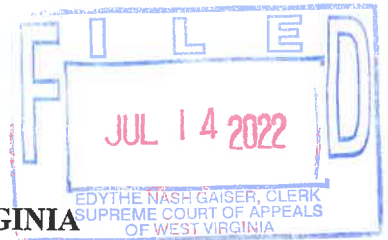


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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

TRI-STATE AMBULANCE, INC.,

Plaintiff,

v.

Ohio County Circuit Court  
Civil Action No. 20-C-155  
(Hon. Michael J. Olejasz, Judge)

WHEELING HOSPITAL, INC.,  
WEST VIRGINIA UNIVERSITY  
HOSPITALS, INC., HEALTHTEAM  
CRITICAL CARE TRANSPORT, LLC,  
and HEALTHNET AEROMEDICAL  
SERVICES, INC.,

FILE COPY

22-BCD-09

Defendants.

**DEFENDANTS HEALTHTEAM CRITICAL CARE TRANSPORT, LLC  
AND HEALTHNET AEROMEDICAL SERVICES, INC.'S REPLY MEMORANDUM  
TO WEST VIRGINIA UNIVERSITY HOSPITAL, INC.'S MOTION TO  
REFER CASE TO BUSINESS COURT DIVISION**

COME NOW Defendants HealthTeam Critical Care Transport, LLC, and HealthNet Aeromedical Services, Inc., by undersigned counsel, pursuant to West Virginia Trial Court Rule 29.06(a)(4), and respond to the *Motion to Refer Case to Business Court Division* filed by Defendant West Virginia University Hospital, Inc.

These Defendants agree that the issues and causes of action involved fall within the definition of "Business Litigation" pursuant to Rule 29.04(a) of the West Virginia Trial Court Rules. This dispute presents commercial issues which call for specialized treatment.

Accordingly, these Defendants do not oppose and, indeed, advocate for the transfer of this action to the Business Court Division.

**HealthTeam Critical Care Transport,  
LLC, and HealthNet Aeromedical  
Services, Inc.**

By Counsel,



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Michael C. Cardi (WV Bar # 12228)  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of July 2022, a true and exact copy of the foregoing ***Defendants HealthTeam Critical Care Transport, LLC and HealthNet Aeromedical Services, Inc.'s Reply Memorandum to West Virginia University Hospital, Inc.'s Motion to Refer Case to Business Court Division*** was served via electronic mail upon all counsel of record:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Robert J. D'Anniballe, Jr., Esq.<br>Anthony S. Caliguire, Esq.<br>PIETRAGALLO GORDON ALFANO BOSICK<br>& RASPANTI, LLP<br>333 Penco Road<br>Weirton, WV 26062<br>RJD@Pietragallo.com<br>ASC@Pietragallo.com<br><i>Counsel for Plaintiff</i>                                                                                                                                                                                                           | Paul N. Garinger, Esq.<br>BARNES & THORNBURG, LLP<br>41 South High Street, Suite 3300<br>Columbus, OH 43215<br>paul.garinger@btlaw.com<br><i>Counsel for Wheeling Hospital, Inc.</i> |
| Christine S. Vaglianti, Esq.<br>Erin R. Vuljanic, Esq.<br>Asst. Vice President/Sr. Litigation Counsel<br>WEST VIRGINIA UNITED HEALTH SYSTEM, INC.<br>1238 Suncrest Towne Centre Drive<br>Morgantown, WV 26505<br><a href="mailto:vagliantic@wvumedicine.org">vagliantic@wvumedicine.org</a><br><a href="mailto:erin.vuljamnic@wvumedicine.org">erin.vuljamnic@wvumedicine.org</a><br><i>Counsel for West Virginia University<br/>Hospitals, Inc.</i> |                                                                                                                                                                                      |

Copies also provided to:

Hon. Michael J. Olejasz, Judge, Ohio County Courthouse, 1500 Chapline Street, Room 506, Wheeling, WV 26003; the Ohio County Circuit Clerk's Office (via WV E-Filing System); and the Business Court Division Central Office, Berkeley County Judicial Center, 380 West South Street, Suite 2100, Martinsburg, WV 25401.

  
\_\_\_\_\_  
Michael C. Cardi (WVSB # 12228)