

INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

Shelia Hallman-Warner v. Bluefield State University, Umina Legal,
and Bailey & Wyant, PLLC

No. 25-ICA-125 (W. Va. Ct. App. Dec. 4, 2025) · No. No. 25-ICA-125 · Decided December 4, 2025

SUMMARY

The Intermediate Court of Appeals of West Virginia affirmed the Mercer County Circuit Court’s dismissal with prejudice of Shelia Hallman-Warner’s claims against Bluefield State University, Umina Legal, and Bailey & Wyant, PLLC. The court held that the appellate arguments concerning hearing notice, continuances, timing of the dismissal orders, statute of limitations, and delay pending related litigation failed to establish reversible error.

CASE DETAILS

COURT	Intermediate Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Judge Charles O. Lorensen; Judge Daniel W. Greear; Judge S. Ryan White
JURISDICTION	Intermediate Court of Appeals of West Virginia
DECIDED	December 4, 2025
DOCKET	No. 25-ICA-125
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed three Circuit Court of Mercer County orders dismissing her claims against all respondents with prejudice.
STANDARD OF REVIEW	De novo review applies to a circuit court order granting a motion to dismiss.
PRECEDENTIAL VALUE	Published memorandum decision under West Virginia Rule of Appellate Procedure 21; no substantial question of law and no prejudicial error.
PARTIES	Shelia Hallman-Warner v. Bluefield State University, Umina Legal, Bailey & Wyant, PLLC

TOPICS

- motions to dismiss
- appellate procedure
- standard of review
- preservation of error
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

torts

QUESTIONS PRESENTED

1. Whether the circuit court erred by allowing the respondents to notice the hearing on their motions to dismiss and by denying or failing to grant Hallman-Warner a continuance.
2. Whether the circuit court erred by entering one dismissal order shortly after the hearing and delaying entry of the other dismissal orders.
3. Whether the circuit court incorrectly calculated the applicable statute of limitations.
4. Whether the circuit court erred by failing to delay proceedings pending a decision by the Supreme Court of Appeals of West Virginia.

HOLDINGS

1. The circuit court did not err in proceeding with the hearing because the respondents provided adequate notice under Rule 6(d), and Hallman-Warner did not demonstrate good cause for a continuance.
2. Hallman-Warner failed to demonstrate error or prejudice from the timing of the circuit court's separate orders, and the timing did not warrant reversal.
3. The court declined to reach the merits of Hallman-Warner's statute-of-limitations challenge because she failed to adequately brief the issue and therefore failed to demonstrate error.
4. The court declined to find error because Hallman-Warner failed to adequately brief the issue and did not demonstrate reversible error.

KEY QUOTATIONS

“Appellate review of a circuit court's order granting a motion to dismiss a complaint is de novo.” (3)

“An appellant must carry the burden of showing error in the judgment of which he complains. This Court will not reverse the judgment of a trial court unless error affirmatively appears from the record. Error will not be presumed, all presumptions being in favor of the correctness of the judgment.” (4)

FACTUAL BACKGROUND

Hallman-Warner, formerly a criminal justice professor at Bluefield State, previously litigated claims involving the university and attorney Ryan Umina. She later filed a Mercer County complaint under the name “The Professor” against Bluefield State, Umina Legal, and Bailey & Wyant, PLLC, asserting claims including financial exploitation, fraudulent schemes, legal malpractice, intentional infliction of emotional distress, retaliation, civil conspiracy, duress, and coercion. The complaint sought \$24 million and largely repeated allegations from the prior litigation. The circuit court dismissed the claims on various grounds, including res judicata, statutes of limitations, litigation privilege, a settlement release, failure to state a claim, and insufficient service.

