discrimination.

**CONSUMER PROTECTION  
AND ANTITRUST  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Capehart, Curtis	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed in August 2003, alleges that Defendants, the manufacturers and suppliers of dust masks and respirators, marketed and sold their products to coal operators in West Virginia by falsely claiming the devices were an effective means to reduce miners' exposure to airborne coal dust, thereby decreasing the number and severity of coal-related occupational pneumoconiosis cases. The State alleges the claims were false at the time they were made. The Court entered an order bifurcating the case for trial, with the WV Consumer Credit and Protection Act claims to be tried first. Defendants filed a Writ of Prohibition with the WV Supreme Court of Appeals and the writ was denied. Discovery has been restarted. Trial is scheduled for November 28, 2022.
Consumer Protection & Antitrust	Caudill, Frederic	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrisey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed in July 2018, alleging consumers purchased home improvement items and installation of items, predominately including Sundowner awnings from Defendant but the items were never purchased nor installed. Suit was served on one principal owner and the business. There have been continued attempts to serve the other owner, and the Court eventually ordered service by publication. Notice was published and Defendant Cain filed an answer. Defendant Facemire died and a Notice of Suggestion of Death has been filed. Discovery is in progress.
Consumer Protection & Antitrust	Cunningham, Abby	CON-18-0014	18-C-274	Circuit Court Ohio County	SER Patrick Morrisey v. Adam Parson d/b/a Precision Floor and Fence	Suit filed in November 2018, alleging that the Defendant failed to perform work on contracts for which he was paid. The Court granted the State's request for a Temporary Injunction and partial Summary Judgment. On March 11, 2020, the Court revised its previous order granting additional restitution and ordering the Defendant to produce certain records to the State. The Defendant failed to comply with most of the terms of the March 11 Order so the State filed a petition for contempt. The State's petition was heard on January 13, 2021. At the hearing, the Court required the Defendant to follow a revised payment plan for paying restitution owed to consumers, to produce contact information for two additional consumer victims and to provide financial documents to the State. Litigation is ongoing.
Consumer Protection & Antitrust	Cunningham, Abby	CON-20-0001	20-C-48	Circuit Court Putnam County	SER Patrick Morrisey v. Robert E. Jones d/b/a HR Services d/b/a A Personal Service	Suit filed in March 2020, alleging that the Defendant used unfair and deceptive conduct to coerce consumers to enter into unnecessary and expensive home improvement contracts, misrepresented that he possessed various professional licenses, failed to fully perform contracts or performed them in an unworkmanlike manner, and failed to conform to requirements for written contracts. In September 2020, the Court granted the State's Motion for Temporary Injunction and Other Relief, barring the Defendant and anyone acting on his behalf from contracting during the pendency of the case and ordering the Defendant to provide certain records to the State. The Defendant failed to produce any records and the State filed a Petition for Contempt. Shortly thereafter, the Defendant was arrested on charges of fraudulent schemes in connection with his provision of home improvement and contracting services. The Defendant has remained incarcerated. The State has filed an amended petition for contempt to include allegations that the Defendant violated the temporary injunction. The State's motion to appoint a Limited Guardian ad Litem due to his incarceration was granted. The Court granted a motion to amend the complaint to add Mrs. Jones as a Defendant and she has filed a response. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Cunningham, Abby	CON-22-0008	22-C-111	Circuit Court Putnam County	SER Patrick Morrissey v. Kroger Co., Kroger Limited Partnership1 d/b/a Peyton's Southeastern and Kroger Limited Partnership II d/b/a Peyton's Northern	Suit filed on August 23, 2022, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids and by failing to prevent diversion in dispensing of opioids from their chain pharmacies. An answer and a motion to dismiss were filed on September 23, 2022. The case was transferred to the Opioid Mass Litigation Panel on September 28, 2022. An amended answer was filed on October 13, 2022. The State filed an opposition to the motion to dismiss on October 13, 2022. The court entered an order denying the motion to dismiss on October 18, 2022. The case is now in discovery in preparation for a trial to take place in 2023.
Consumer Protection & Antitrust	Cunningham, Abby	CON-22-0014	22-C-132	Circuit Court Putnam County	SER Patrick Morrissey v. J. Andrews Design	Suit filed in October 2022 alleging that the Defendant failed to fully perform contracts or performed them in an unworkmanlike manner, and failed to conform to requirements for written contracts. Litigation is in progress.
Consumer Protection & Antitrust	Cunningham, Abby	CON-22-0009	22-P-300	Circuit Court Kanawha County	SER Patrick Morrissey v. James Conant, National Memorial & Vault Co. LLC d/b/a West Virginia Memorial and Mountaineer Vault	Petition to Enforce Investigative Subpoena against a monument company, filed on September 27, 2022. Litigation has just commenced.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0020	1:20-cv-03589	USDC DC	State of New York, et al. v. Meta Platforms, Inc. [Facebook Inc.]	Suit was filed in December 2020, by the West Virginia Attorney General and 47 other attorneys general, alleging that Facebook illegally acquired competitors in a predatory manner, deprived users of the benefits of competition and reduced privacy protections, all in an effort to boost profits through increased advertising revenue. On June 28, 2021, an order was entered dismissing the case without prejudice. On July 28, 2021, the Plaintiffs filed a Notice of Appeal in the U.S. District Court for the D.C. Circuit. Briefs were filed and the appeal was argued. The parties await a ruling from the Court.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0022	1:20-cv-03715	USDC DC	State of Colorado, et al. v. Google LLC	Suit filed in December 2020, by the WV Attorney General and 37 other attorneys general, alleging anticompetitive conduct in violating markets through a series of anticompetitive exclusionary contracts and conduct. The suit seeks a court order to halt the illegal conduct and restore competition. The lawsuit alleges that Google limits the ability of rival search engines and potential rivals to reach consumers, disadvantages users of its search-advertising management tool by favoring advertising on its own platform and discriminates against specialized search sites by depriving them of access to prime real estate. The Court combined this case with the parallel case of United States, et al. v. Google, LLC for pretrial purposes. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-cv-5073	USDC PAED	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., et al.	Suit filed in November 2016, by the West Virginia Attorney General plus 40 states and the District of Columbia, against Indivior Inc. and related companies, claiming the companies monopolized or conspired to monopolize the market for co-formulated buprenorphine/naloxone, marketed as Suboxone, a prescription drug that helps individuals addicted to opioids to break the addiction. Mediation has been unsuccessful and Summary Judgment motions have been denied.
Consumer Protection & Antitrust	Davis, Douglas	TAX-20-0123	20-22524	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, 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. Frontier has emerged from bankruptcy.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-22-0015	22-C-67	Circuit Court Hancock County	SER Patrick Morrissey v. H&K DJ Event Services	The WV Attorney General sued Helen Marie Nicole Smith in the Circuit Court of Hancock County, CC-15-2022-c-67 on October 4, 2022. Smith is accused of violating the Consumer Credit and Protection Act by, among other things, advertising and selling disc jockey services and then failing to deliver the services and failing to refund money taken. The State seeks civil penalties and a permanent injunction.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0007	3:17-cv-01180-VAB	USDC CT	State of Arkansas, et al. v. Aurobindo Pharma USA, Inc., et al.	Suit filed in July 2017, by the WV Attorney General and several states, alleges the Defendants engaged in price fixing for a number of generic drugs in the U.S. The complaint was originally filed in Connecticut but was consolidated in June 2018 in multi-district litigation in Pennsylvania. An Amended Complaint was filed September 9, 2021. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0006	3:19-cv-00710-MPS	USDC CT	State of Connecticut, et al. v. Teva Pharmaceuticals USA, Inc., et al.	Suit filed in May 2019, by the West Virginia Attorney General and more than 45 states and territories, suing several generic drug manufacturers and officers for fixing the prices on more than 100 generic drugs. The Defendants filed motions to dismiss which remain pending. Discovery is ongoing. Suit was originally filed in federal court in Connecticut but was then transferred to multi-district litigation in Pennsylvania. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0008	3:20-cv-00802-SRU	USDC CT	The State of Connecticut, et al. v. Sandoz, Inc., et al.	Suit filed June 2020, by the West Virginia Attorney General and 51 states and territories, against more than two dozen generic drug manufacturers and executives alleging unlawful price fixing on approximately 80 topical prescriptions. This action was originally filed in Connecticut but was transferred to the multi-district generic drug litigation pending in the Eastern District of Pennsylvania. Discovery is in progress.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0013	19-C-420	Circuit Court Berkeley County	SER Patrick Morrissey v. Future Income Payments, LLC and Scott Alan Kohn	Suit filed in November 2019, alleging that the Defendants made consumer loans in West Virginia without required licenses and registrations and charged usurious interest rates that constitute excess charges. The suit further alleged the Defendants misled consumers to believe that they were "buying" an asset of the consumer, made "usurious" loans, misled consumers to believe it could make loans in West Virginia with interest rates higher than permitted by West Virginia law, and caused misunderstanding and confusion among consumers by failing to disclose the terms and conditions of financing. In July 2019, Defendant Kohn was indicted in U.S.D.C. of South Carolina and a motion was filed to stay this proceeding during the pendency of the criminal action. The Court granted that motion and this matter is currently stayed.
Consumer Protection & Antitrust	Googel, Norman	CON-20-0004	20-C-62	Circuit Court Putnam County	SER Patrick Morrissey v. Thomas Jones and Precision Home Improvements, LLC	Suit filed in April 2020, alleging that the Defendants engaged in home improvement services without being properly licensed, that work was substandard, and consumers were not provided with a three-day right to cancel. The State filed a Motion for Judgment by Default and for Summary Judgment, which was granted by the Court by a Final Order entered on January 25, 2021. The Order included a permanent injunction to prohibit the Defendant from engaging in home improvement contracting, restitution of \$29,146, and a civil penalty of \$40,000. After learning that the Defendant was continuing to do contracting work, the State filed a Petition for Contempt which was heard on September 24, 2021. An Order was entered finding the Defendant in contempt. When the Defendant still failed to comply with the Court's Orders, another petition was filed and a Second Contempt Order was entered on September 7, 2022.
Consumer Protection & Antitrust	Googel, Norman	CON-21-0008	21-C-101	Circuit Court Randolph County	SER Patrick Morrissey v. Daniel C. Ray d/b/a D.R. Construction and Curlie Ray, Sr. d/b/a Curlie Ray Construction	Complaint filed November 16, 2021, alleging Defendants were performing contracting work without a license and not completing work. Settlement reached with Defendant Curlie Ray, Sr. at mediation; settlement reached with Defendant Daniel Ray and settlement documents are being finalized.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-21-0004	21-C-775	Circuit Court Kanawha County	SER Patrick Morrissey v. Mr. V & Sons Pre-Owned Auto Sales, Inc., Sohrab Vagheei and Camron Vagheei	Suit was filed on September 2, 2021, alleging deceptive acts and practices in the sale of used motor vehicles. Discovery is ongoing.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0011	22-C-229	Circuit Court Raleigh County	SER Patrick Morrissey v. Jerry Smales and Altrucon, Inc. d/b/a Mountaineer Plumber and Beckley Plumbers	This complaint was filed on July 15, 2022, alleging the Defendants were engaging in plumbing without the required license, were charging consumers exorbitant sums for services they were not capable of performing, and were subjecting consumers to abusive debt collection practices. A preliminary injunction was granted prohibiting the Defendants from acting as described, with a follow-up hearing on November 21, 2022.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0004	22-C-76	Circuit Court Monongalia County	SER Patrick Morrissey v. Bradley Glaspell d/b/a Helping Hands Home Improvement, Rachel Glaspell, and Over the Top Roofing	Complaint was filed on April 7, 2022, against an unlicensed contractor, alleging consumers paid money for work that was never started or was incomplete.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0010	22-P-272	Circuit Court Kanawha County	SER Patrick Morrissey v. Jerry Walls, II d/b/a Walls Construction	A Petition to Enforce Investigative Subpoena was filed against an unlicensed contractor on July 29, 2022. An Order requiring production of documents was entered on September 20, 2022.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Circuit Court Putnam County	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1318	12-C-294	Circuit Court Putnam County	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1591	12-C-328	Circuit Court Putnam County	SER John D. Perdue v. United of Omaha 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 in progress. An Amended Scheduling Order was entered on August 5, 2022, with mediation to be completed by June 30, 2023, and, if unsuccessful, a trial date will be set.

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 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 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 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 a Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Circuit Court Putnam County	SER John D. Perdue v. Lincoln Benefit Life 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-12-1710	12-C-361	Circuit Court Putnam County	SER John D. Perdue v. Transamerica 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 in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1679	12-C-375	Circuit Court Putnam County	SER John D. Perdue v. Globe Life & Accident 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 company is under audit review by the State Treasurer.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	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-13-277	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 company is under audit review by the State Treasurer.
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-19-0009	19-C-104	Circuit Court Boone County	SER Patrick Morrisey 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. Case settled during trial; in the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0008	19-C-105	Circuit Court Boone County	SER Patrick Morrisey 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 WV Supreme Court of Appeals with respect to the State's Motion to Strike on September 25, 2020. Case settled during trial; in the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0015	19-C-150	Circuit Court Boone County	SER Patrick Morrisey v. Mallinckrodt LLC and SpecGx LLC	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. Bankruptcy proceedings are ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-19-0014	19-C-151	Circuit Court Boone County	SER Patrick Morrisey v. Endo Health Solutions Inc., Endo Pharmaceuticals Inc., and Par Pharmaceutical, Inc.	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. Case settled, but Endo filed bankruptcy in 2022. Bankruptcy proceedings are ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0005	19-C-62	Circuit Court Boone County	SER Patrick Morrisey v. Purdue Pharma, L.P., Purdue Pharma Inc., 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. Bankruptcy proceedings are ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0012	20-C-131	Circuit Court Putnam County	SER Patrick Morrisey 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. Case settled shortly before trial; in the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0013	20-C-132	Circuit Court Putnam County	SER Patrick Morrisey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc.	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. Case settled shortly before trial; in the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0007	20-C-82	Circuit Court Putnam County	SER Patrick Morrisey v. Walgreens Boots Alliance, Inc., Walgreen Company, and Walgreen Eastern Co., Inc.	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. Trial is set for June 2023.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0006	20-C-83	Circuit Court Putnam County	SER Patrick Morrisey v. Rite Aid Corporation, Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center	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. Case settled shortly before trial; in the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0052	15-C-958	Circuit Court Raleigh County	SER Patrick Morrisey v. Rock City Pharmacy, LLC	Suit filed in November 2015, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0053	15-C-959	Circuit Court Raleigh County	SER Patrick Morrisey v. David Pharmacy, LLC	Suit filed in November 2015, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with David Pharmacy, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0001	16-C-230	Circuit Court Raleigh County	SER Patrick Morrissey v. CureRX LLC, et al.	Suit filed in April 2016, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with CureRX LLC, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is ongoing.
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	19-C-101	Circuit Court Fayette County	SER Patrick Morrissey v. New River Firewood, LLC, et al.	Suit filed in August 2018, alleging Defendants sold gas powered log splitters to consumers using defective materials or welds causing the log splitters to malfunction shortly after consumers began using them. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. The case was originally filed in Kanawha County but was transferred to Fayette County. The Court denied Defendants' Motion to Dismiss on March 2, 2020.
Consumer Protection & Antitrust	Morrison, Matt	CON-22-0013	22-C-134	Circuit Court Putnam County	SER Patrick Morrissey v. JUUL Labs, Inc.	Suit filed in October 2022 alleging that the Defendant engaged in unfair or deceptive acts or practices in the manufacture, design, sales, marketing, promotion and distribution of electronic vapor products and that the deceptive marketing campaigns targeted children. The case has just commenced.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1622	12-C-122	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	Sizemore, Vaughn	AD-12-1619	12-C-123	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	Sizemore, Vaughn	AD-12-1618	12-C-124	Circuit Court Mason County	SER Patrick Morrissey v. Sitel Corporation	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	Sizemore, Vaughn	AD-12-1620	12-C-125	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	Sizemore, Vaughn	AD-12-1621	12-C-126	Circuit Court Mason County	SER Patrick Morrissey v. Stonebridge Life Insurance	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. 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	Sizemore, Vaughn	CON-14-0072	13-C-1	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.

