

FILED

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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 PLAINTIFFS' MOTION TO FILE REPLY UNDER SEAL

COMES NOW Defendant Pulmonary Associates of Charleston, PLLC d/b/a Critical Care, PLLC and its individual members Defendants 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 "PAC") who have moved for an Order granting their Motion for leave to file their Response in Opposition to Plaintiff's Motion to Consolidate under seal. Having considered the Motion and the relevant law, as well as the relevant Rules of Civil Procedure and Trial Court Rules, the Court hereby **FINDS** that

EXHIBIT

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PAC's Response contains information that is subject to confidentiality provisions and/or that is sensitive and confidential in nature.


In view of the foregoing, the Court further **FINDS** that good cause exists to support the Motion and does hereby **GRANT** said Motion. The Plaintiffs may file said Response in Opposition to CAMC's Motion to Consolidate **UNDER SEAL**.

The CLERK shall send a certified copy of this Order to counsel of record.

Entered this 5th day of ^{December} November, 2022.


Judge

Prepared and Presented by:


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Certified copies sent to:
☒ Counsel of record
☐ parties
☒ other Bus Ct.
(please indicate)
By: ☒ certified/1st class mail
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Other directives accomplished.
H. Cavanaugh
Deputy Circuit Clerk

P. Combs T. Hurney
A. Cooke R. Atiff
S. Romaine C. Harlow
M. Farrell K. Miller
T. Farrell J. Amos
J. Shepard R. Hogue
Carol Miller, Bus Ct.