

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

DOCTORS SPECIALTY CARE, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 20-C-196

Presiding : Judge Akers

Resolution: Judge Carl

THE HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendant,

ORDER GRANTING EMERGENCY MOTION OF THE HEALTH PLAN OF  
WEST VIRGINIA, INC. FOR A PROTECTIVE ORDER AS TO PLAINTIFF'S  
SECOND AMENDED NOTICE OF DEPOSITION AND PRODUCTION  
OF DOCUMENTS TO THE DEFENDANT

Pending before the Court is the *Emergency Motion of The Health Plan of West Virginia, Inc. for a Protective Order as to Plaintiff's Second Amended Notice of Deposition and Production of Documents to the Defendant* ("Emergency Motion") filed on June 3, 2022 by The Health Plan of West Virginia, Inc. ("Health Plan").

In the Emergency Motion, the Health Plan seeks a thirty (30) day extension of the June 9, 2022, Second Amended Notice of Deposition and Production of Documents. The Health Plan seeks emergency relief on the grounds that it has recently designated new counsel to represent it in this matter, and it has simultaneously filed a Motion for Substitution of Counsel. Plaintiff's counsel has refused this extension request, and the Health Plan seeks entry of a protective order pursuant to West Virginia Rule of Civil Procedure 26(c). The Health Plan asserts that it has shown good cause as follows:

- A. Independent of the Second Amended Notice of Deposition and Production of Documents, the Health Plan has properly decided to substitute its counsel in this case.

4-13-2022  
J. Kinney  
J. Hagedorn  
J. Leary

- B. New counsel must obtain and review the documents in the file, there are an extensive number of documents produced in discovery including 65 documents consisting of approximately 2,000 pages produced by the Health Plan and another approximately 1,000 pages produced by the Plaintiff, that will have to be reviewed by undersigned counsel.
- C. Undersigned counsel and his associate Sandra Henson Kinney are both unavailable on June 9, 2022 to attend the deposition set forth in the Second Amended Notice of Deposition and Production of Documents.
- D. There is no prejudice to the Plaintiff since there is not a scheduling order in place setting any upcoming deadlines.

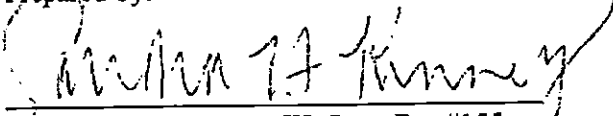
Upon review of the Emergency Motion and finding good cause to grant the requested relief, it is accordingly,

**ORDERED** that an emergency protective order staying the pending Second Amended Notice of Deposition and Production of Documents currently set for June 9, 2022 for thirty (30) days under West Virginia Rule of Civil Procedure 26(c) shall be **GRANTED**. The parties shall confer in good faith and agree to a date for production proximate to June 27, 2022 and a date for the deposition proximate to July 8, 2022 that works for all counsel and the Rule 30(b)(7) designee.

ENTERED: June 7, 2022

  
Honorable Maryclaire Akers

Prepared by:



Webster J. Arceneaux, III, State Bar #155

Sandra Henson Kinney, State Bar #6329

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