**DEPARTMENT OF HEALTH AND  
HUMAN RESOURCES  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Katherine	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, Katherine	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, Katherine	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-21-0411	21-0694	Supreme Court - WV	In Re: C.S. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0046	22-0081	Supreme Court - WV	In Re: K.L.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0169	22-0317	Supreme Court - WV	In Re: E.R. & C.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0225	22-0414	Supreme Court - WV	In Re: J.C., B.J., & A.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0222	22-0415	Supreme Court - WV	In Re: R.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0250	22-0435	Supreme Court - WV	In Re: C.W., T.W.-1, P.W., & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0249	22-0438	Supreme Court - WV	In Re: C.W., T.W., P.W., & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0260	22-0499	Supreme Court - WV	In Re: A.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0292	22-551	Supreme Court - WV	In Re: A.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0369	22-643	Supreme Court - WV	In Re: C.P.-1 & I.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0386	22-681	Supreme Court - WV	In Re: N.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0389	22-684	Supreme Court - WV	In Re: J.J.-1 & J.J.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0448	22-782	Supreme Court - WV	In Re: K.E.	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-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WV DHHR	Appeal of Office of Inspector General finding of Supplemental Nutrition Assistance Program Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Circuit Court Ohio County	C.S. v. WV DHHR/OIG/BOR	Appeal of Board of Review Dismissal Order regarding a Child Protective Services substantiation of abuse.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-19-0490	19-AA-2	Circuit Court Monongalia County	M.G. v. Bill Crouch, Secretary	The Petitioner is appealing the decision of the State Hearing Officer following a Medicaid Fair Hearing Act in Board of Review Action No. 19-BOR-1581.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	19-P-87	Circuit Court Wood County	Jessica Helmick v. Bill J. Crouch, Secretary, et al.	Appeal of Office of Inspector General finding of Supplemental Nutrition Assistance Program Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0479	20-0595	Supreme Court - WV	L.M. & L.M. v. WV DHHR	Writ of Prohibition filed in WV Supreme Court of Appeals against DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0509	20-0695	Supreme Court - WV	L.M. & L.M. v. The Honorable Susan B. Tucker	Writ of Prohibition filed in WV Supreme Court of Appeals against DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0520	20-AA-1	Circuit Court Brooke County	Elise Carson v. WV DHHR/Bureau for Children and Families	Ms. Carson appeals Board of Review decision to deny child care benefits pursuant to the Child Care Subsidy Program.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0515	20-AA-1	Circuit Court Mineral County	J.S. v. WV DHHR	Circuit Court appeal of DHHR Board of Review substantiation of child abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0359	20-JA-227	Circuit Court Monongalia County	In Re: A.F-1., J.F., & A.F-2.	DHHR filed a motion to reconsider orders issued by the Circuit Court of Monongalia County (Judge Tucker) regarding cessation of post-termination child support and order to reimburse respondent parents for over-payment of child support.
Health, Human Resources	Casteel, Chaelyn	HHR-21-0409	21-0266	Supreme Court - WV	State of West Virginia ex rel. P.G., et al.	Writ of Prohibition filed by Guardian ad Litem seeking to prohibit the Circuit Court of Hancock County from granting an improvement period to respondent parent, A.G., and seeking termination of the parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0138	21-JA-105	Circuit Court Preston County	In Re: M.B., E.B., I.B., T.R., D.R.F., & M.F.	Abuse and neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0054	22-0045	Supreme Court - WV	In Re: C.M.-1 & C.M.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0276	22-0419	Supreme Court - WV	In Re: S.C., K.R., & E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0181	22-AA-1	Circuit Court Harrison County	B.W. & P.W. v. WV DHHR/Child Protective Services	Appeal of Board of Review finding of abuse and neglect.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0245	22-AA-1-1	Circuit Court Harrison County	B.W. & P.W. v. WV DHHR	Appeal of the Board of Review decision to uphold DHHR's substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0283	22-JA-54	Circuit Court Preston County	In Re: T.D.M. & T.M.	Educational neglect case.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-22-0284	22-JA-62	Circuit Court Preston County	In Re: H.A.R.D. & E.R.D.	Educational neglect case.
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	Casteel, Chaelyn	HHR-22-0436	FC-08-2021-FIG-10	Circuit Court Clay County	In Re: D.B.	This is a guardianship proceeding where the DHHR/BSS was named as substitute guardian for the child, D.B., after the relative guardians sought to terminate the guardianship previously granted to them by the Family Court of Clay County. The matter is now before the Circuit Court of Clay County (Judge Jack Alsop).
Health, Human Resources	Compton, Steven	HHR-19-0308	2:19-cv-00397	USDC WVSD	Kenneth Richards v. WV DHHR 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-21-0359	2:21-cv-00450	USDC WVSD	Xavier Hersom, et al. v. Bill J. Crouch, et al.	Action filed to force DHHR/Bureau for Public Heather/Vital Registration to change a birth certificate for a transgendered person.
Health, Human Resources	Compton, Steven	HHR-22-0336	2:22-cv-328	USDC WVSD	John Doe v. Bill Crouch, et al.	Federal action seeking to require DHHR to change birth certificates declaring the Petitioner and an anonymous donor the biological and legal parents.
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-20-0481	20-0769	Supreme Court - WV	In Re: B.W. & R.W.	Parent challenging circuit court termination of parental rights. This matter is related to 20-0506.
Health, Human Resources	Compton, Steven	HHR-20-0245	20-AA-60	Circuit Court Kanawha County	Crystal Kendall, et al. v. WV DHHR	Appeal of Public Employees Grievance Board decision.
Health, Human Resources	Compton, Steven	HHR-21-0112	20-CIG-2	Circuit Court Webster County	In Re: G.C.	Petition on Appointment of Guardian.
Health, Human Resources	Compton, Steven	HHR-21-0066	21-0019	Supreme Court - WV	In Re: A.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-21-0388	21-0596	Supreme Court - WV	In Re: A.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0031	22-0032	Supreme Court - WV	In Re: A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0102	22-0188	Supreme Court - WV	In Re: I.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0150	22-0255	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0146	22-0256	Supreme Court - WV	In Re: A.M., G.W., M.B., X.W., Z.W., & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0166	22-0279	Supreme Court - WV	In Re: I.F., J.D., & I.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0183	22-0335	Supreme Court - WV	In Re: K.P. & D.C.-P.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Compton, Steven	HHR-22-0184	22-0347	Supreme Court - WV	In Re: D.W. & R.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0239	22-0408	Supreme Court - WV	In Re: K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0289	22-0507	Supreme Court - WV	In Re: G.P. III, J.P., S.S., & V.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0208	22-P-197	Circuit Court Kanawha County	Gray Media Group, Inc., d/b/a WSAZ v. WV DHHR	Complaint for Declaratory and Injunctive Relief relating to a Freedom of Information Act request.
Health, Human Resources	Compton, Steven	HHR-19-0560	3:19-cv-00710	USDC WVSD	Jonathon R., et al. v. WV DHHR, et al.	A Better Childhood, a national child advocacy organization, Disability Rights WV, and Shaffer and Shaffer filed this federal class action lawsuit claiming WV DHHR 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	Evans, Sandra	HHR-21-0231	21-0362	Supreme Court - WV	In Re: K.B.-R. & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-20-0492	20-0816	Supreme Court - WV	In Re: S.C.	Parents challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Circuit Court Lincoln County	Gina Sowards v. WV DHHR/Board of Review	Appeal of Board of Review Order Denying Request for Consideration.
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WV DHHR	Mr. Warren appeals a Board of Review decision upholding a DHHR WV Works repayment claim totaling \$2,620.
Health, Human Resources	Jackson, Michael	HHR-18-0090	18-AA-2	Circuit Court Kanawha County	Chester Mitchell v. WV DHHR/Board of Review	Chester Mitchell appeals Board of Review (BOR) Order of Dismissal regarding the establishment of Supplemental Nutrition Assistance Program repayment obligation due to untimely hearing request with the BOR.
Health, Human Resources	Jackson, Michael	HHR-22-0227	22-AA-27	Circuit Court Kanawha County	R.B. v. WV DHHR/Bureau for Children and Families	Appeal in Kanawha County Circuit Court of prior Child Protective Services maltreatment finding.
Health, Human Resources	Jackson, Michael	HHR-22-0337	22-ICA-28	Intermediate Court of Appeals – WV	Abbie Fisher d/b/a Adventure Academy v. WV DHHR	Appeal to Intermediate Court of Appeals of DHHR decision to implement a first offense 'strike one' corrective action step against Appellant's child care provider status.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court-US WVND	In Re: Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	In Re: Fairmont General Hospital	Chapter 11 Bankruptcy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court-US DE	In Re: Graceway Pharmaceuticals	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	In Re: New England Compounding Center	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	In Re: Rural/Metro Corp.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	In Re: Laboratory Partners	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court-US VAED	In Re: Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court-US VAED	In Re: 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 Bankruptcy. Xinergy Ltd., a Tennessee-based Appalachian coal producer, and its 25 subsidiaries have filed for Chapter 11 Bankruptcy. Xinergy maintains coal operations throughout West Virginia.
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court-US KYED	In Re: Asthma and Allergy Center LLC, Chapter 11	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0168	19-23649 (RDD)	Bankruptcy Court-US NYSD	In Re: Purdue Pharma L.P.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0138	20-12456 (JTD)	Bankruptcy Court-US DE	In Re: RTI Holding Company, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0167	20-12522 (JTD)	Bankruptcy Court-US DE	In Re: Mallinckrodt, PLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-20-0045	20-20007 (FWV)	Bankruptcy Court-US WVSD	In Re: Thomas Health System, Inc.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0166	20-33295 (DRJ)	Bankruptcy Court-US TXSD	In Re: Covia Holdings Corp.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0165	21-10461 (JTD)	Bankruptcy Court-US DE	In Re: CMC II, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-20-0185	3:20-bk-01940	Bankruptcy Court-US TNMD	In Re: MBH Highland, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0135	17-C-61	Circuit Court Marshall County	In Re: Waleah Marie Nixon	Ms. Nixon was a tenant of Moundsville Housing Authority. She sustained a fall on a set of exterior steps. DHHR has asserted a lien of \$61,035.30.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Miller, Randy	HHR-22-0417	06-G-09	Circuit Court Mineral County	In re: J.A.H.	DHHR filed a Petition for Removal of Guardian & Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0382	21-G-48	Circuit Court Berkeley County	In Re: T.K.	Petition to modify guardianship.
Health, Human Resources	Miller, Randy	HHR-22-0341	22-559	Supreme Court - WV	State of West Virginia ex rel. L.D.	Responding to Petition filed by Guardian ad Litem for L.D., praying for a writ of mandamus to be directed against the Respondent, Honorable Bridget Cohee, Judge of the Circuit Court of Berkeley County.
Health, Human Resources	Miller, Randy	HHR-22-0455	22-G-10	Circuit Court Mineral County	In Re: Sheri Sears	Petition for the Appointment of a Guardian and Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0303	22-G-24	Circuit Court Berkeley County	In Re: E.A.	DHHR filed a petition to modify the type of appointment of the Guardian and/or Conservator, or modify the areas of protections, management, or assistance previously granted.
Health, Human Resources	Miller, Randy	HHR-22-0372	22-G-32	Circuit Court Berkeley County	In Re: E.D.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0375	22-G-33	Circuit Court Berkeley County	In Re: M.M.	DHHR filed a Petition for the Appointment of a Guardian and/or Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0400	22-G-37	Circuit Court Berkeley County	In Re: C.H.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0421	22-G-39	Circuit Court Berkeley County	In Re: C.B.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0422	22-G-40	Circuit Court Berkeley County	In Re: W.P.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0453	22-G-43	Circuit Court Berkeley County	In Re: Kathleen McGrane	DHHR filed a Petition for the Appointment of a Guardian and Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0452	22-G-44	Circuit Court Berkeley County	In Re: Harvey Pitts	DHHR filed a Petition for the Appointment of a Guardian and Conservator.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Miller, Randy	HHR-22-0454	22-G-45	Circuit Court Berkeley County	In Re: Betty Pingley	DHHR filed a Petition for the Appointment of a Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0163	22-G-6	Circuit Court Grant County	In Re: E.K.	DHHR filed a Petition for the Appointment of Guardian and Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0423	22-G-6	Circuit Court Hardy County	In Re: M.R.S.	DHHR filed a Petition for Termination, Revocation, or Modification of Guardianship/Conservatorship.
Health, Human Resources	Miller, Randy	HHR-22-0243	22-G-8	Circuit Court Grant County	In Re: D.D.A.	Petition regarding financial exploitation of protected person and to appoint a Guardian and/or Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0312	22-G-9	Circuit Court Grant County	In Re: C.E.	Petition for the Appointment of Guardian and/or Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0335	22-ICA-7	Intermediate Court of Appeals – WV	J.P. v. WV DHHR/Bureau for Social Services	Appeal to Intermediate Court of Appeals of Board of Review substantiation of abuse.
Health, Human Resources	Niezgoda, Lee	HHR-19-0077	19-0064	Supreme Court - WV	In Re: A.B., N.B., J.B., B.B., E.B., & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0516	19-0798	Supreme Court - WV	In Re: J.B., II	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0365	20-0565	Supreme Court - WV	In Re: R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0470	20-0729	Supreme Court - WV	In Re: D.R., D.R., J.R., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0032	20-1030	Supreme Court - WV	In Re: K.S., B.M., & O.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0124	21-0140	Supreme Court - WV	In Re: T.G., B.G., B.G., & J.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0143	21-0180	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0242	21-0397	Supreme Court - WV	In Re: B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0512	21-0898	Supreme Court - WV	In Re: F.N., G.N., B.N., M.E., & K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0530	21-0937	Supreme Court - WV	State ex rel. D.B. and J.N., Foster Parents of R.L. v. WV DHHR, et al.	Petition for Writ of Prohibition to stop the rapid transition of R.L. from foster placement to placement with his maternal grandparents.
Health, Human Resources	Niezgoda, Lee	HHR-22-0039	22-0043	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0118	22-0218	Supreme Court - WV	In Re: P.E. & J.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0123	22-0221	Supreme Court - WV	In Re: K.C., C.C., & C.D.	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-22-0189	22-0300	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0170	22-0310	Supreme Court - WV	In Re: R.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0190	22-0345	Supreme Court - WV	In Re: H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0200	22-0349	Supreme Court - WV	In Re: R.P., J.P., C.P., M.P., & E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0199	22-0368	Supreme Court - WV	In Re: B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0201	22-0384	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0204	22-0387	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0205	22-0388	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0221	22-0416	Supreme Court - WV	In Re: J.L. & B.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0277	22-0450	Supreme Court - WV	In Re: N.J., L.J., K.J., & T.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0244	22-0462	Supreme Court - WV	In Re: S.R., J.R., & K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0272	22-0471	Supreme Court - WV	In Re: C.K. & T.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0262	22-0504	Supreme Court - WV	In Re: S.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0352	22-0556	Supreme Court - WV	In Re: K.C., C.C., & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0299	22-0585	Supreme Court - WV	In Re: D.P., T.M., & N.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0296	22-0597	Supreme Court - WV	In Re: J.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0316	22-0601	Supreme Court - WV	In Re: S.L. & E.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0347	22-0641	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0370	22-0659	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0373	22-0663	Supreme Court - WV	In Re: L.B., K.S., & J.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0394	22-0692	Supreme Court - WV	In Re: L.T., G.R., M.R., J.M., X.M., A.M., M.M., & I.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0404	22-688	Supreme Court - WV	In Re: E.A.-1, J.A., Jr., & E.A.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0415	22-698	Supreme Court - WV	In Re: B.P.	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-22-0413	22-732	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0442	22-767	Supreme Court - WV	In Re: D.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0449	22-778	Supreme Court - WV	In Re: S.H.-1, S.H.-2, & S.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0385	22-0592	Supreme Court - WV	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0351	22-0630	Supreme Court - WV	In Re: A.S., S.S.-1, & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0354	22-0645	Supreme Court - WV	In Re: A.S., S.S., & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0360	22-0652	Supreme Court - WV	In Re: C.B.-1, B.B., & H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0383	22-0686	Supreme Court - WV	In Re: S.B. & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0402	22-0699	Supreme Court - WV	In Re: J.A., M.A.-1, L.A., & S.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0409	22-731	Supreme Court - WV	In Re: A.Y., L.Y., & P.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0440	22-772	Supreme Court - WV	In Re: A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0446	22-773	Supreme Court - WV	In Re: A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0092	22-0151	Supreme Court - WV	In Re: D.A. & J.A.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0108	22-0178	Supreme Court - WV	In Re: H.M., A.M., R.G., N.S.-1, & N.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0122	22-0226	Supreme Court - WV	In Re: J.W.-1, J.W.-2, J.W.-3, H.S., & E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0162	22-0281	Supreme Court - WV	In Re: J.H.-1, J.H.-2, & J.H.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0187	22-0322	Supreme Court - WV	In Re: J.G., T.B., L.S., M.S., & Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0188	22-0332	Supreme Court - WV	In Re: G.A. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0207	22-0348	Supreme Court - WV	In Re: D.H. & D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0209	22-0372	Supreme Court - WV	In Re: J.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0210	22-0379	Supreme Court - WV	In Re: B.J. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0206	22-0385	Supreme Court - WV	In Re: A.W., R.W., H.A., & I.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0211	22-0396	Supreme Court - WV	In Re: Z.M. & K.M.	Parent challenging circuit court termination of parental rights.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ribel, Katica	HHR-22-0237	22-0398	Supreme Court - WV	In Re: J.D.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0261	22-0479	Supreme Court - WV	In Re: E.R., C.J., I.J., & M.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0253	22-0481	Supreme Court - WV	In Re: S.D., W.T., E.S., J.S., & H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0252	22-0482	Supreme Court - WV	In Re: B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0264	22-0493	Supreme Court - WV	In Re: M.Y. & C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0269	22-0502	Supreme Court - WV	In Re: K.H.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0398	22-0515	Supreme Court - WV	In Re: C.D.-M.	A Notice of Appeal was filed with the WV Supreme Court of Appeals against DHHR regarding an adult guardianship.