PROCEDURAL HISTORY

Hallman-Warner filed a pro se complaint in the Circuit Court of Mercer County asserting numerous tort, statutory, and other claims arising largely from prior litigation involving Bluefield State and related attorneys. The respondents separately moved to dismiss. After a hearing at which Hallman-Warner did not appear, the circuit court entered separate dismissal orders on December 9, 2024, January 30, 2025, and February 18, 2025. The Intermediate Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hallman-Warner v. Bluefield State Coll. Bd. of Governors, No. 22-ICA-38, 2023 WL 2367454, at *1 (W. Va. Ct. App. Mar. 6, 2023) (memorandum decision)
- Hallman-Warner v. Bluefield State Coll. Bd. of Governors, No. 23-267, 2025 WL 3286530, at *1 (W. Va. Nov. 25, 2025) (memorandum decision)
- Hallman-Warner v. Umina, No. 24-ICA-132, 2024 WL 5201011, at *1 (W. Va. Ct. App. Dec. 23, 2024) (memorandum decision)
- State ex rel. McGraw v. Scott Runyan Pontiac-Buick, Inc., 194 W. Va. 770, 461 S.E.2d 516 (1995)
- Bego v. Bego, 177 W. Va. 74, 350 S.E.2d 701 (1986)
- Daniel v. Stevens, 183 W. Va. 95, 394 S.E.2d 79 (1990)
- Walker v. Fazenbaker, No. 18-1062, 2020 WL 598327, at *5 (W. Va. Feb. 7, 2020) (memorandum decision)
- Vogt v. Macy's, Inc., No. 22-ICA-162, 2023 WL 4027501, at *4 (W. Va. Ct. App. June 15, 2023) (memorandum decision)
- State v. Lilly, 194 W. Va. 595, 461 S.E.2d 101 (1995)
- Morgan v. Price, 151 W. Va. 158, 150 S.E.2d 897 (1966)
- Cobble v. Lester, No. 24-ICA-201, 2024 WL 5201017, at *2 (W. Va. Ct. App. Dec. 23, 2024) (memorandum decision)

OPINION

PER CURIAM.

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA SHELIA HALLMAN-WARNER, Plaintiff Below, Petitioner v.) No. 25-ICA-125 (Cir. Ct. Mercer Cnty. Case No. CC-28-2024-C-222) BLUEFIELD STATE UNIVERSITY, FILED UMINA LEGAL, and December 4, 2025 BAILEY & WYANT, PLLC, ASHLEY N. DEEM, CHIEF DEPUTY CLERK INTERMEDIATE COURT OF APPEALS Defendants Below, Respondents OF WEST VIRGINIA MEMORANDUM DECISION Petitioner Shelia Hallman-Warner appeals the Circuit Court of Mercer County's December 9, 2024, January 30, 2025, and February 18, 2025, orders.

In those orders, the circuit court dismissed Ms. Hallman-Warner's claims against all Respondents. Respondents Bluefield State University ("Bluefield State"), Umina Legal, and Bailey & Wyant,

PLLC, each filed separate responses in support of the circuit court's orders.¹ Ms. Hallman-Warner did not file a reply. This Court has jurisdiction over this appeal pursuant to West Virginia Code § 51-11-4 (2024).

After considering the parties' arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the circuit court's order is appropriate under Rule 21 of the Rules of Appellate Procedure. Ms. Hallman-Warner was employed as a criminal justice professor at Bluefield State.

On August 20, 2018, Ms. Hallman-Warner, by counsel, Ryan Umina, Esq., of Umina Legal, filed a complaint against Bluefield State in the Circuit Court of Kanawha County alleging that Bluefield State intentionally provided false and misleading information to the county prosecutor in order to maliciously prosecute a misdemeanor criminal charge against Ms. Hallman-Warner for an incident that occurred at Bluefield State.

Although the matter was ultimately settled, Ms. Hallman-Warner sought to invalidate the settlement. The circuit court denied her attempt to invalidate the settlement, and this Court affirmed that decision. See *Hallman-Warner v. Bluefield State Coll. Bd. of Governors*, No. 22-ICA-38, 2023 WL 1 Ms. Hallman-Warner is self-represented. Bluefield State University is represented by Chip E. Williams, Esq., and Jared C. Underwood, Esq.

