

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

CLERK OF COURT
KANAWHA COUNTY CIRCUIT COURT

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 PAC DEFENDANTS' MOTION TO FILE ANSWER AND
COUNTERCLAIM UNDER SEAL**

COME NOW Defendants Pulmonary Associates of Charleston, PLLC ("PAC"),
Trake, LLC ("Trake"), 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 Alex Wade,
M.D. ("PAC Physicians") (collectively the "PAC Defendants"), who have moved for an
Order granting their Motion for leave to file their "Answer and Counterclaim" 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 PAC Defendants' "Answer

SCANNED


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and Counterclaim" 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 PAC Defendants may file said~~ **Said** "Answer and Counterclaim" **attached to this order, is deemed FILED** **UNDER SEAL.**

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

Entered this 31st day of May, 2023.


Honorable Shawn D. Nines

Prepared and Presented by:

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Deputy Circuit Clerk