

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

FILED
Cathy S. Gatson, Clerk
Kanawha Co. Circuit Court
AUG 16 2023 RC

CHARLESTON AREA MEDICAL CENTER, INC.,
Plaintiff,

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 Plaintiff, Charleston Area Medical Center, Inc., has filed Plaintiff
Charleston Area Medical Center, Inc.'s Motion for Sanctions and for Order to Show Cause Why
WVU Health Should Not Be Held in Contempt, 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

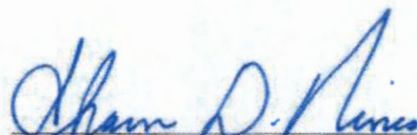
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the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary.

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Andrea.Chambers@courtswv.gov with a courtesy copy to Business.Court@courtswv.gov and Tessa.Bowers@courtswv.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 16th day of August 2023.



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

Date: 8/16/23
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other
(please indicate)
By: ☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished:
H. Cavender
Deputy Circuit Clerk

K. Goldman
K. Miller
Bus. Ct
A. Cooke
T. Hursey Jr.