Umina Legal is represented by Arie M. Spitz, Esq., and Lauren E. Motes, Esq. Bailey & Wyant, PLLC, is represented by Michael J. Farrell, Esq., and J. Ben Shepard, Esq. 1 2367454, at *1 (W. Va. Ct. App. Mar. 6, 2023) (memorandum decision). Ms. Hallman-Warner appealed this Court's memorandum decision to the Supreme Court of Appeals of West Virginia, which affirmed our decision.

See *Hallman-Warner v. Bluefield State Coll. Bd. of Governors*, No. 23-267, 2025 WL 3286530, at *1 (W. Va. Nov. 25, 2025) (memorandum decision).² On March 15, 2023, Ms. Hallman-Warner filed a complaint against Mr. Umina for malpractice, which the Circuit Court of Kanawha County ultimately dismissed. This Court affirmed the dismissal. See *Hallman-Warner v. Umina*, No. 24-ICA-132, 2024 WL 5201011, at *1 (W.

Va. Ct. App. Dec. 23, 2024) (memorandum decision). This Court's memorandum decision in that matter is currently on appeal to the Supreme Court of Appeals of West Virginia. Turning to the instant matter, on September 16, 2024, Ms. Hallman-Warner filed her complaint against Bluefield State, Bailey & Wyant, PLLC, and Umina Legal, this time in the Circuit Court of Mercer County.

Ms. Hallman-Warner filed the complaint as "The Professor" and not in her actual name. As mentioned previously, Bluefield State was Ms. Hallman-Warner's former employer and Umina Legal, through Mr. Umina, represented Ms. Hallman-Warner in the prior litigation against Bluefield State. Bailey & Wyant, PLLC, represented Bluefield State in the prior litigation.

The pro se complaint in the instant matter asserted claims for financial exploitation of the elderly, financial exploitation of taxpayers, fraudulent schemes, legal malpractice, intentional infliction of emotional pain and suffering, retaliation, civil conspiracy, undue influence, duress, coercion, entrapment, and conspiracy.³ The complaint sought \$24,000,000 in damages.

The complaint largely mirrors the allegations of Ms. Hallman- Warner in the prior cases before the Court and alleges she was targeted for speaking out at Bluefield State, was forced to resign her position at Bluefield State, was forced into the prior settlement agreement as a result of duress and coercion, was treated unfairly, was humiliated and insulted by the actions of the Respondents and the courts, and that the various Respondents consider themselves to be above the law.

On October 17, 2024, Bailey & Wyant, PLLC, filed its motion to dismiss which raised concerns about Ms. Hallman-Warner's competency and asked for dismissal on the grounds that Ms. Hallman-Warner could not sue them for malpractice as Bailey & Wyant, PLLC, was not employed by her, the statute of limitations expired as to any claim against it, litigation privilege shielded it from liability, Ms. Hallman-Warner failed to file suit in 2 However, the Supreme Court has not issued the mandate in that matter and therefore the memorandum decision is not yet final.

See Rule 26 W. Va. R. App. P. ("Unless otherwise provided, an opinion or memorandum decision of the Court considering the merits of a case is not final until the mandate has been issued.")³ Though unclear, Ms. Hallman-Warner may have intended the complaint to also assert a claim for "Elder Abuse" as those words are handwritten at the end of the complaint. 2 her own name, and the complaint failed to state a claim.

Similarly, on October 31, 2024, Bluefield State moved to dismiss the complaint based on several of the same legal theories as well as the doctrine of res judicata and a release of all claims executed as part of the prior settlement.

On November 18, 2024, Umina Legal also moved to dismiss on the grounds that the complaint was barred by the doctrine of res judicata, failed to state a claim upon which relief can be granted, and was filed after the expiration of the statutes of limitations. Each motion was separately noticed for a hearing to occur on December 5, 2024, at 1 p.m.⁴ A hearing was held by the circuit court on all the motions to dismiss on December 5, 2024.

In its written orders following the hearing, the circuit court notes that Ms. Hallman-Warner was not present for the hearing, so the court attempted to solicit her participation by calling Ms. Hallman-Warner three times and leaving her a voicemail inviting her to participate in the hearing telephonically, though she did not respond. Following the hearing, the circuit court dismissed the case against each Respondent in separate orders.