Health, Human Resources	Ribel, Katica	HHR-22-0293	22-0552	Supreme Court - WV	In Re: P.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0298	22-0555	Supreme Court - WV	In Re: P.E. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0313	22-0561	Supreme Court - WV	In Re: K.H. & J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0379	22-0591	Supreme Court - WV	In Re: G.P. & E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0338	22-0622	Supreme Court - WV	In Re: R.C. & D.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0334	22-0627	Supreme Court - WV	In Re: V.T., S.T., T.T., D.B., & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0353	22-0633	Supreme Court - WV	In Re: V.T., S.T., T.T., D.B., & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0361	22-0651	Supreme Court - WV	In Re: L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0377	22-0662	Supreme Court - WV	In Re: C.B. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0374	22-0673	Supreme Court - WV	In Re: S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0393	22-0695	Supreme Court - WV	In Re: N.F. & D.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0392	22-0697	Supreme Court - WV	In Re: D.H., M.C., & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0416	22-708	Supreme Court - WV	In Re: A.R. & Z.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0411	22-730	Supreme Court - WV	In Re: G.P. & E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0427	22-739	Supreme Court - WV	In Re: L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0441	22-763	Supreme Court - WV	In Re: G.H. & K.A.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ribel, Katica	HHR-22-0450	22-780	Supreme Court - WV	In Re: H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0397	22-G-16	Circuit Court Monongalia County	In Re: D.M.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-22-0343	22-G-4	Circuit Court Taylor County	In Re: A.T.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-22-0098	22-G-8-1	Circuit Court Harrison County	In Re: A.B.	DHHR filed a petition for the appointment of Guardian.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-21-0331	21-0545	Supreme Court - WV	In Re: H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0045	22-0067	Supreme Court - WV	In Re: E.H., J.S., E.K., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0104	22-0184	Supreme Court - WV	In Re: A.C.-E., B.C.-E., & K.C.-E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0114	22-0199	Supreme Court - WV	In Re: B.V., W.B., L.V., N.R., E.O.-R., E.R., & S.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0127	22-0206	Supreme Court - WV	In Re: B.V., W.V.-1, L.V., N.R., E.O.-R., E.R., & S.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0156	22-0272	Supreme Court - WV	In Re: S.R.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0182	22-0294	Supreme Court - WV	In Re: E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0191	22-0312	Supreme Court - WV	In Re: G.N., L.N., & A.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0165	22-0316	Supreme Court - WV	In Re: C.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0215	22-0325	Supreme Court - WV	In Re: A.F. & R.S.F.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0216	22-0365	Supreme Court - WV	In Re: G.G.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0217	22-0395	Supreme Court - WV	In Re: C.H.-1, M.B., & C.H.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0231	22-0406	Supreme Court - WV	In Re: P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0238	22-0410	Supreme Court - WV	In Re: P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0224	22-0411	Supreme Court - WV	In Re: K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0254	22-0413	Supreme Court - WV	In Re: B.S., M.S., & H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0290	22-0461	Supreme Court - WV	In Re: T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0255	22-0474	Supreme Court - WV	In Re: D.N., T.N., L.M., C.N., & F.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0263	22-0478	Supreme Court - WV	In Re: Z.S.-1 & Z.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0266	22-0484	Supreme Court - WV	In Re: H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0273	22-0508	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0275	22-0556	Supreme Court - WV	In Re: K.C., C.C., & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0294	22-0579	Supreme Court - WV	In Re: L.H., R.H., & D.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0318	22-0602	Supreme Court - WV	In Re: Z.S.-1 & Z.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0317	22-0605	Supreme Court - WV	In Re: C.O., M.O., & D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0323	22-0623	Supreme Court - WV	In Re: C.L., A.L.-1, A.L.-2, & A.L.-3	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0362	22-0638	Supreme Court - WV	In Re: B.B., L.M., M.M., B.M., E.C.-M., & R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0387	22-0687	Supreme Court - WV	In Re: A.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0388	22-0689	Supreme Court - WV	In Re: K.G. & D.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0428	22-611	Supreme Court - WV	In Re: J.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0403	22-703	Supreme Court - WV	In Re: K.H., E.H., & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0414	22-709	Supreme Court - WV	In Re: S.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0426	22-729	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0444	22-755	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0445	22-770	Supreme Court - WV	In Re: M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ryers-Hinbaugh, Brittany	HHR-22-0447	22-783	Supreme Court - WV	In Re: A.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-19-0112	02-C-239	Circuit Court Wood County	J.B. v. WV DHHR	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 WV DHHR	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. WV DHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-21-0362	21-P-256	Circuit Court Kanawha County	In Re: Ohio Valley Physicians	Provider is suing UniCare and DHHR/Bureau for Medical Services for refusing to allow them to perform and bill Medicaid for the most expensive drug tests.
Health, Human Resources	Stitzinger, Kim	HHR-20-0265	3:17-cv-01362	USDC WVSD	In Re: AmerisourceBergen Drug Corp., et al.	Representation of DHHR in response to third party subpoenas.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Waight, Andrew	HHR-22-0178	10-G-10	Circuit Court Hampshire County	In Re: A.C.	Petition for Removal of Guardian/Conservator. DHHR is current Guardian and strongly disagrees that removal is in the best interest of individual and will object in court.
Health, Human Resources	Waight, Andrew	HHR-22-0300	19-G-32	Circuit Court Kanawha County	In Re: E.B.	A Petition to Terminate, Revoke or Modify the Appointment of Guardian was filed. DHHR is currently limited guardian. DHHR is seeking an evaluation to see if individual is still considered incapacitated and in need of a guardian.
Health, Human Resources	Waight, Andrew	HHR-22-0062	20-C-675	Circuit Court Kanawha County	L.P. v. TSAT and Vera McCormick	Judge Tabit requested that an Adult Protective Services (APS) worker contact individual and arrange a meeting to determine whether any services APS might have to offer are needed. DHHR is now involved in this matter.
Health, Human Resources	Waight, Andrew	HHR-22-0029	22-0008	Supreme Court - WV	In Re: V.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0133	22-0231	Supreme Court - WV	In Re: T.P. & H.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0161	22-0271	Supreme Court - WV	In Re: C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0171	22-0305	Supreme Court - WV	In Re: T.P., C.D., & H.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0186	22-0336	Supreme Court - WV	In Re: S.B. & D.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0218	22-0346	Supreme Court - WV	In Re: K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0219	22-0371	Supreme Court - WV	In Re: A.B., B.H., & D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0228	22-0383	Supreme Court - WV	In Re: H.K., B.L., & J.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0230	22-0409	Supreme Court - WV	In Re: C.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0229	22-0423	Supreme Court - WV	In Re: K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0223	22-0426	Supreme Court - WV	In Re: K.A., N.A., & J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0278	22-0446	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0251	22-0447	Supreme Court - WV	In Re: C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0267	22-0485	Supreme Court - WV	In Re: Z.B.-1 & Z.B.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0268	22-0495	Supreme Court - WV	In Re: Z.B.-1 & X.B.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0297	22-0574	Supreme Court - WV	In Re: D.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0295	22-0580	Supreme Court - WV	In Re: A.W.-1 & A.W.-2	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Waight, Andrew	HHR-22-0330	22-0624	Supreme Court - WV	In Re: A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0356	22-0640	Supreme Court - WV	In Re: A.C.-1, C.C., & A.C.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0355	22-0642	Supreme Court - WV	In Re: C.W., K.V., & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0378	22-0678	Supreme Court - WV	In Re: B.H., R.H., & M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0384	22-0680	Supreme Court - WV	In Re: B.H., R.H., & M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0395	22-0696	Supreme Court - WV	In Re: M.C. & H.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0424	22-733	Supreme Court - WV	In Re: N.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0425	22-734	Supreme Court - WV	In Re: N.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0443	22-769	Supreme Court - WV	In Re: B.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0459	22-ICA-185	Intermediate Court of Appeals – WV	In Re: L.D.	Petitioner filed a notice of appeal on the circuit court decision of a financial exploitation protective order.
Health, Human Resources	Waight, Andrew	HHR-22-0357	22-ICA-40	Intermediate Court of Appeals – WV	In Re: H.A.	Motion for Extension of Time to File an Appeal with the Intermediate Court of Appeals regarding an adult protected person. Extension granted.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Circuit Court Wyoming County	In Re: C.P., D.P., & D.L.	Child Protective Services Contempt case. The Petitioner claims to not be receiving the monthly amount of finances to which entitled.
Health, Human Resources	Walters, Angela	HHR-22-0434	19-JA-11 & 12-DS	Circuit Court Mercer County	In Re: E.T. & E.T.	Child Protective Services case regarding child custody.
Health, Human Resources	Walters, Angela	HHR-21-0048	21-AA-1	Circuit Court Raleigh County	T.A. v. WV DHHR Board of Review	Appeal of Office of Inspector General decision to substantiate maltreatment of neglect and educational neglect.
Health, Human Resources	Walters, Angela	HHR-22-0412	21-JA-137 & 22-JA-46-47	Circuit Court Fayette County	K.S.-1, C.J., & K.S-2	Child Protective Services case regarding child placement.
Health, Human Resources	Walters, Angela	HHR-22-0153	22-BOR-1376	Circuit Court Fayette County	In Re: M.T.S.	Child Protective Services case grieving a substantiation of mental and emotional abuse.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Walters, Angela	HHR-22-0458	22-BOR-2321	Circuit Court Greenbrier County	In Re: A.H.	Child Protective Services Case wherein Grievant is challenging a previous substantiation.
Health, Human Resources	Walters, Angela	HHR-22-0470	22-JA-15	Circuit Court Mingo County	In Re: L.D.	Child Protective Services case regarding child custody.
Health, Human Resources	Walters, Angela	HHR-22-0410	22-JA-80, 81, 111, 112	Circuit Court Fayette County	In Re: H.R.N. & J.S.T.	Child Protective Services case regarding the children at issue.
Health, Human Resources	Wegman, Jake	HHR-22-0212	22-0366	Supreme Court - WV	In Re: W.H., J.H., I.H., & K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-22-0226	22-0418	Supreme Court - WV	In Re: I.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-22-0265	22-0458	Supreme Court - WV	In Re: Z.D.-1, Z.D.-2, Z.L.-1, & Z.L.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-22-0291	22-0464	Supreme Court - WV	In Re: H.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-22-0281	22-0554	Supreme Court - WV	In Re: M.S. & I.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Winterholler, Claire	HHR-21-0313	21-C-73	Circuit Court Mingo County	In Re: Marilyn Irene (Blackwell) Neal	Petition to establish correct date of birth and obtain a valid West Virginia birth certificate.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	USDC WVSD	U.S. EPA, et al. v. Town of Fort Gay	Consent Decree entered in civil enforcement action primarily for violations of the Clean Water Act and the Safe Drinking Water Act. Currently under monitoring for compliance.

**MAIN OFFICE  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Capehart, Curtis	MO-21-0007	2:21-cv-22	USDC WVND	West Virginia v. United States Department of Homeland Security & Alejandro Mayorkas	Challenge to United States Department of Homeland Security's termination of "Remain in Mexico" border security policy.
Main Office	Capehart, Curtis	MO-22-0004	2:21-cv-316	USDC WVSD	B.J.P., by her next friend & mother, Heather Jackson v. WV State Board of Education	WV intervened in litigation challenging new statute relating to single-sex participation in interscholastic athletic events. Court granted preliminary injunction only as to Plaintiff. Trial scheduled for January 2023.
Main Office	Capehart, Curtis	MO-21-0005	21-P-156	Circuit Court Kanawha County	Jim Justice v. WV AFL-CIO, et al.	Challenge to new statutory amendments relating to permitted paycheck deductions for public employees. Circuit Court preliminary injunction overturned by WV Supreme Court of Appeals. Trial scheduled for December 2022.
Main Office	Capehart, Curtis	MO-20-0007	22-175	Supreme Court - US	Recht, et al. v. Patrick Morrisey	District Court preliminary injunction overturned by USDC CA4. Plaintiffs are seeking certioari; briefing on that is ongoing.
Main Office	Capehart, Curtis	MO-22-0005	22-576	Supreme Court - WV	Women's Health Center of WV v. Miller and Morrisey	Challenge to W.Va. Code § 61-2-8 (old criminal abortion law). Circuit Court granted preliminary injunction. Appeal of preliminary injunction is pending in the WV Supreme Court of Appeals.
Main Office	See, Lindsay	MO-21-0022	1:21-cv-00536	USDC NYSD	New York v. United States Department of Labor	WV intervened in this litigation concerning a United States Department of Labor regulation expanding the religious exemption for federal contractors and undertaking certain other labor reforms; case is stayed.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. EPA, et al.	Legal challenge to EPA's refusal to approve state implementation plan under the Clean Air Act; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0021	15-1399	US CADC	West Virginia v. EPA	Legal challenge to EPA's new source performance standards for new power plants; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0020	16-1204	US CADC	Michigan, et al. v. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of Mercury Air Toxics Standards rule; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-21-0015	16-1242	USDC DC	North Dakota, et al. v. EPA	Legal challenge to EPA's methane emissions rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	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-19-0002	19-1140	US CADC	American Lung Association v. EPA, et al.	WV intervened in litigation concerning the Affordable Clean Energy rule. Case is currently on remand to CADC after the WV Attorney General's United States Supreme Court victory in West Virginia v. United States Environmental Protection Agency.
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-20-0006	2:20-cv-03412	USDC PAED	Delaware Riverkeeper Network v. EPA	WV intervened in this litigation concerning EPA's rules under Section 401 of the Clean Air Act. Remanded without vacatur to implement new rule.
Main Office	See, Lindsay	MO-21-0020	2:21-cv-00022	USDC WVND	West Virginia v. United States Department of Homeland Security, et al.	Challenge to suspension of the Migrant Protection Protocols without appropriate consideration of the impact of the termination on trafficking of fentanyl into our country.
Main Office	See, Lindsay	MO-21-0017	2:21-cv-00778	USDC LAWD	Louisiana, et al. v. Biden, et al.	Multi-states legal challenge to Executive Order imposing a moratorium on all oil and natural gas leasing activities on public lands and offshore waters.
Main Office	See, Lindsay	MO-21-0018	2:21-cv-01074	USDC LAWD	Louisiana, et al. v. Biden, et al.	Multi-state legal challenge to federal taskforce determinations of social costs of greenhouse gases, which are in turn used to conduct cost/benefit analyses for every regulatory action.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-21-0014	20-1530	Supreme Court - US	West Virginia v. EPA	Challenge to United States Environmental Protection Agency's "Clean Power Plan," which purports to decide whether and how to decarbonize almost any sector of the economy. The United States Supreme Court ruled in favor of the WV Attorney General's position 6-3 in June, 2022.
Main Office	See, Lindsay	MO-20-0002	20-1860 & 20-1861	US CA4	Dakota Nelson v. Mac Warner	Challenge to the constitutionality of West Virginia's ballot preference law. Vacated and remanded.
Main Office	See, Lindsay	MO-20-0019	20-6811	US CA4	Smith v. Ames	Habeas Corpus action related to state criminal conviction. Case remanded to determine whether appeal was timely filed.
Main Office	See, Lindsay	MO-20-0015	20-6852	US CA4	Peterson v. Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	APP-19-0129	20-7614	US CA4	John Rodney Johnson v. Donnie Ames, Superintendent	Habeas Corpus action related to state criminal conviction. Appeal dismissed, and Petition for Writ of Certiorari filed.
Main Office	See, Lindsay	APP-17-0278	20-7618	US CA4	Mark Jeffrey v. Donnie Ames	Habeas Corpus action related to state criminal conviction.
Main Office	See, Lindsay	MO-21-0025	21-14269	US CA11	Georgia, et al. v. Biden, et al.	Multistate legal challenge to vaccination mandate for federal contractors. Eleventh Circuit largely affirmed district court win; potential petition for certiorari forthcoming.
Main Office	See, Lindsay	MO-21-0010	21-23	Supreme Court - US	Brenda Cook v. West Virginia	Petition for Writ of Certiorari concerning alleged juror bias in state criminal trial.
Main Office	See, Lindsay	MO-21-0023	21-2561	US CA7	Cook County, IL v. Texas	WV intervened in this litigation concerning the "public charge" rule. Case is currently pending on appeal.
