

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

DOCTORS SPECIALTY CARE, LLC,

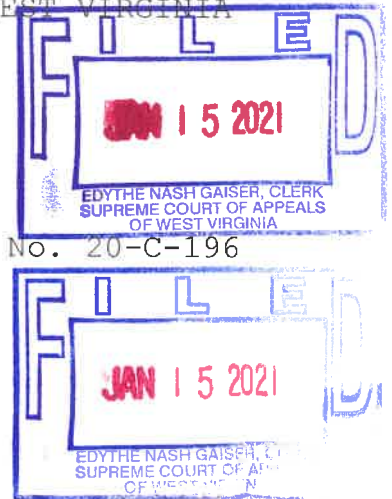
Plaintiff,

v.

Civil Action No. 20-C-196

THE HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendant.



**RESPONSE OF THE PLAINTIFF TO JUDICIAL MOTION TO
REFER CASE TO THE BUSINESS COURT DIVISION**

The plaintiff, Doctors Speciality Care, LLC, by counsel, Gregory H. Schillace, pursuant to Rule 29.06 of the West Virginia Trial Court Rules, responds to the judicial motion to refer the above-styled action to the Business Court Division. The nature of this action involves the breach of contract between the plaintiff and the defendant as well as the violation of the Prompt Pay Act. W.Va. §33-45-1.

The plaintiff agrees with the Circuit Judge that the issues and causes of action involved fall within the definition of "business litigation" as defined by Rule 29.06(a)(4) of the West Virginia Trial Court Rules. This dispute presents commercial issues which call for specialized treatment.

Accordingly, the plaintiff agrees that the referral of the action to the Business Court Division is appropriate. As provided herein the plaintiff consents to the referral of this action.

WHEREFORE, the plaintiffs respectfully request that the above-styled civil action be referred to the Business Court Division.

Dated this 13th day of January, 2021.



Gregory H. Schillace
State Bar No. 5597

Counsel for the Plaintiff

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Plaintiff,

v. Civil Action No. 20-C-196

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of January, 2021, I served the foregoing **RESPONSE OF THE PLAINTIFF TO JUDICIAL MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION**, upon all opposing parties of record by depositing a true copy thereof in the United States mail, first-class postage prepaid, in an envelope addressed as follows:

Albert Marano, Clerk
Circuit Court of Harrison County
301 W. Main Street
Clarksburg, West Virginia 26301

The Honorable Thomas A. Bedell, Judge
Circuit Court of Harrison County
301 W. Main Street
Clarksburg, West Virginia 26301

Carol A. Miller, Executive Director
Business Court Division
West Virginia Supreme Court Of Appeals
Berkeley County Judicial Center
380 W. South Street, Suite 2100
Martinsburg, West Virginia 25401

Jennifer B. Hagedorn, Esquire
Bowles Rice, LLP
1800 Main Street, Suite 200
Canonsburg, Pennsylvania 15317