On December 9, 2024, the circuit court entered the order dismissing the case against Bailey & Wyant, PLLC. In that order, the circuit court concluded that the claims against Bailey & Wyant,

PLLC, were time barred, failed as a matter of law, were barred by litigation privilege, were barred by the release in the settlement agreement executed by Ms. Hallman-Warner, and Ms. Hallman-Warner otherwise failed to state a claim as to all counts due to the insufficiency of factual allegations.

The circuit court dismissed the case against Bailey & Wyant, PLLC, with prejudice. On January 30, 2025, the circuit court entered the order dismissing the case against Bluefield State. In that order, the circuit court concluded that the claims against Bluefield State were barred by the doctrine of res judicata and were otherwise time barred.

The circuit court dismissed the case against Bluefield State, with prejudice. On February 18, 2025, the circuit court entered the order dismissing the case against Umina Legal. In that order, the circuit court concluded that the claims against Umina Legal were barred by the doctrine of res judicata and further, Ms. Hallman-Warner failed to properly serve Umina Legal.

The circuit court went on to conclude that certain counts of the complaint failed to state a claim against Umina Legal, while other counts were barred by the statute of limitations. The circuit court likewise dismissed the complaint case against Umina Legal with prejudice. It is from these three orders that Ms. Hallman-Warner appeals.⁵ 4 Bluefield State filed its Notice of Hearing on November 8, 2024.

Bailey & Wyant, PLLC and Umina Legal each filed a Notice of Hearing on November 18, 2024. 5 On December 16, 2024, Ms. Hallman-Warner filed a motion for reconsideration, which the circuit court denied on January 24, 2025. 3 Our standard of review for the December 9, 2024, January 30, 2025, and February 18, 2025, orders is de novo. Syl. Pt. 2, State ex rel. McGraw v. Scott Runyan Pontiac-Buick, Inc., 194 W. Va. 770, 461 S.E.2d 516 (1995) (“Appellate review of a circuit court’s order granting a motion to dismiss a complaint is de novo.”).

With this standard in mind, we turn to the assignments of error but are mindful that “[w]hen a litigant chooses to represent [themselves], it is the duty of the [Court] to insure fairness, allowing reasonable accommodations for the pro se litigant so long as no harm is done an adverse party[.]” Bego v. Bego, 177 W. Va. 74, 76, 350 S.E.2d 701, 703 (1986).

On appeal, Ms. Hallman-Warner first asserts that the circuit court erred by essentially allowing the Respondents’ attorneys to notice a hearing on their respective motions to dismiss and by failing to grant her request to delay the hearing.

We disagree. Ms. Hallman-Warner does not cite any authority for her proposition that attorneys cannot notice a hearing date and must instead file a motion for a hearing date with the circuit court. Further, Rule 6(d) of the West Virginia Rules of Civil Procedure prescribes time frames for the service of motions and notices of hearings which ensure an opposing party has adequate notice.

6 Indeed, the Supreme Court of Appeals of West Virginia has articulated that the purpose of the notice requirement of “Rule 6(d) is to prevent a party from being prejudicially surprised by a motion.” *Daniel v. Stevens*, 183 W. Va. 95, 104, 394 S.E.2d 79, 88 (1990).

Here, the record reflects that the hearing on the motions was adequately noticed by the Respondents under the version of Rule 6(d) in effect at the time. Further, in regard to the circuit court’s alleged failure to grant Ms. Hallman-Warner a continuance of the hearing, there is nothing in the record that demonstrates that there was good cause for granting a continuance of the hearing.

Rule 22.05 of the West Virginia Trial Court Rules states that “[i]f any of the parties fail to appear at an oral argument or hearing, without prior showing of good cause for non-appearance, the court may proceed to hear and rule on the motion.” Here, not only did Ms. Hallman-Warner receive adequate notice of the hearing, but the circuit court then attempted to contact Ms. Hallman-Warner to obtain her telephonic participation in the hearing, to no avail.