Main Office	See, Lindsay	MO-19-0005	21-40680	US CA5	Texas v. United States (DACA)	WV joined a multi-state coalition challenging former President Obama's authority to establish deferred immigration priorities for children who are unlawfully present in the United States after being brought to the country as children. Currently on appeal.
Main Office	See, Lindsay	MO-21-0026	21-4235	US CA6	Ohio v. Becerra	Multi-state legal challenge to Department of Health and Human Services rule purporting to rescind certain aspects of regulations implementing Title X restrictions on abortion spending. Appeal is briefed and awaiting oral argument date.
Main Office	See, Lindsay	MO-21-0006	22-0070	Supreme Court - WV	Sam Brunett and Robert McCloud v. Craig Blair, President of WV Senate, Roger Hanshaw, Speaker of WV House of Delegates, and Jim Justice, Governor of WV	Petition for Mandamus and Injunctive Relief against the President of the Senate, Speaker of the House, and Governor to prevent the authorization of public charter schools by the WV Public Charter School Board. Circuit Court of Kanawha County entered a preliminary injunction on January 20, 2022, preventing authorization of charter schools and ordering the Governor to remove board members who continued to enforce the statute. State officials appealed to the WV Supreme Court of Appeals and requested a stay, which was granted on February 23, 2022, allowing the law to go into effect while the appeal was pending. The case has been fully briefed and is awaiting a memorandum decision or order granting argument.
Main Office	See, Lindsay	MO-21-0011	22-1008	US CA4	Sierra Club v. West Virginia Department of Environmental Protection	Petition for review of CWA 401 certification by WV Department of Environmental Protection as to Mountain Valley Pipeline.
Main Office	See, Lindsay	MO-21-0019	22-10168	US CA11	West Virginia, et al. v. United States Department of Treasury	WV is leading a multi-state action challenging an American Rescue Plan Act (ARPA) provision barring use of ARPA funds to offset a tax revenue reduction. WV presented argument in CA11 in September, 2022; awaiting court's decision.
Main Office	See, Lindsay	MO-22-0002	22-1081	US CADC	Ohio v. EPA	Litigation challenging California fuel standards waiver.
Main Office	See, Lindsay	MO-22-0009	22-174	Supreme Court - US	Gerald E. Groff v. Louis DeJoy, Postmaster General, United States Postal Service	West Virginia, Louisiana, and 15 other states filed an Amicus Brief in support of Petitioner regarding Title VII of the Civil Rights Act of 1964 against an individual because of such individual's religion.
Main Office	See, Lindsay	MO-22-0012	22-240	Supreme Court - US	Justice v. Jonathan R., et al.	Petition for Writ of Certiorari denying abstention in action challenging aspects of WV DHHR abuse-and-neglect processes has been denied by the United States Supreme Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-22-0013	22-2812	US CA8	Morehouse Enterprises v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.	West Virginia intervened with other states in an action challenging ATF's regulation banning "ghost guns."
Main Office	See, Lindsay	MO-22-0007	22-2854	US CA8	Arizona, et al. v. Bureau of Alcohol, Tobacco, Firearms & Explosives, et al.	Complaint seeking preliminary injunction to preserve status quo, followed by declaratory judgment and permanent injunctive relief restraining Defendants from enforcing various parts of an omnibus rulemaking by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
Main Office	See, Lindsay	MO-22-0006	22-30303	US CA5	Arizona v. United States Centers for Disease Control and Prevention	Multi-state challenge to revocation of immigration-related Title 42 expulsion program.
Main Office	See, Lindsay	MO-22-0016	22-30458	US CA5	Louisiana, et al. v. United States Horseracing Integrity and Safety Authority	Action by West Virginia and West Virginia Racing Commission joining Louisiana and other entities in challenge to horseracing regulations.
Main Office	See, Lindsay	APP-20-0063	22-5319	Supreme Court - US	Gary Lee Rollins v. Donnie Ames, Superintendent	Appeal from denial of state post-conviction relief after murder conviction.
Main Office	See, Lindsay	MO-21-0013	22-5487	US CA6	Oklahoma, et al. v. Horseracing Integrity and Safety Authority, et al.	WV and the WV Racing Commission joined several states in suing to invalidate the Horseracing Integrity and Safety Act of 2020.
Main Office	See, Lindsay	MO-22-0001	22-616	Supreme Court - WV	Travis Beaver, Karen Kalar, and Wendy Peters v. Riley Moore, WV State Treasurer; W. Clayton Burch, WV State Superintendent; Miller L. Hall, WV Board of Education President; Craig Blair, WV Senate President; Roger Hanshaw, WV House of Delegates Speaker; and Jim Justice, WV Governor	Challenge to House Bill 2013, codified as W.Va. Code § 18-31-1, et seq. "the Hope Scholarship Act," wherein the WV Supreme Court of Appeals reversed the circuit court's permanent injunction and allowed the law to go back into effect.
Main Office	See, Lindsay	APP-22-0011	22-6704	US CA4	Johnnie Franklin Wills v. Karen Pszczolkowski, Superintendent	Appeal from denial of federal post-conviction relief pertaining to WV three-strikes law.
Main Office	See, Lindsay	MO-19-0004	220145	Supreme Court - US	Delaware v. Arkansas, et al.	Original action in US Supreme Court regarding state entitlement to unclaimed MoneyGram checks.
Main Office	See, Lindsay	MO-20-0001	3:20-cv-03005	USDC CAND	California, et al. v. Wheeler, et al.	WV intervened in litigation concerning the Navigable Waters Protection rule.
Main Office	See, Lindsay	MO-21-0024	3:21-cv-00065	USDC TXSD	Texas v. Biden (Keystone)	Multi-state legal challenge to Executive Order revoking Keystone XL pipeline permit.
Main Office	See, Lindsay	MO-21-0012	3:21-cv-00308	USDC TNED	Tennessee, et al. v. United States Department of Education, et al.	WV joined several other states in suing to enjoin enforcement of certain Department of Education and EEOC guidance documents related to Title IX.
Main Office	See, Lindsay	MO-22-0010	3:21-cv-04370	USDC LAWD	Louisiana, et al. v. Becerra, et al.	States filed Complaint and Motion for Preliminary Injunction regarding the Administration's lawless mandates including three vaccine mandates and Head Start program.
Main Office	See, Lindsay	MO-22-0008	3:22-cv-00257	USDC TNED	Tennessee, et al. v. United States Department of Agriculture, et al.	Complaint for Declaratory and Injunctive Relief challenges application of United States Supreme Court "Bostick" case to state programs receiving federal funding under Supplemental Nutrition Assistance Program.
Main Office	See, Lindsay	MO-21-0016	4:19-cv-06013	USDC CAND	California, et al. v. Bernhardt, et al.	WV intervened in this litigation concerning federal agencies' rules related to the Endangered Species Act.
Main Office	See, Lindsay	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-22-0014	6:22-cv-1130	USDC LAWD	Arizona, et al. v. Garland, et al.	Multi-state challenge to the Biden Administration's "asylum rule."

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-22-0015	8:22-cv-00718	USDC FLMD	Florida, et al. v. Rochell Walensky, United States Centers for Disease Control & Prevention, et al.	West Virginia joined other states in challenging the United States Centers for Disease Control's national transportation mask mandate.
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	Whelan, Sean	MO-22-0011	22-C-20	Circuit Court Kanawha County	Fleming, et al. v. Carmichael, et al.	Petition for declaratory and injunctive relief challenging the constitutionality of the WV Department of Economic Development's authority under W.Va. Code § 5B-1-9 to designate Hill Top House Hotel as the state's first of five tourism development districts. The circuit court held a hearing on Secretary Carmichael's motion to dismiss on August 11, 2022, and the parties are awaiting a decision.
Main Office	Wolfgangbarger, Brentton	MO-21-0004	21-0681	Supreme Court - WV	Rebecca L. Urie and Kimberly Griffith v. Scott Adkins, Commissioner of WorkForce West Virginia	Unemployment benefits Claimants filed a Petition for Writ of Mandamus challenging the legality of the State's decision to terminate participation in federal programs created by the Coronavirus Aid, and Economic Security (CARES) Act through which eligible Claimants could receive payment of additional benefits. Kanawha County Circuit Court upheld the legality of the State's decision and denied Petitioners' request for relief. Petitioners appealed that decision to the WV Supreme Court of Appeals, which has set a briefing schedule in the appeal. The WV Supreme Court of Appeals granted the WV Attorney General's Motion to Dismiss on January 6, 2022.
Main Office	Wolfgangbarger, Brentton	MO-21-0009	21-P-198	Circuit Court Kanawha County	Robert King v. WV House of Delegates, et al.	Owner of a luxury limousine company challenged the Legislature's passage of House Bill 2890, alleging that technical difficulties hindered his ability to listen to the online audio stream of a House Committee meeting on March 23, 2021, in violation of W.Va. Code § 6-9A-3(a). The Court Order granted the WV Attorney General's motion to dismiss and was entered on March 23, 2022.
Main Office	Wolfgangbarger, Brentton	MO-21-0008	21-P-294	Circuit Court Kanawha County	State of WV ex rel. J.A., et al. v. Cabell County Board of Education, et al.	Complaint and Petition for Writ of Mandamus regarding September 2, 2021 Revised Exposure Control Plans pertaining to face coverings and personal protective equipment related to in-person teaching. The Court dismissed the case on February 8, 2022, because Cabell County enacted a mask policy as the Plaintiffs had demanded, thus rendering the dispute moot as a matter of law.

# **MEDICAID FRAUD CONTROL UNIT**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0003	19-F-127	Circuit Court Lincoln County	State of West Virginia v. Joseph Peterson	Deferred Adjudication Plea entered into, then revoked due to Defendant's failure to successfully complete. Charge reverted back to Medicaid Fraud as laid out in the Deferred Adjudication Agreement.
Medicaid Fraud Control Unit	Blair, John	MFCU-17-27	22-M20F-01098	Magistrate Court Kanawha County	State of West Virginia v. Timothy Jay Adkins	Criminal prosecution for three felony violations of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-18-425	22-M42F-00106	Magistrate Court Randolph County	State of West Virginia v. Carrie Sue Collins	Criminal prosecution for one felony violation of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-19-230	22-M20F-01096	Magistrate Court Kanawha County	State of West Virginia v. Kayley Nicole Cabell	Criminal prosecution for eight felony violations of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-20-116	22-M20F-01097	Magistrate Court Kanawha County	State of West Virginia v. Jessica Lynn Hensley	Criminal prosecution for one felony violation of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-20-171	22-M06F-00276	Magistrate Court Cabell County	State of West Virginia v. Vanessa Boyd	Criminal prosecution for two felony violations of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-20-79	22-M42F-00105	Magistrate Court Randolph County	State of West Virginia v. Helen Howell	Criminal prosecution for one felony violation of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-21-157	22-M20M-00758	Magistrate Court Kanawha County	State of West Virginia v. Yogesh Patel	Criminal prosecution for one misdemeanor violation of W.Va. Code § 61-3-24d(a).
Medicaid Fraud Control Unit	Blair, John	MFCU-21-40	22-M16F-00092	Magistrate Court Hardy County	State of West Virginia v. Ashley Nicole Castell	Criminal prosecution for one felony violation of W.Va. Code § 9-7-5(b) and one felony violation of W.Va. Code § 61-3-24d(a).

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

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0022	19-12771	Bankruptcy Court-US PAED	In Re: Herz, Herz & Reichle	Three entities that operated Timberline Ski Resort filed Chapter 11 Bankruptcy. The primary case is Herz, Herz and Reichle, Inc., Case No. 19-12771, which has Long Run Realty, Inc. and Timberline Four Seasons as associated cases. Collectively, they owe a total of \$705,825.37 to the State Tax Department. Timberline sold its assets and the cases later converted to Chapter 7. The proposed distribution schedule indicates that the State Tax Department will be paid in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0001	19-AA-1	Circuit Court Upshur County	Virgil D. Miller and Susan K. Miller v. Matthew R. Irby, WV State Tax Commissioner	Virgil and Susan Miller appealed the decision of the Office of Tax Appeals, which affirmed the State Tax Department's denial of an exemption relieving them of paying personal income taxes. The Petitioners argue that Mr. Miller's income as a retired Sheriff's Deputy should be entirely exempt pursuant to W.Va. Code § 11-21-12(c)(6). However, the State Tax Department denied that exemption because Mr. Miller is enrolled in the Public Employees Retirement System, which is not entitled to a full exemption. The Circuit Court remanded the case to the Office of Tax Appeals for further fact-finding by Order entered on May 13, 2022. Thus, the Circuit Court case is currently resolved.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0098	19-AA-79	Circuit Court Kanawha County	WV Insurance Commissioner v. Andrew B. Jensen	The WV Insurance Commissioner dismissed Mr. Jensen, Grievant, from employment due to Grievant being absent from work for more than three consecutive workdays without providing notice. An Administrative Law Judge ruled in favor of Grievant and reinstated him to his position. The WV Insurance Commissioner appealed the ruling to Circuit Court. The Circuit Court also ruled in favor of the Grievant and the WV Insurance Commissioner did not appeal to the WV Supreme Court of Appeals. The matter remains open while the Court considers Grievant's counsel's request for attorney fees.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0102	19-P-183-3	Circuit Court Harrison County	Grand China Buffet & Grill, Inc., Qi Fen, and Hui Chen v. Matthew R. Irby, State Tax Commissioner	Grand China Buffet filed a petition to appeal an Office of Tax Appeals decision. The Petitioners are alleging that the Office of Tax Appeals erred in affirming the Tax Department's consumer sales tax assessment. The Petitioners allege that the Office of Tax Appeals erred when it affirmed the State Tax Department's calculation because it failed to use the best information available and instead assumed every customer ordered a full buffet, ignoring the customers that might have purchased menu items. The circuit court issued a decision affirming the Office of Tax Appeals decision. This case remains open due to collection efforts on the appeal bond.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0139	20-0488	Supreme Court - WV	Mountaineer Inspection Services, LLC v. Matthew R. Irby, State Tax Commissioner	Mountaineer Inspection Services, LLC challenged a determination by the State Tax Department that services it provided as a home inspector do not qualify as "professional services" as defined under West Virginia law. The WV Supreme Court of Appeals ruled in favor of the State Tax Department in its opinion issued on November 8, 2021, and the matter is concluded.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0029	20-12043	Bankruptcy Court-US WVSD	In Re: Hopedale Mining LLC, et al.	Hopedale Mining LLC and its affiliates (the Debtors) objected to the State Tax Department's proofs of claim for unpaid taxes. The matter is currently before the United States Bankruptcy Court for the Southern District of Ohio and remains pending.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0017	20-14692	Bankruptcy Court-US PAED	In Re: Camp Rim Rock, LLC	Camp Rim Rock, LLC filed Chapter 11 Bankruptcy on December 9, 2020, in the Eastern District of Pennsylvania. The company's Chapter 11 plan was confirmed by the Bankruptcy Court on July 29, 2022, and the State Tax Department's claims filed in the case will be paid over the course of the plan.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0083	20-22476	Bankruptcy Court-US NYSD	In Re: Frontier Communications Corporation	The State of West Virginia moved to intervene in a qui tam action pending in the United States District Court Southern District of West Virginia in which CityNet is the Plaintiff and Frontier is a Defendant. The civil action was stayed following Frontier's filing a bankruptcy petition in the Southern District of New York in April 2020. The Attorney General was monitoring the Frontier bankruptcy case for objections to the State's claims, or the possible removal of the CityNet lawsuit to the Frontier bankruptcy case. By Order entered on August 10, 2022, the Bankruptcy Court held that the Frontier litigation can no longer be removed to that Court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0158	20-AA-88	Circuit Court Kanawha County	Jackson National Life Insurance Company v. WV Insurance Commissioner	Jackson National Life Insurance Company filed an appeal of a decision of the WV Insurance Commissioner, which denied its request for refund of overpayment of annuity taxes in the Circuit Court of Kanawha County. The parties briefed the appeal and are awaiting a decision from the Court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0033	20-C-282	Circuit Court Kanawha County	Harold Ward, Director of Division of Mining and Reclamation v. ERP Environmental Fund, Inc.	Mr. Ward, Director of Division of Mining and Reclamation, filed a civil suit against ERP Environmental Fund regarding a particular coal mine it owns in West Virginia. The State Tax Department has low-priority liens against ERP Environmental Funds and requested the Office of the Attorney General to monitor this lawsuit to ensure its tax liens remain intact.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0043	20-P-159	Circuit Court Kanawha County	Board of Education of Kanawha County v. David C. Burdette, WV State Tax Department, MH Equipment-Ohio, City of Charleston, State Department of Transportation, Division of Highways and Michael J. Rutherford, Sheriff of Kanawha County	The Kanawha County Board of Education filed a Complaint to condemn property in Kanawha County that may be encumbered by state tax liens. A response was filed protecting the interests of the State Tax Department and seeking payment of any outstanding tax liens. The court filed a notice intending to dismiss the case for inactivity, to which the Kanawha County Board of Education did not respond.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0089	20-P-62	Circuit Court Harrison County	City of Clarksburg v. Matthew R. Irby, WV 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. The Court is currently considering the parties' Agreed Order to resolve the matter.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0112	21-AA-1	Circuit Court Brooke County	Scott Sonda v. Brooke County Board of Equalization	Taxpayer appealed the Brooke County Commission's assessment of his oil and gas mineral interests, but failed to name the Tax Commissioner as a party. Brooke County filed a motion to join the Tax Commissioner as a party, which remains pending.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0014	21-AA-11	Circuit Court Kanawha County	StatOil v. Matthew R. Irby, State Tax Commissioner	The Taxpayer appealed the Office of Tax Appeals' decision denying its refund petition for allegedly overpaid severance taxes. Taxpayer alleges that Office of Tax Appeals incorrectly calculated the severance tax owed by disallowing processing fees and expenses charged by a third-party provider from the gross proceeds received for its natural gas and natural gas liquids.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0050	21-AA-38	Circuit Court Kanawha County	Shenandoah Personal Communications, LLC v. Matthew R. Irby, State Tax Commissioner	Shenandoah Personal Communications, LLC filed a Petition for Administrative Appeal from a decision of the Office of Tax Appeals stating that the Office of Tax Appeals erred when it ruled that purchases of cellular phones were not exempt from use tax; that the Office of Tax Appeals erred when it failed to give proper weight to the facts set forth at the administrative hearing; and other factual and legal errors. The appeal briefs are currently pending before the circuit court and awaiting a decision from the court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0062	21-C-193	Circuit Court Kanawha County	Katie L. Monroe and James M. Davis, in their capacity of Successor Trustees v. Danielle C. Decker, West Virginia State Tax Department, USA, Department of the Treasury and IRS, and The Sanitary Board of Charleston	The Successor Trustees filed a Complaint for Interpleader for a judgment on the disbursement of excess funds that it received in a foreclosure sale of property that was encumbered by a Deed of Trust. The IRS, State Tax Department, and the Charleston Sanitary Board all have liens against the property. An Answer was filed, which properly protects the Tax Department's lien position and interests.