

# Expanding OUR LICENSURE

We are ready and eager to provide legal services in Virginia and Ohio!

In February, Member/Owner Natalie Schaefer and Member/Owner Karen McElhinny became licensed in Ohio and Virginia, respectively.

"In an effort to serve our clients more efficiently, I am honored to now be licensed in Ohio. There are many bordering regions of Ohio that are proximally located near our Charleston office. Therefore, expanding to these areas was the next logical step to serve our clients," says Natalie.

Karen moved from our Charleston office to our Winchester office at the beginning of the year, joining Michael Dunham - elevated to Member January 2020 - and hired our newest Associate, Kathryn V. McCann-Slaughter. We are excited to provide our services from our growing Winchester office, which is located in Virginia and is in close proximity to West Virginia's Eastern Panhandle.



## HOW FAR IS "NOT FAR?"

### OUR WINCHESTER OFFICE IS...

- ◆ **25 minutes** to Martinsburg, Berkeley County
- ◆ **30 minutes** to Charles Town, Jefferson County
- ◆ **35 minutes** to Front Royal, Warren County
- ◆ **40 minutes** to Woodstock, Shenandoah County
- ◆ **45 minutes** to Berkeley Springs, Morgan County (same time from Martinsburg)
- ◆ **45 minutes** to Leesburg, Loudoun County
- ◆ **1 hour** to Romney, Hampshire County (shorter drive time than from Martinsburg)
- ◆ **1 to 1.5 hours** to the county seats of Hardy, Grant and Mineral Counties (all shorter drive times than from Martinsburg)
- ◆ **1 hour & 40 minutes** to Orange, Orange County
- ◆ **2 hours** to Franklin, Pendleton County

### OUR MORGANTOWN OFFICE IS...

- ◆ **25 minutes** to Fairmont, Marion County
- ◆ **30 minutes** to Waynesburg, Greene County
- ◆ **40 minutes** to Clarksburg and Bridgeport, Harrison County
- ◆ **40 minutes** to Uniontown, Fayette County
- ◆ **50 minutes** to Washington, Washington County
- ◆ **1 hour 20 minutes** to Wheeling, Ohio County
- ◆ **1 hour 20 minutes** to Greensburg, Westmoreland County
- ◆ **1 hour 30 minutes** to Pittsburgh, Allegheny County
- ◆ **1 hour 30 minutes** to Aliquippa, Beaver County
- ◆ **1.5 to 2 hours** to the county seats of Gilmer, Hancock, Pleasants, Randolph, Ritchie, and Upshur Counties

### OUR CHARLESTON OFFICE IS...

- ◆ **45 minutes** to Huntington, Cabell County
- ◆ **1 hour** to Fayetteville, Fayette County
- ◆ **1 hour** to Ashland, Boyd County
- ◆ **1 hour** to Beckley, Raleigh County
- ◆ **1 to 1.5 hours** to Parkersburg, Wood County
- ◆ **1.5 hours** to Summersville, Nicholas County
- ◆ **1.5 hours** to Marietta, Washington County
- ◆ **1.5 hours** to Athens, Athens County
- ◆ **1.5 to 2 hours** to the county seats of Carter, Elliott, Johnson, Lawrence, and Martin Counties
- ◆ **2 hours** to Chillicothe, Ross County
- ◆ **2 hours** to the county seats of Mercer and Greenbrier Counties

## 2020 LEGAL VICTORIES

On January 30, 2020, Michael Dunham and Kathryn McCann-Slaughter tried *Robey v. Clevenger* in Winchester General District Court. The case stemmed from a collision that occurred on May 5, 2019, at the intersection of Pleasant Valley Road and Jubal Early Drive. Plaintiff contended that Ms. Clevenger was attempting to make a left turn into the path of the Plaintiff, causing the collision. The Plaintiff alleged he suffered injuries including a concussion, cervical strain, and midline thoracic back pain. Ms. Clevenger contended that she was not making a left turn, despite being confused and telling officers such as the scene. Rather, Ms. Clevenger contended she was traveling straight, and the light was yellow when she entered the intersection. At trial, both Ms. Clevenger and her passenger testified that they were traveling straight through the intersection, were almost through the intersection when the collision occurred, and the light was yellow when they entered the intersection. The Court ruled in favor of Ms. Clevenger and found she did not breach a duty owed to the Plaintiff.

