

FILED

2023 MAR -1 AM 10:39

CATHY S. GATSON, CLERK
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 APPROVING SUBSTITUTION OF COUNSEL

On a previous date, Plaintiff Charleston Area Medical Center, Inc. filed a Stipulation of Substitution of Counsel ("the Stipulation"), pursuant to Rule 4.04 of the West Virginia Trial Court Rules. Having reviewed the Stipulation, and being otherwise duly advised, the Court hereby FINDS and CONCLUDES:

1. That Exhibit A to the Stipulation bears the written approval of a duly authorized representative of Plaintiff Charleston Area Medical Center, Inc., in accordance with Rule 4.04(a) of the West Virginia Trial Court Rules;

EXHIBIT B

SCANNED

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2. That the Stipulation bears the signed statements of Erin J. McLaughlin, Esq., Jaime S. Tuite, Esq., Kathleen Jones Goldman, Esq., James C. Walls, III, Esq., substituting counsel, consenting to the substitution and acknowledging that each has been advised of the potential trial date and will be prepared for trial on such date, in accordance with Rule 4.04(b) of the West Virginia Trial Court Rules;

3. That the Stipulation was accompanied by a proposed Order Approving Substitution of Counsel, in accordance with Rule 4.04(c) of the West Virginia Trial Court Rules; and,

4. That a copy of the Stipulation was served upon counsel of record, including opposing counsel, in accordance with Rule 4.04(d) of the West Virginia Trial Court Rules.

In view of the same, the Court **HEREBY ORDERS** that Erin J. McLaughlin, Esq., Jaime S. Tuite, Esq., Kathleen Jones Goldman, Esq., James C. Walls, III, Esq., and the law firm of Buchanan Ingersoll & Rooney LLP **SHALL BE SUBSTITUTED** as counsel of record for Plaintiff Charleston Area Medical Center, Inc. in the above-captioned action. The Court **FURTHER ORDERS** that Michael J. Farrell, Esq., Tamela J. White-Farrell, Esq., J. Ben Shepard, Esq., and the law firm of Farrell, White & Legg PLLC **SHALL BE RELEASED** from their representation of Plaintiff Charleston Area Medical Center, Inc. in the above-captioned action. The Clerk of the Court is **DIRECTED** to send a certified copy of this Order Approving Substitution of Counsel to counsel of record and to Michael J. Farrell, Esq., Tamela J. White-Farrell, Esq., and J. Ben Shepard, Esq.

ENTERED this 28th day of February, 2023.


Honorable Shawn D. Nines

Date: 3/1/23
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other
(please indicate) M. Farrell
T. White-Farrell
B. Shepard
K. Miller
A. Cochrane
T. Hursey
By: [Signature]
☐ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
[Signature]
Deputy Circuit Clerk

Prepared and Presented By:

/s/ J. Ben Shepard

Michael J. Farrell, Esquire (WVSB 1168)
Tamela J. White-Farrell, Esquire (WVSB 6392)
J. Ben Shepard, Esquire (WVSB 13261)
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Seen and Agreed to By:

/s/ Erin J. McLaughlin

Erin J. McLaughlin, Esq. (WVSB 10464)
Jaime S. Tuite, Esq. (WVSB 10936)
Kathleen Jones Goldman, Esq. (WVSB 6917)
James C. Walls, Esq. (WVSB 13277)
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