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0020	21-P-54	Circuit Court Harrison County	City of Clarksburg v. Matthew Irby, State Tax Commissioner, et al.	This is a Petition for Appeal of a Ruling of the State Tax Commissioner. The City of Clarksburg requested an Order reversing Property Tax Ruling 21-36 and exempting and exonerating the City's interest in the Robinson Grand from ad valorem property taxation. The parties resolved this matter by Agreed Order entered on November 16, 2021, and it is concluded. This matter was related to City of Clarksburg v. Irby, 20-P-62.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0042	22-AA-1	Circuit Court Randolph County	Tom and Donna J. Domingo v. Matthew R. Irby, State Tax Commissioner	Plaintiffs appealed a refund denial from the Office of Tax Appeals to the Circuit Court of Randolph County. On October 6, 2022, the circuit court dismissed the case ruling that after July 1, 2022, the WV Intermediate Court of Appeals has exclusive jurisdiction for such appeals. The circuit court case is now closed.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0020	22-AA-10	Circuit Court Kanawha County	WV 2020 Holding, LLC v. State Tax Commissioner	WV 2020 Holding, LLC filed a Petition Appealing Denial of Ad Valorem Property Tax Exemption in the Circuit Court of Kanawha County. The Tax Commissioner filed an answer opposing the requested relief. The parties are awaiting a scheduling order from the Court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0028	22-AA-5	Circuit Court Kanawha County	Blue Creek Mining, LLC v. Kanawha County Commission	The State Tax Department received a subpoena duces tecum for a report conducted by the West Virginia Offices of the Insurance Commissioner relating to the appraisal of Blackhawk Mining and Blue Creek Mining's property. The report was produced to the extent it was not privileged, and the subpoena was resolved.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0021	22-C-136	Circuit Court Cabell County	The City of Milton v. The Offices of the Insurance Commissioner, et al.	The City of Milton filed a condemnation proceeding. The Offices of the Insurance Commissioner has liens against one of the property owners. This matter was resolved by Agreed Order entered on June 1, 2022, wherein the Offices of the Insurance Commissioner retains its liens against the property.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0037	22-C-340	Circuit Court Kanawha County	Deutsche Bank National Trust Co., as Trustee for Home Equity Mortgage Loan Asset-Backed Trust v. Isabelita DeMesa	Civil action in which Petitioner is seeking a declaratory judgment.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0048	22-ICA-111	Intermediate Court of Appeals – WV	Equinor USA Onshore Properties f/k/a Statoil USA Onshore Properties v. Dale W. Steager	The Taxpayer appealed the Office of Tax Appeals' decision denying his tax refund petition on the basis that it was untimely filed. Taxpayer appealed Office of Tax Appeals' decision to the Circuit Court of Randolph County, which dismissed the appeal on the basis that the appeal should have been filed in the Intermediate Court of Appeals. The Taxpayer has until November 7, 2022, to appeal the Circuit Court's decision to the Intermediate Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0038	22-P-249	Circuit Court Kanawha County	Andrew Garretson and Melissa Garretson v. WV Public Employees Insurance Agency and Thomas Miller	The Garretsons filed a lawsuit in Circuit Court against the WV Public Employees Insurance Agency alleging the WV Public Employees Insurance Agency improperly revoked his benefits administrator access to WV Public Employees Insurance Agency, which was part of his job duties. The Garretsons also seek damages for Ms. Garretson being removed from WV Public Employees Insurance Agency health insurance in 2015. The parties resolved Mr. Garretson's computer system access by mutual agreement. WV Public Employees Insurance Agency filed a motion to dismiss the remainder of the Complaint because the Circuit Courts cannot hear claims for damages against West Virginia state agencies. That motion remains pending.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0005	22-P-6	Circuit Court Marshall County	EQT Production Company v. Matthew R. Irby, WV State Tax Commissioner, Eric Buzzard, Marshall County Assessor, Marshall County Commission	EQT filed a petition to appeal the decision of the Marshall County Commission, which affirmed the Tax Department's valuation of its oil and gas wells in Marshall County. In litigation.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0007	22-P-80	Circuit Court Kanawha County	Tax Analysts v. Matthew Irby, State Tax Commissioner of West Virginia	Tax Analysts, a nonprofit corporation, filed a complaint against the Tax Commissioner to compel the production of the Tax Department's standards for auditing taxpayers. The Circuit Court dismissed the Complaint pursuant to W.Va. Code § 11-10-5d(b)(5)(B). Tax Analysts appealed the Circuit Court's decision to the WV Supreme Court of Appeals. Briefing of that appeal is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0045	6:19-bk-06589	Bankruptcy Court-US FLMD	In Re: Via Airlines, Inc.	Via Airlines has a pending bankruptcy in Florida. The Auditor's Office has filed a claim against Via Airlines for unpaid public utility taxes. The plan was confirmed and proposed to pay priority tax claims in full. The Debtor has agreed to pay the taxes due according to the court's order.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0102	None Given	Magistrate Court Berkeley County	In Re: Estate of Gregory R. Shiely	Enforcement of state tax liabilities relating to estate administration.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0236	19-AA-14	Circuit Court Raleigh County	Jeremy Vaughn v. Everett Frazier, DMV Commissioner	Jeremy Vaughn filed a petition to appeal the decision of the Office of Administrative Hearings, which affirmed the Department of Motor Vehicles Commissioner's order of revocation of his driver's license. The petition alleges that the Office of Administrative Hearings erred when it found that there was sufficient evidence proving that Petitioner was operating a motor vehicle under the influence and that the Office of Administrative Hearings erred when it found that Mr. Vaughn's license must be revoked pursuant to W.Va. Code § 17C-5A-2(j). After oral arguments, the Circuit Court of Raleigh County ruled in favor of the Department of Motor Vehicles and dismissed the Petitioner's appeal. The Petitioner did not appeal.
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 Office of Administrative Hearings' Decision, which affirmed the Department of Motor Vehicles Commissioner's order of revocation of his driver's license. The petition alleges that Office of Administrative Hearings 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 Office of Administrative Hearings abused its discretion when it found that Mr. Justice drove while under the influence of alcohol. At a hearing on the Department of Motor Vehicles' Motion to Dismiss for Lack of Prosecution, the Petitioner withdrew his appeal. The Circuit Court of McDowell County granted the Petitioner's motion to withdraw.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0248	19-AA-3	Circuit Court McDowell County	William Welch v. Everett Frazier, DMV Commissioner	William Welch filed a petition to appeal the decision of the Office of Administrative Hearings, which affirmed the Department of Motor Vehicles Commissioner's order of revocation. The petition alleges that the evidence presented at the Office of Administrative Hearings 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. Pursuant to the Department of Motor Vehicles' motion, the Circuit Court of McDowell County dismissed this matter for lack of prosecution. The Petitioner did not appeal.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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 Office of Administrative Hearings' decision, which affirmed the Department of Motor Vehicles Commissioner's Order of Revocation of Mr. Smith's driver's license. The Petitioner alleges that Office of Administrative Hearings erred when it concluded that Department of Motor Vehicles had satisfied its burden of proof, relying almost exclusively on a field sobriety test and ignoring the blood test results submitted by the Petitioner. However, the appeal period has not expired.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-22-0014	19-M40M-01705	Circuit Court Putnam County	Everett Frazier, DMV Commissioner v. Ronny Keenan	Ronny Keenan previously received a driving under the influence charge, the Department of Motor Vehicles received an expungement order, and the Department of Motor Vehicles never received a conviction order or deferral information prior to receiving the expungement order. After review, the Department of Motor Vehicles determined that it had received the conviction order, but due to filing issues within the court the order had come through and been filed in a different manner than normal. Per statute, the Department of Motor Vehicles did not expunge the driving record.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-22-0013	19-M40M-0916	Circuit Court Putnam County	Everett Frazier, DMV Commissioner v. Abraham Morales Perez	Abraham Perez previously received a driving under the influence charge. The Department of Motor Vehicles received an Expungement Order and Department of Motor Vehicles never received a conviction order or deferral information prior to receiving the expungement order. After review, the Department of Motor Vehicles determined that it had received the conviction order, but due to filing issues within the Court, the order had come through and been filed in a different manner than normal. Per statute, the Department of Motor Vehicles did not expunge the driving record.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-20-0115	20-AA-13	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Traci Levine	Department of Motor Vehicles' Commissioner filed a petition to appeal the decision of the Office of Administrative Hearings, which rescinded the Department of Motor Vehicles Commissioner's order of revocation of Ms. Levine's drivers license. The Office of Administrative Hearings reversed the Department of Motor Vehicles' 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. After review, the Department of Motor Vehicles chose not to appeal this decision.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0027	20-C-8	Circuit Court Hancock County	TriState River Products, Inc. v. Joseph Alongi, Hancock County Assessor, and Matthew R. Irby, State Tax Commissioner	TriState River Products filed a petition to appeal a Property Tax Ruling issued by the Tax Commissioner. The Petitioner alleges that the State Tax Department erroneously determined that certain tangible personal property owned by Petitioner is subject to ad valorem taxation. An Answer was filed on behalf of the State Tax Department defending the property tax ruling. The appeal is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0060	21-C-29	Circuit Court Ritchie County	U.S. Bank v. McLaughlin	Petition for Declaratory Judgment. The opposing party failed to state a claim against the State Tax Department and gave no notice of a Motion to Join Necessary Party. A Motion to Dismiss was filed based on jurisdiction. The Motion to Dismiss remains pending. The opposing party plans to dismiss the Tax Department, amend the Petition, and properly add the Tax Department back to this matter so it may proceed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0002	21-C-37	Circuit Court Grant County	Freedom Mortgage Corporation v. Antonia Harman, Jeremy E. Hinz, and WV State Tax Department	Freedom Mortgage Corporation filed a Petition for Declaratory Judgment Reforming the Legal Description and quieting title to the real estate due to an existing cloud on title. The State Tax Department filed an Answer protecting its lien position. An Agreed Dismissal Order protecting the State Tax Department's lien interests was submitted to the Grant County Circuit Court, and the Court entered the same. Awaiting a Final Order to close out this matter.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0017	22-C-11	Circuit Court Mason County	Appalachian Power Company v. Walter Warren Edwards' unknown heirs, et al.	Appalachian Power filed a Notice of Condemnation on property in Mason County for the Lakin Racine Transmission Line Rebuild project. The State Tax Department did not dispute the requested relief and the Circuit Court of Mason County entered an Order granting the condemnation. The Court has noticed a hearing to determine how Appalachian Power's fair market proceeds will be distributed in light of the active tax liens. The tax liens have now been withdrawn and a motion to dismiss the Tax Department and proposed order were prepared and submitted to the Court.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0057	22-C-24	Circuit Court Summers County	Lightener v. Quiambao	Betty Lightener filed a Petition for real estate to be sold free and clear of any liens or encumbrances and that the proceeds be distributed to the parties entitled thereto. The State Tax Department did not dispute the requested relief, filed an Answer, and requested funds from the sale based on an active tax lien. The Petition remains pending.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0027	22-C-286	Circuit Court Cabell County	SREI-III, LLC v. Chandler Hill	A Petition to Reform Deed and Mortgage to correct errors in legal descriptions, appoint Special Commissioner, and to sell real estate was filed. The State Tax Department has an active lien against a Respondent in this matter, is second in line for priority, and filed an Answer not disputing the relief requested.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0065	22-C-61	Circuit Court Jackson County	In Re: Bailey & Slotnick, PLLC	Petitioner petitions the Circuit Court of Jackson County for an order granting Petitioner leave to deposit excess proceeds from a Trustee's Sale. The Petition requests that the court Appoint a Special Commissioner to investigate and recommend the proper disposition of excess proceeds if the Circuit Court of Ritchie County deems necessary and for an order distributing the proceeds in accordance with the findings.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0016	22-P-14	Circuit Court Kanawha County	U.S. Bank, National Association, as Legal Title Trustee for Truman 2016 SC Title Trust v. Diana L. Gillispie, Raymond L. Dunn, Citifinancial Mortgage Company, Internal Revenue Service, and WV State Tax Department	U.S. Bank filed a Declaratory Judgment action seeking relief to record an assignment of rights in the chain of title. The State Tax Department's liens against Defendant Raymond Dunn are now expired. The Kanawha County Circuit Court entered an Agreed Partial Dismissal Order on May 24, 2022. This matter will be closed after receiving a Final Order from the court.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0040	22-P-221	Circuit Court Kanawha County	WV Department of Transportation, Division of Highways v. David R. Basham, an individual, et al.	The Division of Highways filed this Condemnation of Land matter. The State Tax Department did not dispute the requested relief due to an active tax lien against Respondent. The hearing was conducted and the court granted the requested condemnation relief. The parties await a future hearing to determine payment and priority of the funds.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0061	22-P-360	Circuit Court Kanawha County	BankUnited N.A. v. Estate of Sandra K. Means, et al.	A Petition for Declaratory Judgment was filed seeking to correct a cloud on title and determine rightful ownership. The State Tax Department filed an Answer, did not dispute the relief requested, and asserted its tax lien rights. An Agreed Order Dismissing the State Tax Department was prepared and the parties await entry of the same.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-11-1132	11-C-171-P	Circuit Court Logan County	Dale and James H. Wiley v. State Tax Department	Dale and James Wiley have judgments against Ersel Prince for assault with a deadly weapon. Mr. Prince is currently in a 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 State Tax Department is a Defendant in the lawsuit because it has several tax liens against Mr. Prince. An Answer was filed on behalf of the State Tax Department preserving its lien status and seeking payment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-13-1068	13-C-51	Circuit Court Summers County	Michael D. Skinner v. State Tax Department	Michael Skinner filed a Complaint naming Richard McFall and the State Tax Department as Defendants. In his prayer for relief, Mr. Skinner requested that two parcels of land owned by Mr. McFall be sold by a Special Commissioner to satisfy the judgment lien in favor of Mr. Skinner and to satisfy any other liens which may be filed against Mr. McFall. An Answer was filed on behalf of the Tax Department defending its lien position in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-22-0043	15-D-380	Circuit Court Fayette County	Jonathan Meador v. Linda Meador	The State Tax Department was served with a subpoena to produce tax documents for Jonathan Meador. W.Va. Code § 11-10-5d(a) prohibits an employee of the State of West Virginia from doing so without proper authorization. A Motion to Quash the Subpoena has been filed in this matter.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-16-0033	16-AA-2W	Circuit Court Hancock County	Arcelormittal Weirton v. Matthew R. Irby, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor	Arcelormittal is appealing a Property Tax Ruling. The taxpayers argue that 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 Property Tax Ruling. The Hancock County Assessor filed a Motion to Intervene, which was granted. This case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-17-0141	17-P-404	Circuit Court Kanawha County	Freedom Mortgage Corporation v. Melvin E. Bailey, Jr., et al.	Freedom Mortgage filed a petition to correct the legal description of two tracts of land that a deed of trust encumbers along with adjacent property. The Tax Department has a lien against Melvin Bailey. The Tax Department filed an Answer to protect and preserve its lien position. The Plaintiff recently filed an affidavit of service by publication and order of publication to achieve service on the Baileys. Petitioner filed a Motion for Default Judgment on the Defendants who have not answered the Complaint. Petitioner recently filed a Request for a Hearing on the Motions for Default Judgment. No hearing has been set in this matter.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-18-0037	18-AA-1	Circuit Court Raleigh County	Beaver Coal Company, Limited v. Division of Forestry, Matthew R. Irby, State Tax Commissioner, and Raleigh County Assessor	Beaver Coal filed a Petition for Review of a Property Tax Ruling issued by the State Tax Department, which stated that property owned by Beaver Coal is not eligible for managed timberland valuation. The Tax Department denied Beaver Coal Company's request for valuation as managed timberland. This matter should be resolved by the WV Supreme Court of Appeals decision in Penn Virginia Operating Co., LLC v. Yokum, 242 W.Va. 116, 829 S.E.2d 747 (2019). This case was remanded to the West Virginia Division of Forestry so that the Petitioner can pursue an agency appeal.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-19-0002	18-AA-2	Circuit Court Doddridge County	EQT Production Company v. Matthew R. Irby, State Tax Commissioner, David Sponaule, Assessor, and Doddridge County Commission	EQT Production appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the State Tax Department's valuations of EQT's natural gas wells in the county. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). An agreed order has been circulated.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-19-0001	18-C-281	Circuit Court Ohio County	SWN Production Company v. Matthew R. Irby, State Tax Commissioner, Tiffany Hoffman, Assessor, and Ohio County Commission	SWN appealed the Ohio County Board of Assessment and Appeals order, which upheld the State Tax Department's valuations for the 2018 tax year of SWN's natural gas wells in the county. The Tax Commissioner filed an answer defending the valuations. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019). This case is one of many consolidated matters dealing with this similar topic.