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WEST VIRGINIA
KANAWHA COUNTY CIRCUIT COURT
CLERK RC

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; THE 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 PLAINTIFF CHARLESTON AREA MEDICAL CENTER, INC.'S
MOTION FOR LEAVE TO FILE REDACTED MOTION TO CONSOLIDATE AND TO
FILE CONFIDENTIAL EXHIBITS THERETO UNDER SEAL**

On a date prior, Plaintiff Charleston Area Medical Center, Inc. ("Plaintiff") properly moved this Court to enter an Order granting its *Motion for Leave to File Redacted Motion to Consolidate and to File Confidential Exhibits Thereto Under Seal and Incorporated Memorandum of Law* ("the Motion"). Having considered the Motion, and being otherwise duly advised, the Court FINDS that Exhibit 1 through Exhibit 7 and Exhibit 9 through Exhibit 12 to Plaintiff Charleston Area Medical Center, Inc.'s *Motion to Consolidate and Incorporated Memorandum of Law in Support* ("the Motion to Consolidate") are subject to affirmative



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confidentiality obligations, and/or contain confidential information, as represented in the Motion. The Court **FURTHER FINDS** that the Motion to Consolidate substantially reproduces multiple portions of Exhibit 1 through Exhibit 7 and Exhibit 9 through Exhibit 12, which are subject to affirmative confidentiality obligations as represented in the Motion, such that the Motion to Consolidate must be treated as confidential. In view of the nature and scope of the confidentiality obligations applicable to the foregoing, the Court **FURTHER FINDS** that these materials must remain sealed indefinitely.

Being duly advised, the Court **CONCLUDES** that good cause supports the Motion and does **HEREBY GRANT** the same. Plaintiff is **HEREBY GRANTED LEAVE** to file its Motion to Consolidate **WITH REDACTIONS**. In that regard, the Clerk of the Court is **DIRECTED** to file the **REDACTED** version of *Plaintiff Charleston Area Medical Center, Inc.'s Motion to Consolidate and Incorporated Memorandum of Law in Support*, as well as Exhibit 8 and Exhibit 13 thereto, all of which Plaintiff provided as Exhibit A to the Motion, forthwith. The **REDACTED** version of *Plaintiff Charleston Area Medical Center, Inc.'s Motion to Consolidate and Incorporated Memorandum of Law in Support*, as well as Exhibit 8 and Exhibit 13 thereto, **SHALL BE** made available to the public.

Furthermore, Plaintiff is **HEREBY GRANTED LEAVE** to file an **UNREDACTED** version of *Plaintiff Charleston Area Medical Center, Inc.'s Motion to Consolidate and Incorporated Memorandum of Law in Support*, as well as Exhibit 1 through Exhibit 7 and Exhibit 9 through Exhibit 12 thereto, **UNDER SEAL**. In that regard, the Clerk of the Court is **DIRECTED** to file the **UNREDACTED** version of *Plaintiff Charleston Area Medical Center, Inc.'s Motion to Consolidate and Incorporated Memorandum of Law in Support*, as well as Exhibit 1 through Exhibit 7 and Exhibit 9 through Exhibit 12 thereto, **UNDER SEAL**.

The Clerk of the Court is **FURTHER DIRECTED** to send a certified copy of this Order to counsel of record.

ENTERED this 5th day of December, 2022.



Honorable Shawn D. Nines, Presiding Judge

Prepared and Presented By:



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Date: 12/6/22
Certified copies sent to:
☒ counsel of record
☐ parties
☒ other Bus. Ct.
(please indicate)
By: ☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
H. L. Linder
Deputy Circuit Clerk

| | |
|------------|-----------|
| P. Combs | T. Hurney |
| A. Cooke | R. Aliff |
| S. Romaine | C. Harlow |
| M. Farrell | K. Miller |
| T. Farrell | J. Amos |
| J. Shepard | R. Hogue |