

FILED
2021 NOV -9 PM 3:26
CATHY S. GATSON, CLERK RC
KANAWHA COUNTY CIRCUIT COURT

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

CHARLESTON AREA MEDICAL CENTER, INC.,

PLAINTIFF,

v.

CIVIL ACTION NO. 22-C-359

Presiding: Judge Nines

Resolution: Judge Akers

**WEST VIRGINIA UNITED HEALTH SYSTEM,
INC., d/b/a WEST VIRGINIA UNIVERSITY
HEALTH SYSTEM, and WVU HEALTH SYSTEM;
THOMAS HEALTH SYSTEM, INC., d/b/a
THOMAS HEALTH; HERBERT J. THOMAS
MEMORIAL HOSPITAL ASSOCIATION, d/b/a
THOMAS MEMORIAL HOSPITAL;
CHARLESTON HOSPITAL, INC., d/b/a SAINT
FRANCIS HOSPITAL; THS PHYSICIAN
PARTNERS, INC.; PULMONARY ASSOCIATES
OF CHARLESTON PLLC, d/b/a CRITICAL
CARE, PLLC; TRAKE, LLC; PHILLIP COX, D.O.,
an individual; KEVIN EGGLESTON, M.D., *an
individual*; ROBBY KEITH, M.D., *an individual*;
JAMES D. PERRY, III, D.O., *an individual*;
TAMEJIRO "TOM" TAKUBO, D.O., *an individual*;
RYAN WADDELL, D.O., *an individual*; and W.
ALEX WADE, M.D., *an individual*,**

DEFENDANTS.


**ORDER GRANTING MOTION FOR APPROVAL OF SUBSTITUTION OF
COUNSEL**



For good cause shown, the Court hereby GRANTS the Motion of Defendants, Pulmonary Associates of Charleston PLLC d/b/a Critical Care, PLLC, Trake, LLC, Phillip Cox, D.O., Kevin Eggleston, M.D., Robby Keith, M.D., James D. Perry, III, D.O., Tamejiro "Tom" Takubo, D.O., Ryan Waddell, D.O., and W. Alex Wade, M.D. (collectively the "Substituting Parties"), for Substitution of Counsel, substituting Karen H. Miller, Joseph L. Amos, Jr., and Robert A. Hogue of Miller & Amos, Attorneys at Law,

in the place and stead of Marc R. Weintraub, J. Jeffrey Craven, Nicholas S. Johnson, and Joshua I. Hammack of Bailey & Glasser, LLP as counsel of record for The Substituting Parties. The Court has reviewed the Acknowledgement of Counsel submitted in support of the Stipulation and Motion for Approval of Substitution of Counsel, and hereby FINDS that Karen H. Miller, Joseph L. Amos, Jr., and Robert A. Hogue are aware of the current deadlines and trial date (which is not yet assigned) and have represented that they are prepared to meet said deadlines, as required by West Virginia Trial Court Rule 4.04. The Court DIRECTS the Clerk to remove Marc R. Weintraub, J. Jeffrey Craven, Nicholas S. Johnson, and Joshua I. Hammack of Bailey & Glasser, LLP as counsel of record. The law firm of Bailey & Glasser, LLP is hereby relieved of any further obligation to appear for the Defendants in this matter.

The Court directs the Clerk to transmit copies of this Order to all counsel of record, and Marc R. Weintraub, J. Jeffrey Craven, Nicholas S. Johnson, and Joshua I. Hammack.

ENTERED this 9th day of November, 2022.


Judge Shawn D. Nines

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 10th
DAY OF November, 2022

CATHY S. GATSON, CLERK


Date: 11/10/22
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other (please indicate)
By: ☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
Deputy Circuit Clerk

K. Miller
J. Amos Jr
R. Hogue
M. Weintraub
J. Jeffrey Craven
N. Johnson
J. Hammack

M. Farrell
T. White-Farrell
J. Ben Shepard
T. Hurney Jr
R. Aliff
A. Cooke
P. Combs

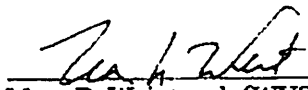
² M. David Griffith Jr
S. Romaine
C. Miller

Prepared By:



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