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0008	19-C-62	Circuit Court Wyoming County	Charles W. Schollar, Jr. v. Matthew R. Irby, State Tax Commissioner	Mr. Schollar filed a petition to appeal the administrative decision issued by the Office of Tax Appeals, which determined that Mr. Schollar was not entitled to exempt his pension from personal income taxes. The Office of Tax Appeals' decision modified the State Tax Department's original assessment to remove the penalties. A motion to dismiss was filed on behalf of the State Tax Department for failure to perfect the appeal. The Petitioner was granted time to respond to the motion. However, before the deadline to file, he circulated a proposed agreed order dismissing the appeal. The parties await the Judge's signature on that order.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0039	20-C-77	Circuit Court Putnam County	Frye, LLC v. Earl Davis, WV State Tax Department, et al.	Frye, LLC filed a complaint to quiet title of property it acquired at a tax lien sale in Putnam County, West Virginia. 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 State 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 Tax Department not opposing the requested relief. A joint dismissal order was filed by the parties in May 2022, dismissing the Tax Department with prejudice.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0064	20-C-97	Circuit Court Monongalia County	Mu Mu Chapter of the Sigma Chi Fraternity v. Matthew R. Irby, State Tax Commissioner, and Mark Musick, Assessor	Mu Mu Chapter of the Sigma Chi Fraternity filed a Petition appealing a Property Tax Ruling, which determined that it was not exempt from ad valorem property taxes on real estate it owns in Morgantown, West Virginia. The fraternity is no longer affiliated with West Virginia University and, as a result, is no longer entitled to the exemption under W.Va. Code § 11-3-9(a)(15). This litigation is ongoing and additional discovery is anticipated. This matter is related to Alpha Rho v. Matthew Irby, 20-C-99 pending in Monongalia County Circuit Court. All parties filed Motions for Summary Judgment, which were not scheduled for a hearing. All parties requested a stay in this case pending a decision in a similar case which was granted oral argument by the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0065	20-C-99	Circuit Court Monongalia County	Alpha Rho Chapter of the Kappa Alpha Order v. Matthew R. Irby, State Tax Commissioner, and Mark Musick, Assessor	The Alpha Rho Chapter of Kappa Alpha Order filed a petition to appeal a property tax ruling, which determined that the fraternity was not eligible for exemption from ad valorem property taxes on real estate it owns in Morgantown, WV because the Chapter is no longer affiliated with West Virginia University pursuant to W.Va. Code § 11-3-9(a)(15). This litigation is ongoing and additional discovery is anticipated. This matter is related to Mu Mu v. Matthew R. Irby, 20-C-97 pending in Monongalia County Circuit Court. All parties filed Motions for Summary Judgment, which were not scheduled for a hearing. All parties requested a stay in this case pending a decision in a similar case, which was granted oral argument by the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-19-0237	21-0367	Supreme Court - WV	The Silver Creek Association, Inc. v. Matthew R. Irby, State Tax Commissioner	The Silver Creek Association filed a petition to appeal the decision of Office of Tax Appeals, which affirmed the State Tax Department's denial of its request for the net operating loss carry-forward credit from tax year 2013. The Circuit Court affirmed the denial of the net operating loss because Silver Creek failed to perfect its appeal. A second independent basis for dismissal was ordered because Silver Creek raised new issues on appeal not properly raised at the administrative tribunal.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-20-0021	21-0521	Supreme Court - WV	Beta Theta Pi Fraternity of WVU, Inc. v. Mark Musick, Monongalia County Assessor, and Dale W. Steager, State Tax Commissioner	Taxpayer Beta Theta Pi Fraternity of WVU, Inc. appealed Property Tax Ruling 20-36 to the Monongalia Circuit Court alleging that the Tax Department erroneously determined that the subject property does not meet the requirements set forth in W.Va. Code § 11-3-9(a)(15) and therefore does not qualify for an exemption of ad valorem property taxes. The State Tax Department based its decision on the fact that Beta Theta Pi no longer has a national charter and, therefore, has no members at West Virginia University. The circuit court entered an order reversing the Property Tax Ruling. The Tax Department appealed the decision to the WV Supreme Court of Appeals and was granted Rule 20 oral argument. Oral argument is expected to be scheduled in the January 2023 term.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0060	21-C-102	Circuit Court Harrison County	American Pride Properties v. Estate of James D. LaRosa, WV State Tax Department, et al.	American Pride Properties filed an Amended Complaint for Quiet Title and Ejectment naming the State Tax Department among others as Defendants. American Pride Properties owns real estate in Harrison County, West Virginia. The previous property owners had state tax liens against them, and accordingly against the real estate. The Tax Department did not oppose the relief sought by the Plaintiff. The Plaintiff filed an agreed proposed order dismissing the Tax Department from the matter.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0047	21-C-36	Circuit Court Nicholas County	The Bank of NY Mellon v. Michael J. McQuerry, WV State Tax Department, et al.	This concerns a Petition for Declaratory Judgment Quieting Title in Real Estate and Reforming Deed of Trust Legal Description. An Answer was filed on behalf of the State Tax Department protecting its lien position and seeking payment in its order of priority. Counsel is in the process of getting the Tax Department dismissed from the case.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-22-0044	21-C-49	Circuit Court Lewis County	Deutsche Bank Trust Company America f/k/a Bankers Trust Company, as Trustee for Saxon Asset Securities Trust 2001-2, Mortgage Loan Asset Backed Certificates, Series 2001-2	The Abstract of Judgment did not have a state agency listed. The Lewis County Prosecuting Attorney took over. The State Tax Department is in the process of being dismissed.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0110	21-P-103	Circuit Court Preston County	Lorn Martin, et al. v. Amanda Powell, et al.	This is an action seeking court approval to sell real property belonging to a decedant. There are outstanding tax liens. The State Tax Department requested that the sale proceeds be used to satisfy the outstanding tax liens. A Guardian ad Litem was appointed to represent the interests of the minor children who have an interest in the property. The court is concerned of the adequacy of the purchase price and requested evidence to show the sale price is adequate.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-22-0001	21-P-15	Circuit Court Ritchie County	Antero Resources Corporation v. Matthew R. Irby, WV State Tax Commissioner, Assessor Arlene Mossor, and Ritchie County Assessor	Antero Resources Corporation filed a Petition to Appeal the Ritchie County Commission sitting as the Board of Assessment Appeals' decision which upheld the State Tax Department's 2021 tax year valuation of Antero's oil and gas wells located in Ritchie County. This matter is related to the other Antero Resources matters for 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division and is awaiting briefing or a potential stay pending the WV Supreme Court of Appeals decision in Appeal Nos. 22-0048 through 22-0052, and 22-0144.
Tax, Revenue, Court of Claims, and Transportation	Mahaney, Lauren	TAX-21-0119	21-P-40	Circuit Court Marshall County	U.S. Bank v. Katricia A. Rigby, Ralph V. Rigby, WV State Tax Department, and LVNV Funding, LLC	U.S. Bank filed a Petition for Declaratory Judgment Reforming a Deed and Deed of Trust due to a scrivener's error in the legal description. The State Tax Department has a lien against the property. An answer will be filed protecting its lien position. A joint order dismissing the Tax Department was filed.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0054	18-C-899	Circuit Court Kanawha County	NR Deed, LLC v. Charles A. White and Matthew R. Irby, State Tax Commissioner	NR Deed served the WV Attorney General and the State Tax Commissioner with a Complaint to Quiet Title. A Motion to Dismiss for Failure to Provide Presuit Notice was filed and remains pending with the Circuit Court.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0041	2:21-cv-00310	USDC WVSD	Air Evac EMS, Inc. d/b/a Air Evac Lifeteam and AirMedCare Network v. Allen McVey, Commissioner of the West Virginia Insurance Commission	Air Evac filed a petition to prevent the Insurance Commissioner from enforcing HB 2776, to be codified at W.Va. Code § 33-3-1 and W.Va. Code § 33-44-1. HB 2776 declared that the membership agreements Air Evac offers and sells to West Virginia residents are insurance products and, therefore, can be regulated by the Insurance Commissioner. Air Evac alleges that its membership agreements relate to its price for an emergency transport. As a result, Air Evac alleges that the Airline Deregulation Act prevents the Insurance Commissioner from requiring that it comply with West Virginia laws regarding insurance. The Insurance Commissioner is vigorously defending this case because 15 USCA 1012, otherwise known as the McCarran Ferguson Act, provides broad authority to the State for the purpose of regulating the business of insurance.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0007	20-C-64	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Harold Daniel Toney, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The State Tax Department has a valid lien for unpaid personal income tax recorded against one of the Respondents. The State Tax Department has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0005	20-C-65	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Randy Lee Toney, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The State Tax Department has valid liens for unpaid personal income tax recorded against one of the Respondents. The State Tax Department has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0006	20-C-80	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Kenneth L. Donahue, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0001	20-P-31	Circuit Court Pocahontas County	The Silver Creek Association, Inc., et al. v. Matthew R. Irby, State Tax Commissioner and Tom Lane, Assessor of Pocahontas County	The Silver Creek Association and several unit owners filed an appeal of Property Tax Ruling 21-16, which ruled in part that the Assessor cannot issue split tax tickets to the unit owners for their ownership of individual residential units and the common commercial elements. The parties have filed dispositive motions and supporting briefs and participated in oral argument. The dispositive motions remain pending before the court.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0115	21-0982	Supreme Court - WV	David C. Tabb v. WV Insurance Commissioner	David Tabb filed a petition for appeal at the WV Supreme Court of Appeals challenging a Kanawha County Circuit Court's Order that denied his appeal of the Offices of the Insurance Commissioner's Order as untimely. The Respondent insurer filed a motion to dismiss due to Petitioner's failure to comply with an order adopted by the WV Supreme Court of Appeals that required the Petitioner to first obtain court approval or an attorney certification prior to proceeding pro se in any action or appeal. The Offices of the Insurance Commissioner joined in the motion and the appeal was dismissed. The Petitioner has filed several post dismissal motions seeking reconsideration of the dismissal and the recusal of justices. The WV Supreme Court of Appeals declined to docket the first motion to reconsider. There has been no action taken on the second motion to reconsider.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0009	21-1301	US CA4	Air Evac EMS, Inc., d/b/a Air Evac Lifeteam and AirMedCare Network v. James A. Dodrill, West Virginia Insurance Commissioner	The Insurance Commissioner instituted an administrative action against Air Evac because it sells membership agreements shifting the unreimbursed financial risk of an air ambulance transport from the member to Air Evac or one of its affiliates if either transports the member. Air Evac obtained a preliminary injunction to stop the administrative proceeding, which was instituted to determine if the membership agreements sold by Air Evac constitute the unlicensed sale of an insurance product. This action has been consolidated with Southern District of West Virginia Civil Action No. 2:21-cv-00310 wherein the issue of the Insurance Commissioner's ability to regulate the membership agreements will be resolved.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0023	21-AA-20	Supreme Court - WV	Karen's Cookie Carnival, Inc. v. West Virginia Lottery Commission	Karen's Cookie Carnival, Inc. filed a Petition for Review of Administrative Decision appealing the decision of the Lottery Commissioner, which imposed a civil penalty in the amount of \$92,100 and revoked the Appellant's license and permit to operate limited video lottery machines. The administrative decision held that the license was being revoked because the licensee accepted and held personal and payroll checks from customers to allow them to play the video lottery terminals. This is a violation of W.Va. Code § 29-22B-702(10) and W.Va. Code R. § 179-5-35. The Circuit Court affirmed the Lottery's administrative decision. Thereafter, the Appellant requested and was denied a stay of enforcement pending appeal by both the Circuit Court and the WV Supreme Court of Appeals. The Appellant then appealed to the WV Supreme Court of Appeals. The parties have completed a briefing schedule and are awaiting either a memorandum decision or a notice scheduling oral argument.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0086	21-C-110	Circuit Court Jefferson County	U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust v. Edward J. Walsh, Jr., et al.	U.S. Bank filed an Amended Complaint requesting an order from the court for a Special Commissioner to sell and convey property owned by the Defendants as a result of an improvement that encroached upon Defendant's property. The State Tax Department had a tax lien against one of the Defendant property owners. An answer was filed defending its lien position and seeking payment of the outstanding lien in its order of priority. An agreed order was entered by the court which, among other things, ordered that the State Tax Department receive sale proceeds according to priority. This ultimately equated to the receipt of \$11,250.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0055	21-C-173	Circuit Court Harrison County	Heritage Cooperative, Inc. v. Katherine Poling, Kenneth Poling, WV State Tax Department, IRS, and First Financial Bank	Heritage Cooperative obtained a judgment against Defendants in Ohio. Petitioner domesticated its judgment in West Virginia and now seeks to sell the real estate owned by the Defendants to satisfy its judgment liens. The Tax Department may have tax liens against the Defendants. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Court. Most recently, this matter has been stayed pending bankruptcy.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0042	21-C-31	Circuit Court Brooke County	Brian Corwin v. Michael S. Riggle, et al.	Plaintiff bought real estate at a delinquent tax auction. Subsequently, SWN Production Company, who had an interest in the land pursuant to the lease of oil and gas that encumbers the real estate, redeemed the property. Plaintiff contends that the redemption should be null and void. The State Tax Department was named as a party because it holds a lien against the property owner. A motion to dismiss for failure to provide presuit notice was filed and granted by the Court. Following service of pre-suit notification and an amended complaint, the Tax Department agreed to be re-added as a party to this matter. Before the Tax Department could be readded, the Court granted default judgment against Defendants Crystal and Thomas Rogerson.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0056	21-C-32	Circuit Court Lewis County	The Huntington National Bank, N.A. v. Samuel J. Smith and Amie N. Radcliff, State of West Virginia, Discover Bank, a Delaware corporation, and Midland Funding, LLC, a Delaware corporation	The Huntington National Bank filed a Complaint against Samuel J. Smith and Amie N. Radcliff to reform a Deed of Trust to correct the legal description of property. The State Tax Department filed a Motion to Dismiss based upon the failure to state a claim against the Tax Department. Specifically, the Complaint inaccurately asserts the presence of tax liens. Rather, there are judgments against Defendant Samuel J. Smith stemming from criminal matters, which fall outside the purview of the Tax Department. The court ultimately entered an order reforming the legal description.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0063	3:17-cv-01362	USDC WVSD	City of Huntington/Cabell County Commission v. AmerisourceBergen, et al.	McKesson Corporation issued a subpoena duces tecum to the Offices of the Insurance Commissioner to appear and present documents that it believed to be under its control and custody. A production was made and no objections were made. This matter was since tried and a verdict was reached.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-21-0081	20-AA-1	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Kenny Nuce	Department of Motor Vehicles' Commissioner filed a petition to appeal the Office of Administrative Hearings' decision which reversed the Department of Motor Vehicles Commissioner's Order of Revocation of Mr. Nuce's driver's license. The Department of Motor Vehicles alleges that Office of Administrative Hearings erred when it ruled that Mr. Nuce was not impaired while operating a motor vehicle, because there was no mention in the record of an individual disposal mouthpiece being used for the secondary chemical test. Additionally, the only issue that was raised by Mr. Nuce at the hearing before the Office of Administrative Hearings was whether there was reasonable suspicion for the traffic stop.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-20-0070	20-AA-23	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. William Selby	Department of Motor Vehicles Commissioner filed a petition to appeal the Office of Administrative Hearings' decision which reversed the Department of Motor Vehicles Commissioner's Order of Revocation of Mr. Selby's driver's license. The Department of Motor Vehicles alleges that Office of Administrative Hearings 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 Office of Administrative Hearings erred when it ruled that Mr. Selby was impaired while operating a motor vehicle.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0015	17-P-179	Circuit Court Wood County	George Stewart, Jr. v. Everett Frazier, DMV Commissioner	George Stewart was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Stewart appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence. Mr. Stewart appealed the Office of Administrative Hearings' order to the Circuit Court of Wood County alleging that he did not refuse the secondary chemical test of the breath. The Circuit Court of Wood County granted the Department of Motor Vehicles' Motion to Dismiss for lack of jurisdiction because Mr. Stewart neither resides nor does business in Wood County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0125	19-1022	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Justin Hensley	Justin Hensley was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Hensley appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation. Mr. Hensley appealed the matter to the Circuit Court of Kanawha County alleging that he was actually and substantially prejudiced by the delay in the Office of Administrative Hearings entering its final order. The Circuit Court of Kanawha County found that Mr. Hensley was actually and substantially prejudiced and reversed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, which affirmed the Circuit Court of Kanawha County's finding of prejudice.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0094	19-AA-108	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Lindsey Earl	The Department of Motor Vehicles Commissioner filed a petition to appeal the decision of the Office of Administrative Hearings, which reversed the Department of Motor Vehicles Commissioner's order of revocation of Ms. Earl's driver's license. The petition alleges that Office of Administrative Hearings erred when it exceeded its statutory authority. The petition further alleges that Office of Administrative Hearings erred when it disregarded substantive evidence presented by the investigating officer and then determined the driver was more credible. The matter has been fully briefed, and the parties are awaiting a final order from the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0238	19-AA-162	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. James Lowe, Jr.	