On March 20, 2020, The Circuit Court of Randolph County entered an order dismissing the West Virginia Regional Jail & Correctional Facility Authority ("WVRJCF") from a lawsuit. The WVRJCF was represented by SMS attorney, Michael Dunham. The order was entered after the WVRJCF moved the circuit court to dismiss the claims brought by Plaintiff because Plaintiff did not provide adequate pre-suit notice prior to filing suit. Under West Virginia law, at least thirty days prior to initiating a civil action against a State agency, a complaining party is required to provide the agency and the attorney general written notice of the alleged claim and the relief desired. Compliance with the notice provision is a jurisdictional pre-requisite for filing a lawsuit against a State agency and failure to do so warrants dismissal of a civil action.

On March 23, 2020, the Supreme Court of Appeals of West Virginia affirmed an order granting summary judgment for Kimco Realty Corporation, Kimco Riverwalk, 595, Inc., and Kimco Riverwalk, L.P. (collectively referred to as "Kimco"). Kimco was represented by SMS attorneys, Michael Dunham and Caleb David.

Pursuant to a lease agreement entered into by and between Petitioners and Kimco, Kimco agreed to lease to Petitioners a commercial space pursuant to terms and conditions set forth in the lease agreement. After the agreement was entered into, Kimco sold its entire interest in the commercial space to Plaintiff. Kimco also assigned all of its rights and interests in the lease agreement to Plaintiff.

The lawsuit arose when Plaintiff brought an action against Petitioners seeking recovery of monies due under the lease agreement. Petitioners filed third-party claims against Kimco in an attempt to explain Petitioners' alleged breach of the lease. The circuit court ultimately awarded Kimco summary judgment. Petitioners appealed the circuit court's award of summary judgment and dismissal of the third-party claims against Kimco.

[Read Full Summary Here](#)

## HOW SMS IS RESPONDING TO COVID-19

After months of working diligently to ensure we are providing our clients with premium security, Shuman, McCuskey & Slicer, PLLC is excited to share we have reached ISO 27001 alignment, which is the global standard for cyber security. With state-of-the-art firewalls, cyber monitoring tools, anti-malware, and secured VPN access, we are able to continue working remotely and seamlessly through this unprecedented time. Our new cloud-based document management software keeps our clients data secure and encrypted while sitting idly and in transit. We have leveraged our Zoom technology, which gives us the ability to facilitate both large and small meetings through the power of video conferencing. The technology and controls we have in place allow us to meet the needs of our clients securely from any location and have been crucial in ensuring our work proceeds uninterrupted. Our business continuity plan is extensive, and as a result of the recent pandemic, it is now proven and successful. Due to the many man-hours, cooperation, and adjustments from our employees, proper tools and controls have been implemented and allow us to provide ongoing services to our clients and to keep our staff busy. Moving forward, we will continue to follow the recommendations from the U.S. Centers for Disease Control and Prevention (CDC), the World Health Organization, as well as our state and local authorities.

FOR MORE INFORMATION VISIT [WWW.SHUMANLAW.COM](http://WWW.SHUMANLAW.COM)



SMS is excited to share we have been named one of U.S. News - Best Lawyers® "Best Law Firms" for 2020.

The U.S. News - Best Lawyers® "Best Law Firms" rankings are based on a rigorous evaluation process and are ranked using a tier system rather than ranking law firms sequentially.

## UPCOMING SMS EVENTS

**May 30th | Charleston, WV**

*Jog for Jessa*

SMS is happy to be a sponsor of the annual Jog for Jessa 5K charity run/walk

**June 15-17 | Chicago, IL**

*Workers Compensation and Retail, Restaurant & Hospitality Conference*

Member Roberta Green will be speaking on The Opium of the Working Masses at the 2020 CLM Workers Compensation and Retail, Restaurant & Hospitality Conference

**July 8-10 | Boston, MA**

*Cyber, Management & Professional Liability Conference*

Member/Owner Natalie Schaefer will be speaking on day two of the 2020 CLM Cyber, Management & Professional Liability Conference

### Best Lawyers® Recognized Practice Areas

- ★ **Tier 1** in Construction Law
- ★ **Tier 1** in Insurance Law
- ★ **Tier 1** in Litigation - Health Care
- ★ **Tier 1** in Litigation - Insurance
- Administrative/Regulatory Law
- Appellate Practice
- Insurance Law
- Commercial Litigation
- Employment Law - Management
- Mediation
- Mass Tort Litigation/Class Action - Defendants
- Medical Malpractice Law - Defendants
- Natural Resource Law



### Best Lawyers® Recognized Attorneys



David L. Shuman



Dwayne E. Cyrus



John F. McCuskey



Karen T. McElhinny



Kimberly M. Bandy



Lou Ann S. Cyrus



Natalie C. Schaefer



Roberta F. Green



William R. Slicer