Accordingly, we find that the circuit court did not err in this regard. Ms. Hallman-Warner’s second assignment of error asserts that the circuit court erred by entering one order within four days of the hearing but also erred by delaying the entry of the other two orders.

However, Ms. Hallman-Warner has failed to demonstrate error or prejudice on this issue. See *Walker v. Fazenbaker*, No. 18-1062, 2020 WL 598327, at *5 (W. Va. Feb. 7, 2020) (memorandum decision) (early entry of an order in violation of Rule 24.01 in that matter was harmless); see also *Vogt v. Macy’s, Inc.*, 22-ICA-162, 2023 WL 4027501, at *4 (W. Va. Ct. App. June 15, 2023) (memorandum decision) (citing *State v. 6* At the time the circuit court issued its order, the proceedings were governed by the version of Rule 6 adopted by the Supreme Court of Appeals of West Virginia in 1998.

Rule 6 was amended by the Supreme Court, effective January 1, 2025. 4 *Lilly*, 194 W. Va. 595, 605 n.16, 461 S.E.2d 101, 111 n.16 (1995) (explaining that appellate courts frequently refuse to address undeveloped, perfunctory, or cursory arguments on appeal)).

Moreover, as our Supreme Court of Appeals has held, An appellant must carry the burden of showing error in the judgment of which he complains. This Court will not reverse the judgment of a trial court unless error affirmatively appears from the record. Error will not be presumed, all presumptions being in favor of the correctness of the judgment. Syl. Pt. 5, *Morgan v. Price*, 151 W. Va. 158, 150 S.E.2d 897 (1966); *Cobble v. Lester*, No. 24-ICA-201, 2024 WL 5201017, at *2 (W.

Va. Ct. App. Dec. 23, 2024) (memorandum decision). Ms. Hallman-Warner does not explain how she was prejudiced by the action of the circuit court in this regard and has provided no authority to support her cursory argument that it is reversible error for the circuit court to issue its orders in the

manner that it did. Indeed, the Rules of Civil Procedure specifically permit a circuit court to enter an order resolving certain claims against certain parties without disposing of the entire case.

See W. Va. R. Civ. P. 54(b) (1998). Accordingly, we find that Ms. Hallman-Warner has failed to demonstrate error in this regard. Ms. Hallman-Warner's third assignment of error argues that the circuit court erred by dismissing the matter due to an incorrect statute of limitations calculation.⁷ Ms. Hallman-Warner's fourth and final assignment of error asserts that the circuit court "erred in failure to delay action pending WV Supreme Court of Appeals decision[.]" However, it does not appear that Ms. Hallman-Warner argued either issue in her Petitioner's Brief.

Her brief does not contain an argument relating to either issue that "clearly exhibit[s] the points of fact and law presented [or] the standard of review applicable" nor does the brief "cit[e] the authorities relied on, under headings that correspond with the assignments of error." W. Va. R. App. P. 10(c)(7). Further, her brief does not "contain appropriate and specific citations to the record on appeal." *Id.* Accordingly, since Ms. Hallman-Warner failed to brief these issues, we find that she has failed to demonstrate error in either regard.

For the foregoing reasons, we affirm the Circuit Court of Mercer County's December 9, 2024, January 30, 2025, and February 18, 2025, orders. Affirmed. ⁷ The Court notes that it has previously decided the statute of limitations issue in regard to Mr. Umina in *Hallman-Warner v. Umina*, No. 24-ICA-132, 2024 WL 5201011, at *1 (W. Va. Ct. App. Dec. 23, 2024) (memorandum decision).

Insomuch as Ms. Hallman- Warner asserts this assignment of error in regard to Umina Legal, the appeal of that decision is currently pending before the Supreme Court of Appeals and is therefore not properly before this Court. 5 ISSUED: December 4, 2025 CONCURRED IN BY: Chief Judge Charles O. Lorensen Judge Daniel W. Greear Judge S. Ryan White 6