The Department of Motor Vehicles revoked James Lowe's driving privileges for driving while under the influence, and Mr. Lowe appealed to the Office of Administrative Hearings. The Office of Administrative Hearings reversed the revocation, and the Department of Motor Vehicles appealed to the Circuit Court of Kanawha County alleging that the Office of Administrative Hearings erred when it found that the Department of Motor Vehicles 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. The Circuit Court of Kanawha County reversed the Office of Administrative Hearings' order and reinstated the license revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0156	20-0103	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Brian Lee Raschella	Brian Raschella was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Raschella appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence because Mr. Rashcella had requested a blood test but had not received the results before his administrative hearing. The Department of Motor Vehicles appealed the Office of Administrative Hearings' order to the Circuit Court of Kanawha County, which upheld the Office of Administrative Hearings' Decision. The Department of Motor Vehicles appealed to the WV Supreme Court of Appeals. The WV Supreme Court of Appeals found that even without the blood test results, there was sufficient evidence of driving under the influence to uphold the license revocation. The WV Supreme Court of Appeals remanded the matter to the Circuit Court of Kanawha County for reinstatement of the Department of Motor Vehicles' order of revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0143	20-0199	Supreme Court - WV	Herman Warner v. Everett Frazier, DMV Commissioner	Herman Warner was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Warner appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving while under the influence because Mr. Warner did not receive the blood test that he requested. The Department of Motor Vehicles appealed the Office of Administrative Hearings' Decision to the Circuit Court of Kanawha County, and the Court reversed the Office of Administrative Hearings' Decision. Mr. Warner appealed the matter to the WV Supreme Court of Appeals. The WV Supreme Court of Appeals affirmed the Circuit Court of Kanawha County's Decision determining that there was sufficient evidence of driving under the influence without the blood test results.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0085	20-0225	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Douglas Null	Douglas Null was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Null appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence because Mr. Null did not receive the results of the officer requested blood test. The Department of Motor Vehicles appealed the Office of Administrative Hearings' decision to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the Office of Administrative Hearings applied the wrong statute regarding blood tests and that the remaining evidence of driving under the influence outweighed the missing blood test results. The WV Supreme Court of Appeals agreed with the Department of Motor Vehicles and remanded the matter to the Circuit Court of Kanawha County for reinstatement of the Department of Motor Vehicles' license revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0140	20-0313	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Joshua Simpkins	Joshua Simpkins was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Simpkins appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence because Mr. Simpkins did not receive the blood test results that he requested. The Division of Motor Vehicles appealed the matter to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals arguing that there was sufficient evidence of driving under the influence without the blood test results. The WV Supreme Court of Appeals upheld the Circuit Court's order and found that there was insufficient evidence of driving under the influence without the blood test results.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0127	20-0364	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Robert Howie	Robert Howie was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Howie appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence because Mr. Howie did not receive the blood test results that he requested. The Department of Motor Vehicles appealed the matter to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals arguing that there was sufficient evidence of driving under the influence without the blood test results. The WV Supreme Court of Appeals reversed the circuit court's order finding that there was sufficient evidence of driving under the influence without the blood test results.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0169	20-0412	Supreme Court - WV	Michael Kelly v. Everett Frazier, DMV Commissioner	Michael Kelly was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Kelly appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence. Mr. Kelly appealed the Office of Administrative Hearings' order to the Circuit Court of Raleigh County, which reversed the Office of Administrative Hearings' order holding that the fact finder improperly weighed the evidence. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, which reversed the circuit court because it improperly substituted its judgment for that of the fact finder below.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0106	20-0482	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Nicholas Deems	Nicholas Deems was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges for driving under the influence and refusing to submit to the designated secondary chemical test of the breath (a.k.a. "refusal"). Mr. Deems appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation. Mr. Deems appealed the matter to the Circuit Court of Raleigh County which upheld the revocation for driving under the influence but reversed the revocation for refusal because it held that the Officer did not wait 15 minutes after the statutory warnings before deeming the refusal final. The Department of Motor Vehicles appealed the reversal of the refusal to the WV Supreme Court of Appeals, which reversed the circuit court's decision and ordered it to reinstate the revocation for refusal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0078	20-0726	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Taylor Braley	Taylor Braley was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Braley appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving under the influence. Mr. Braley appealed the decision of the Office of Administrative Hearings to the Circuit Court of Kanawha County alleging that he was actually and substantially prejudiced by the ten and a half month delay in the Office of Administrative Hearings entering a Final Order. The Circuit Court of Kanawha County found that Mr. Braley was actually and substantially prejudiced. The Department of Motor Vehicles appealed to the WV Supreme Court of Appeals, which reversed the Circuit Court of Kanawha County's order. The WV Supreme Court of Appeals held that the Office of Administrative Hearings' entry of its final order was not untimely and that Mr. Braley's Complaint was that the Office of Administrative Hearings entered its order too soon and not too late.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0095	20-0896	Supreme Court - WV	Courtney Rhodenizer v. Everett Frazier, DMV Commissioner	Courtney Rhodenizer filed a petition to appeal the decision of the Office of Administrative Hearings, which affirmed the Department of Motor Vehicles' order of revocation of her driving privileges. She alleged that the six year delay in receiving a Final Decision from the Office of Administrative Hearings caused her actual and substantial prejudice. The Circuit Court of Kanawha County upheld her appeal, and the Department of Motor Vehicles appealed the Decision to the WV Supreme Court of Appeals. The WV Supreme Court of Appeals determined that the Circuit Court of Kanawha County did not err in finding actual and substantial prejudice caused by the Office of Administrative Hearings' delay in issuing a Final Order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0075	20-0969	Supreme Court - WV	Dinos Smith v. Everett Frazier, DMV Commissioner	Dinos Smith was arrested for driving while under the influence, and the Department of Motor Vehicles revoked his driving privileges. Mr. Smith appealed to the Office of Administrative Hearings, which upheld the license revocation. Mr. Smith then appealed to the Circuit Court of Kanawha County alleging that he was actually and substantially prejudiced by the Office of Administrative Hearings' delay in entering its final order. The Circuit Court granted Mr. Smith's appeal, and the Department of Motor Vehicles appealed that decision to the WV Supreme Court of Appeals. The parties briefed the matter, and before Oral Argument, the Department of Motor Vehicles withdrew its appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0010	20-AA-2	Circuit Court Raleigh County	Everett Frazier, DMV Commissioner v. Raylee Harrah	Raylee Harrah was arrested for driving while under the influence and the Department of Motor Vehicles suspended her driving privileges for lack of verification of satisfaction. The Magistrate Court of Raleigh County dismissed the matter, and the Department of Motor Vehicles has received satisfaction of judgment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0063	21-0347	Supreme Court - WV	Richard Hillberry, II v. Everett Frazier, DMV Commissioner	Richard Hillberry was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Hillberry appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence. Mr. Hillberry appealed the matter to the Circuit Court of Ohio County, which reversed the Office of Administrative Hearings' order holding that the Office of Administrative Hearings erred when it relied on the fact that Mr. Hillberry refused the designated secondary chemical test because his arrest was improper in the first place. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, which affirmed the circuit court's order finding that there was an unconstitutional stop of Mr. Hillberry's vehicle.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0070	21-0371	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Clint Casto	The Department of Motor Vehicles Commissioner filed a petition to appeal a decision of the Office of Administrative Hearings, which reversed the Department of Motor Vehicles' Commissioner's order of revocation of Mr. Casto's driver's license. The Commissioner asserts that the Office of Administrative Hearings erred when it failed to consider the grounds, weight of the evidence, and credibility. The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0143	21-0438	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Raymond Burcker	Raymond Burcker was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Burcker appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence but reversed the enhancement for aggravated driving under the influence because the Office of Administrative Hearings determined that the evidence presented at the hearing did not show that the proper protocols were followed when administering the tests. The Department of Motor Vehicles appealed the reversal of the enhancement to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, which has scheduled Oral Argument for the January 2023 term of Court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0136	21-0686	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Aaron Powers	Aaron Powers was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Powers appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence but reversed the enhancement for aggravated driving under the influence because the Office of Administrative Hearings determined that the evidence presented at the hearing did not show that the proper protocols were followed when administering the tests. The Department of Motor Vehicles appealed the reversal of the enhancement to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, which has scheduled oral argument for the January 2023 term of court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0068	21-0726	Supreme Court - WV	Everett Frazier, DMV Commissioner v. David Gaither, Jr.	The Department of Motor Vehicles Commissioner filed a petition to appeal the final decision of the Office of Administrative Hearings, which reversed the Department of Motor Vehicles Commissioner's order of revocation. The Department of Motor Vehicles asserts that the Office of Administrative Hearings erred in misinterpreting the evidence in the record. The matter is scheduled for Oral Argument in the January 2023 term of Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0091	21-0775	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Larry E. Glassburn, Jr.	Larry Glassburn was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Glassburn appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence. The Department of Motor Vehicles appealed the Office of Administrative Hearings' Decision to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the Circuit Court of Kanawha County erred when it: 1) made a ruling that excluded documentary evidence not heard at the hearing; 2) abused its discretion and committed error of law by its exclusion of evidence specifically permitted by statute; and 3) failed to afford the Investigating Officer's sworn statement a rebuttable presumption of accuracy. The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0064	21-0966	Supreme Court - WV	Michael Durkee v. Everett Frazier, DMV Commissioner	Michael Durkee was arrested for driving while under the influence and proximately causing the death of his wife. The Division of Motor Vehicles revoked his driving privileges, and Mr. Durkee appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence. Mr. Durkee appealed the matter to the Circuit Court of Kanawha County alleging that the Department of Motor Vehicles did not prove that his drinking was a proximate cause of his wife's death. The Circuit Court of Kanawha County upheld the Office of Administrative Hearings' order, and Mr. Durkee appealed to the WV Supreme Court of Appeals. The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0028	21-0991	Supreme Court - WV	Steve Briscoe v. Everett Frazier, DMV Commissioner	The Department of Motor Vehicles suspended Steve Briscoe's driving privileges for driving while revoked for driving while under the influence. Mr. Briscoe appealed the matter to the Circuit Court of Putnam County. When the Circuit Court of Putnam County dismissed the companion driving under the influence appeal for a constitutional violation, it dismissed the suspension for driving revoked without holding an evidentiary hearing. The Department of Motor Vehicles appealed the decision to the WV Supreme Court of Appeals. The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0032	21-0997	Supreme Court - WV	Robert Kroner v. Everett Frazier, DMV Commissioner	Robert Kroner was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Kroner appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving while under the influence. Mr. Kroner appealed the matter to the Circuit Court of Berkeley County alleging that the Investigating Officer's testimony should have been discounted by the Office of Administrative Hearings because after the time of the arrest, the Officer was found to have credibility issues. The Circuit Court of Berkeley County affirmed the Office of Administrative Hearings' order holding that the Officer's credibility was not at issue at the time of the Office of Administrative Hearings' hearing. Mr. Kroner appealed the matter to the WV Supreme Court of Appeals. The parties have fully briefed the matter and are awaiting a Memorandum Decision or an Oral Argument date.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0068	21-1012	Supreme Court - WV	Benson Boyd v. Everett Frazier, DMV Commissioner	Benson Boyd filed a petition in the Circuit Court of Berkeley County to appeal the decision of the Office of Administrative Hearings, which affirmed the Department of Motor Vehicles Commissioner's order of revocation of his driver's license. Mr. Boyd alleges that the Office of Administrative Hearings erred when it failed to consider that he requested a blood test and that the Office of Administrative Hearings failed to consider the five panel drug screen. On November 11, 2021, Mr. Boyd lost his appeal in the Circuit Court of Berkeley County, and on December 16, 2021, Mr. Boyd appealed to the WV Supreme Court of Appeals. The matter has been fully briefed and is awaiting either Oral Argument to be scheduled or a Memorandum Decision from the Court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0034	21-AA-1	Circuit Court Logan County	Brian McDevitt v. Everett Frazier, DMV Commissioner	Brian McDevitt was arrested for driving while under the influence of alcohol, and the Department of Motor Vehicles issued an order of revocation. Mr. McDevitt appealed the revocation to the Office of Administrative Hearings, which upheld the revocation. Mr. McDevitt appealed the Office of Administrative Hearings' order to the Circuit Court of Logan County alleging that the Office of Administrative Hearings erred in finding that the signs of intoxication were due to alcohol, drugs, and/or controlled substances instead of due to the residual effects of a stroke that he had. The matter has been fully briefed, and the parties are awaiting entry of a final order. Mr. McDevitt has completed all of the requirements for reinstatement of his driving privileges, and his license is valid although the matter is still pending before the Circuit Court of Logan County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0012	21-AA-1	Circuit Court Grant County	Everett Frazier, DMV Commissioner v. Chet Sisler	Chet Sisler was arrested for driving while under the influence and causing the death of another, and the Department of Motor Vehicles revoked his driving privileges. Mr. Sisler appealed the order of revocation to the Office of Administrative Hearings, which upheld the revocation. Mr. Sisler appealed the Office of Administrative Hearings' Decision to the Circuit Court of Grant County, but Mr. Sisler did not pay for or otherwise produce the Administrative Record to the Circuit Court for Grant County's review as he is required to do by statute and case law. The Department of Motor Vehicles has filed a Motion to Dismiss for Mr. Sisler's failure to prosecute his case for a year or more, and the matter is set for hearing on November 30, 2022.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0037	21-AA-22	Circuit Court Kanawha County	Whitney Webb v. Everett Frazier, DMV Commissioner	Whitney Webb was arrested for driving while under the influence and the Department of Motor Vehicles revoked her driving privileges. She filed an appeal with the Office of Administrative Hearings, which affirmed the license revocation, and she appealed the matter to the Circuit Court of Kanawha County alleging that there was insufficient evidence of driving and consumption of intoxicating substances. The parties have fully briefed the matter and are awaiting a final order from the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0039	21-AA-24	Circuit Court Kanawha County	David Bauguess v. Everett Frazier, DMV Commissioner	David Bauguess was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Bauguess appealed the revocation to the Office of Administrative Hearings, and the Office of Administrative Hearings affirmed the revocation. Mr. Bauguess appealed the Office of Administrative Hearings' decision to the Circuit Court of Kanawha County alleging that the Office of Administrative Hearings erred by failing to consider the totality of the evidence presented. The Circuit Court of Kanawha County upheld the Office of Administrative Hearings' order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0073	21-AA-32	Circuit Court Kanawha County	James Juba v. Everett Frazier, DMV Commissioner	James Juba was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Juba appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving under the influence. Mr. Juba appealed the matter to the Circuit Court of Kanawha County alleging the Office of Administrative Hearings weighed the evidence incorrectly. The parties have fully briefed the matter and are awaiting a final decision from the Circuit Court of Kanawha County.