

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)