

FILED

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

2023 AUG 18 PM 3:55

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.

ORDER

This matter came on this 18th day of August 2023, upon the Court's receipt of The PAC Defendants' Motion for Protective Order And to Quash Subpoena to Gray, Griffith & Mays, A.C., and it appearing proper in form, it is hereby ORDERED that execution of Subpoena Duces Tecum are hereby stayed, meaning there Shall Not be delivery of the subpoenaed materials to any party until the Court rules upon The PAC Defendants' motion, and issues further Order. The Court notes the exception of counsel. The Briefing Schedule was entered in a previous Order.

Further, the Court is in receipt of The PAC Defendants' Motion to Quash Subpoenas as to Wireless Service Providers or for a Protective Order, and it appearing proper in form, it is hereby ORDERED that execution of Subpoena Duces Tecum are hereby stayed, meaning there

SCANNED

Shall Not be delivery of the subpoenaed materials to any party until the Court rules upon The PAC Defendants' motion, and issues further Order. The Court notes the exception of counsel. The Briefing Schedule was entered in a previous Order.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, all *pro se* parties, the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401, and the wireless providers and accounting firm subject to the aforementioned subpoenas *duces tecum* at the following addresses:

New Cingular Wireless PSC, LLC
CT Corporation System, 5098 Washington St. W., Ste 407
Charleston, WV 25313-1561

Verizon Wireless Services, LLC
CT Corporation System, 5098 Washington St. W., Ste 407
Charleston, WV 25313-1561

T-Mobile USA, Inc.
Corporation Service Company
209 West Washington Street
Charleston WV 25301

Gray, Griffith & Mays, A.C.
707 Virginia Street East, Suite 400
Charleston, WV 25301

08/18/2023



SHAWN D. NINES, JUDGE
WEST VIRGINIA
BUSINESS COURT DIVISION

Date: 8/18/23
Original copies sent to: E. McLaughlin
— counsel of record K. Miller
— parties T. Hume
— other (please indicate) P. Conder
By: — certified/1st class mail Carol Miller
— (cc) New Cingular Wireless
— hand delivery Verizon Wireless
— interdepartmental T. Moore
Other direction accomplished: Gray Griffith
By: Deputy Circuit Clerk