

FILED

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

CHARLESTON AREA MEDICAL CENTER, INC.,  
Plaintiff,

CATHY S. GATSON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

vs.

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;  
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.

**BRIEFING ORDER**

IT APPEARING that Defendant, Trake, LLC, filed Trake's Motion to Dismiss Plaintiff's  
Complaint, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as  
follows:

That movant will provide a proposed order (if not already done) and serve a copy upon  
all non-moving parties. Non-moving parties shall file written responses and proposed orders  
within 15 days of entry of this order and serve copies of the same on the moving party. The  
moving party shall thereafter have 10 days to file a rebuttal memorandum, if desired. Thereafter,


SCANNED

the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via [Andrea.Chambers@courts.wv.gov](mailto:Andrea.Chambers@courts.wv.gov) with a courtesy copy to [Business.Court@courts.wv.gov](mailto:Business.Court@courts.wv.gov) and [Tessa.Bowers@courts.wv.gov](mailto:Tessa.Bowers@courts.wv.gov). Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

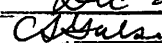
The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, all *pro se* parties, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 6<sup>th</sup> day of December 2022.

  
JUDGE SHAWN D. NINES  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION

Date: 12/7/22  
Certified copies sent to:  
\_\_\_\_ counsel of record  
\_\_\_\_ parties  
\_\_\_\_ other (please indicate)  
By: \_\_\_\_\_  
\_\_\_\_ certified/1st class mail  
\_\_\_\_ fax  
\_\_\_\_ hand delivery  
\_\_\_\_ interdepartmental  
Other directives accomplished: \_\_\_\_\_  
C. Gatson  
Deputy Circuit Clerk

B. Hyatt  
T. White-Suarez  
M. Amos  
K. Miller  
R. Hogan  
G. Cooper  
S. Romaine  
P. Conley  
M. Ruffa  
J. Hurley  
R. Aliff  
C. Taylor  
V. Saderi  
Bus. Ct.

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.  
WIT MY HAND AND SEAL OF SAID COURT THIS 7  
Dec 2022  
 CLERK  
COUNTY WEST VIRGINIA