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0074	21-AA-5	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Jennifer Leaming	The Department of Motor Vehicles Commissioner filed a petition to appeal the decision of the Office of Administrative Hearings, which reversed the Department of Motor Vehicles' Commissioner's order of revocation of Ms. Leaming's driver's license. The Department of Motor Vehicles Commissioner alleges that the Office of Administrative Hearings erred by failing to give the properly admitted hospital blood test results the appropriate weight. The Circuit Court of Kanawha County upheld the Office of Administrative Hearings' order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0066	21-C-7	Circuit Court Wyoming County	Kenneth Miller v. Everett Frazier, DMV Commissioner	Kenneth Miller was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Miller appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence. Mr. Miller appealed the Office of Administrative Hearings' decision to the Circuit Court of Wyoming County arguing that there was insufficient evidence of driving to uphold the revocation. The circuit court granted the Department of Motor Vehicles' Motion to Dismiss for lack of prosecution for a year or more.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0079	22-0017	Supreme Court - WV	Chadwick West v. Everett Frazier, DMV Commissioner	Chadwick West was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. West appealed the decision to the Office of Administrative Hearings, which affirmed the Department of Motor Vehicles' order of revocation of his driving privileges. Mr. West appealed the Office of Administrative Hearings' decision to the Circuit Court of Kanawha County. Mr. West alleged that the Officer did not see him driving despite the undisputed evidence that the driver wrecked his vehicle into a ditch and sat in his wrecked vehicle while drinking alcohol. The Circuit Court of Kanawha County affirmed the Office of Administrative Hearings' order, and Mr. West appealed the Circuit Court of Kanawha County's Decision to the WV Supreme Court of Appeals. The matter has been fully briefed and is awaiting a Memorandum Decision or for Oral Argument to be scheduled.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0029	22-0117	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Dino Carson	Dino Carson was arrested for driving while under the influence, and the Department of Motor Vehicles revoked his driving privileges. Mr. Carson appealed the revocation to the Office of Administrative Hearings alleging that there was no reasonable suspicion to stop his vehicle and that there was a discrepancy between the documentary and testimonial evidence. The Office of Administrative Hearings upheld the revocation and Mr. Carson appealed to the Circuit Court, which affirmed the Office of Administrative Hearings' order. Mr. Carson then appealed to the WV Supreme Court of Appeals. The matter has been fully briefed and is awaiting a Memorandum Decision or scheduling of Oral Argument.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0075	22-0191	Supreme Court - WV	Kevin Parsons v. Everett Frazier, DMV Commissioner	Kevin Parsons was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Parsons appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving under the influence. Mr. Parsons appealed the Office of Administrative Hearings' Decision to the Circuit Court of Kanawha County, which reversed the Office of Administrative Hearings' Decision because it determined that Mr. Parsons was actually and substantially prejudiced by Office of Administrative Hearings' delay in entering a final order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, and after the matter was fully briefed, the Department of Motor Vehicles withdrew its appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0214	22-0223	Supreme Court - WV	Jad Ramadan v. Everett Frazier, DMV Commissioner	Jad Ramadan was arrested for driving while under the influence of controlled substances and/or drugs, and the Division of Motor Vehicles revoked his driving privileges. Mr. Ramadan appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence because even though there was a blood test result which was negative for all substances tested, the laboratory did not test for suboxone which Mr. Ramadan admitted to taking. Mr. Ramadan appealed the Office of Administrative Hearings' order to the Circuit Court of Monongalia County alleging that there was a lack of evidence. The Circuit Court of Monongalia County reversed the Office of Administrative Hearings' decision. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the circuit court substituted its judgment for that of the fact finder below. The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0035	22-0284	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Michael Moore	Michael Moore was arrested for driving while under the influence and the Department of Motor Vehicles revoked his driving privileges. Mr. Moore appealed to the Office of Administrative Hearings, which reversed the order of revocation. The Department of Motor Vehicles appealed the Office of Administrative Hearings' order to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Department of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the Office of Administrative Hearings discounted evidence of impairment and the blood test results and created a requirement that an expert witness was required to show whether the drug levels were within a "therapeutic range." The parties have fully briefed the matter and are awaiting a Memorandum Decision or a date for Oral Argument.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0011	22-0431 and 22-0352	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Brian Ettinger	Brian Ettinger engaged in what appears to be an illegal deferral for driving under the influence in the Magistrate Court of Berkeley County. The Department of Motor Vehicles revoked Mr. Ettinger's driving privileges based upon the federal statute's requirement for a guilty plea. Mr. Ettinger filed a petition for writ of prohibition in the Circuit Court of Berkeley County. The Circuit Court of Berkeley County granted the Writ, and in a separate order denied his request for attorney fees and costs. The Department of Motor Vehicles appealed the denial of costs and fees.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0202	22-0568 and 22-0112	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Cheryl Yoder	Cheryl Yoder was arrested for driving while under the influence of alcohol, controlled substances and/or drugs, and the Department of Motor Vehicles revoked her driving privileges. She appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation. Ms. Yoder appealed the Office of Administrative Hearings' Order to the Circuit Court of Berkeley County. The Circuit Court of Berkeley County reversed the Office of Administrative Hearings' decision holding that the Office of Administrative Hearings erred in accepting the Department of Motor Vehicles' file into evidence without the Officer being present to testify. The Department of Motor Vehicles appealed this matter to the WV Supreme Court of Appeals, which reversed and remanded the matter. On remand, the Circuit Court of Berkeley County remanded the matter to the Office of Administrative Hearings and ordered that the Department of Motor Vehicles pay costs and fees. The Department of Motor Vehicles appealed the costs and fees issue to the WV Supreme Court of Appeals. On remand on the merits, the Office of Administrative Hearings upheld the revocation. Ms. Yoder appealed that decision to the Circuit Court of Berkeley County which again reversed the Office of Administrative Hearings' decision on the basis that Ms. Yoder had requested a blood test, which was denied. The Department of Motor Vehicles appealed this decision to the WV Supreme Court of Appeals, and the WV Supreme Court of Appeals consolidated both appeals. Both matters have been fully briefed and are scheduled for Oral Argument in the January 2023 term of Court.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0022	22-AA-1	Circuit Court Greenbrier County	Jesse Weber v. Everett Frazier, DMV Commissioner	Jesse Weber was arrested for driving while revoked for driving while under the influence of alcohol. The Department of Motor Vehicles entered two orders of suspension for the same offense, and Mr. Weber appealed them to the Circuit Court of Greenbrier County. At the hearing, the Department of Motor Vehicles withdrew one of the orders of suspension because it had been entered in error. Mr. Weber has completed all revocation time for the other order of suspension but still must satisfy the requirements for reinstatement of his driving privileges in the driving under the influence revocation matter. The Circuit Court of Greenbrier County has dismissed the appeal from its docket.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0009	22-M38M-00008	Circuit Court Pocahontas County	Everett Frazier, Commissioner v. Robert Bennett	The Pocahontas County Magistrate Court sent the Department of Motor Vehicles an order to suspend Mr. Bennett's license for failure to appear at a hearing. The Department of Motor Vehicles suspended his license, and he appealed that decision to the Circuit Court of Pocahontas County, which is required to hold an evidentiary hearing on the matter. Mr. Bennet withdrew his appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0064	22-P-156	Circuit Court Kanawha County	Charles Tevault v. Everett Frazier, DMV Commissioner	The Magistrate Court of Berkeley County sent the Department of Motor Vehicles documentation of what appears to be a deferral of Charles Tevault's driving while under the influence criminal case. Based upon the totality of the documents received, the Department of Motor Vehicles revoked Mr. Tevault's driving privileges. Mr. Tevault filed a petition for writ of prohibition and a request for attorney fees and costs in the Circuit Court of Kanawha County. The circuit court has not issued a show cause order, but the Department of Motor Vehicles has filed a response.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	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. Motions to dismiss were filed July 7, 2019, and no activity has occurred in this case since August 12, 2020, when Plaintiffs filed a motion to reinstate.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0251	19-AA-169	Circuit Court Kanawha County	Air Evac EMS v. Cheatham, et al.	The petition seeks reimbursement in full from the Public Employees Insurance Agency for disputed air ambulance transports provided to Public Employees Insurance Agency's insureds during and after the fee capping litigation in the United States Court of Appeals for the Fourth Circuit. In that case, no stay was sought to preserve any rights to retroactive payment. A motion to dismiss has been filed alleging Air Evac's claims for reimbursement are barred by sovereign immunity and issue preclusion. A hearing was held on Public Employees Insurance Agency's Motion to Dismiss on April 26, 2022, before the Honorable Judge Carrie Webster. No decision has been issued.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0090	2:21-cv-7	USDC WVND	The Phoenix Insurance Company, The Travelers Indemnity Company of America, The Travelers Indemnity Company, and Travelers Property Casualty Company of America v. March Westin Company, Inc., and West Virginia Army National Guard	Plaintiffs filed a Complaint for Declaratory Relief seeking a determination of the scope of coverage afforded under policies of insurance they have issued to March Westin Company, Inc., for allegations contained in a Counterclaim by the West Virginia Army National Guard in the Legislative Claims Commission. The West Virginia Army National Guard is named as an interested party only. The Plaintiff asserts no claim for recovery against it. A motion to dismiss the West Virginia Army National Guard based upon the 11th Amendment of the United States Constitution has been filed but remains pending. On September 6, 2022, the court entered an order continuing all further trial dates indefinitely.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0094	20-0530, 20-0531, and 20-0579	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, WV State Tax Commissioner, David Sponaugle, Assessor of Doddridge County, Arlene Mossor, Assessor of Ritchie County, Doddridge County Commission, and Ritchie County Commission	This case has been resolved by a memorandum decision of the WV Supreme Court of Appeals in Antero Resources Corp. v. Irby, Nos. 20-0530, 20-0531, and 20-0579, 2022 WL 1055446 (April 8, 2022) (memorandum decision) ("Antero I"), which affirmed the Tax Commissioner's valuation of Antero's property. The mandate from this decision was entered on May 11, 2022.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0095	21-0119, 21-0121	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor of Doddridge County, and Doddridge County Commission	This case has been resolved by a memorandum decision of the WV Supreme Court of Appeals in Antero Resources Corp. v. Irby, Nos. 21-0119 and 21-0121, 2022 WL 1682290 (May 26, 2022) (memorandum decision) ("Antero II"), which affirmed the lower court's dismissal of Antero's motion for relief from judgment. The mandate from this decision was entered on July 6, 2022.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0113	21-P-31	Circuit Court Doddridge County	Antero Resources Corporation v. Matthew Irby, State Tax Commissioner, David Sponaugle, Doddridge County Assessor, and Doddridge County Commission	Antero Resources Corporation filed a Petition to Appeal the Doddridge County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Department's 2021 tax year valuation of Antero's oil and gas wells located in Doddridge County. This matter is related to the other Antero Resources matters for 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division and is awaiting briefing or a potential stay pending the WV Supreme Court of Appeals' decision in Appeal Nos. 22-0048 through 22-0052, and 22-0144.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0034	22-0048	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. The case is currently on appeal before the WV Supreme Court of Appeals and has been consolidated with Appeal Nos. 22-0049, 22-0050, 22-0051, 22-0052, and 22-0144.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0147	22-0049	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Assessor Arlene Mossor, Assessor of Ritchie County, and Ritchie County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. The case is currently on appeal before the WV Supreme Court of Appeals and has been consolidated with Appeal Nos. 22-0048, 22-0050, 22-0051, 22-0052, and 22-0144.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0004	22-0050	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. The case is currently on appeal before the WV Supreme Court of Appeals and has been consolidated with Appeal Nos. 22-0048, 22-0049, 22-0051, 22-0052, and 22-0144.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0003	22-0052	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	Antero Resources filed a petition to appeal the decision of the Doddridge County Commission sitting as the Board of Assessment Appeals for the 2018 tax year, which affirmed the Tax Department's allegedly overstated valuation of Antero's oil and gas wells in the County. Antero asserts that the Business Court erred when it (1) found that it lacked jurisdiction; (2) did not apply the 2020 Notice retroactively; (3) did not find that the Tax Commissioner's refusal to apply the notice retroactively was arbitrary and capricious; and (4) did not find that the exclusion of its post-production expenses violated due process, the commerce clause, and equal protection. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019), Antero Resources Corp. v. Irby, Nos. 20-0530, 20-0531, and 20-0579, 2022 WL 1055446 (April 8, 2022) (memorandum decision) ("Antero I"), and Antero Resources Corp. v. Irby, Nos. 21-0119 and 21-0121, 2022 WL 1682290 (May 26, 2022) (memorandum decision) ("Antero II"). The business court rejected Antero's arguments and affirmed the Tax Commissioner's valuation. On appeal, the case has been consolidated with several substantially similar appeals from different counties for the 2018 and 2019 tax years. These cases have been fully briefed since July of 2022 and are awaiting either a memorandum decision or an order scheduling argument.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0244	22-0052	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. The case is currently on appeal before the WV Supreme Court of Appeals and has been consolidated with Appeal Nos. 22-0048, 22-0049, 22-0050, 22-0051, and 22-0052.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0135	22-0144	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Lisa Jackson, Assessor, and Tyler County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. The case is currently on appeal before the WV Supreme Court of Appeals and has been consolidated with Appeal Nos. 22-0048, 22-0049, 22-0050, 22-0051, and 22-0052.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0108	22-AA-1	Supreme Court - WV	Antero Resources Corp. v. Matthew R. Irby and Tyler County Assessor	Antero Resources Corporation filed a Petition to Appeal the Tyler County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Department's 2021 tax year valuation of Antero's oil and gas wells located in Tyler County. This matter is related to the other Antero Resources matters for 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division and is awaiting briefing or a potential stay pending the WV Supreme Court of Appeals' decision in Appeal Nos. 22-0048 through 22-0052, and 22-0144.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0050	22-P-85	Circuit Court Harrison County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources Corporation filed a Petition to Appeal the Harrison County Commission sitting as the Board of Assessment Appeals' decision, which upheld the WV Tax Department's 2021 tax year valuation of Antero's oil and gas wells located in Harrison County. This matter is related to the other Antero Resources matters for 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division and is awaiting briefing or a potential stay pending the WV Supreme Court of Appeals decision in Appeal Nos. 22-0048 through 22-0052, and 22-0144.

# **OUTSIDE COUNSEL**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2022



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

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Consumer Protection & Antitrust	Haight, Ann	19-C-104	Circuit Court Boone County	SER Patrick Morrisey v. Teva Pharmaceuticals USA, Inc., and Cephalon, Inc.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	Teva: \$83.3 Million over 15 years. Allergan: \$51.2 Million over 5 years. An additional amount of Most Favored Nations money if a national settlement is reached.
Consumer Protection & Antitrust	Haight, Ann	19-C-05	Circuit Court Boone County	SER Patrick Morrisey v. Janssen Pharmaceuticals, Inc., and Johnson & Johnson	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	\$95,040,000 within 45 days after delivery of settlement participation forms representing 96% of the population of all local governments; thereafter, an additional \$990,000 upon delivery of additional sign-on forms representing 1% of the population of all local governments for a total settlement value of up to \$99 Million.
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-131	Circuit Court Putnam County	SER Patrick Morrisey v. CVS Health Corporation, et al.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	\$82.5 Million, consisting of \$52.5 Million initial payment and \$30 Million over 10 years. An additional amount of Most Favored Nations money if a national settlement is reached.
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-132	Circuit Court Putnam County	SER Patrick Morrisey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc., a Delaware Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	\$65,070,000
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-82	Circuit Court Putnam County	SER Patrick Morrisey v. Walgreens Boots Alliance, Inc., a Delaware corporation, Walgreen Co., an Illinois corporation, and Walgreen Eastern Co., Inc., a New York corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	None to date. Case is still ongoing.

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

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-83	Circuit Court Putnam County	SER Patrick Morrisey v. Rite Aid Corporation, a Delaware Corporation, and Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, a Maryland Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	Up to \$30 Million.
Consumer Protection & Antitrust	Haight, Ann	12-C-122, 123, 124, 125, & 126	Circuit Court Mason County	SER Patrick Morrisey v. Intersections Insurance Services, Inc.	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Haight, Ann	13-C-1	Circuit Court Mason County	SER Patrick Morrisey, Attorney General v. Pfizer, Inc., et al.	Troy N. Giatras of The Giatras Law Firm, PLLC	None to date.
Main Office	Capehart, Curtis	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Robert M. Bastress III of DiPiero Simmons McGinley & Bastress, PLLC	None to date. Case is still ongoing.