

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



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

Defendants.

TO: THE HONORABLE CHIEF JUSTICE

MOTION TO REFER CASE TO THE BUSINESS COURT DIVISION

Pursuant to Rule 29.06 of the West Virginia Trial Court Rules, the Defendant, West Virginia University Hospitals, Inc., by counsel, Christine S. Vaglianti, Esq., respectfully requests the above-styled case be referred to the Business Court Division.

In regard to additional related actions:

- ☒ There are no known related actions.
- ☐ The following related actions could be the subject of consolidation, and are
- ☐ now pending
- or
- ☐ may be filed in the future. (Please list case style, number, and Court if any)
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-

This action involves: (Please check all that apply)

- | | |
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| <input checked="" type="checkbox"/> Breach of Contract; | <input type="checkbox"/> Sale or Purchase of Commercial Products Covered by the Uniform Commercial Code; |
| <input checked="" type="checkbox"/> Sale or Purchase of Commercial Entity; | <input type="checkbox"/> Terms of a Commercial Lease; |
| <input type="checkbox"/> Sale or Purchase of Commercial Real Estate; | |

(continued on next)

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Commercial Non-consumer debts; <input type="checkbox"/> Internal Affairs of a Commercial Entity; <input type="checkbox"/> Trade Secrets and Trademark Infringement; <input type="checkbox"/> Non-compete Agreements; <input type="checkbox"/> Intellectual Property, Securities, Technology Disputes; <input checked="" type="checkbox"/> Commercial Torts; <input type="checkbox"/> Insurance Coverage Disputes in Commercial Insurance Policies; <input type="checkbox"/> Professional Liability Claims in Connection with the Rendering of Professional Services to a Commercial Entity; <input type="checkbox"/> Anti-trust Actions between Commercial Entities; <input type="checkbox"/> Injunctive and Declaratory Relief Between Commercial Entities; | <ul style="list-style-type: none"> <input type="checkbox"/> Liability of Shareholders, Directors, Officers, Partners, etc.; <input type="checkbox"/> Mergers, Consolidations, Sale of Assets, Issuance of Debt, Equity and Like Interest; <input type="checkbox"/> Shareholders Derivative Claims; <input type="checkbox"/> Commercial Bank Transactions; <input type="checkbox"/> Franchisees/Franchisors; <input type="checkbox"/> Internet, Electronic Commerce and Biotechnology <input checked="" type="checkbox"/> Disputes involving Commercial Entities; or <input checked="" type="checkbox"/> Other (Describe) <u>Possible regulatory violations or unlawful conduct by a medical transport company; valuation of medical transport company's West Virginia operations and alleged damages to same.</u> |
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In support of this motion, this matter contains issues significant to businesses, and presents novel and/or complex commercial or technological issues for which specialized treatment will be helpful, as more fully described here: The principal claims involve matters of significance to the transactions between Plaintiff and Wheeling Hospital, based on contract, and between Wheeling Hospital/West Virginia University Hospitals, Inc. and HealthTeam Critical Care and HealthNet based on Plaintiff's inability or unwillingness to fulfill the terms of its contract with Wheeling Hospital. Plaintiff's inability or unwillingness to provide services as outlined in its contract with Wheeling Hospital resulted in significant and costly delays in Wheeling Hospital being able to discharge patients and unnecessarily extended patients' length of stay in the hospital. Therefore, Wheeling Hospital was forced to seek alternatives to Plaintiff's medical transport services and eventually ended its contract with Plaintiff due to Plaintiff's material breaches of the same. Specialized treatment of the commercial issues presented by this dispute is likely to improve the expectations of a fair and reasonable resolution of the controversy because of the need for expertise in the subject matter of contracts, tortious interference with business relationships, as well as the defenses to an alleged breach of contract.

In further support of this Motion, please find attached hereto an accurate copy of the operative complaint(s), the operative answer(s), the docket sheet, and the following other documents: Plaintiff's Answer to Defendant Wheeling Hospital's Counterclaim for Damages; Complaint & Answer; Amended Complaint & Answers.

In regard to expedited review, the Movant:

- ☒ DOES NOT request an expedited review under W.Va. Trial Court Rule 29.06(a)(4), and gives notice that all affected parties may file a memorandum stating their position, in accordance with W.Va. Trial Court Rule 29.
- ☐ hereby REQUESTS that the Chief Justice grant this Motion to Refer without responses, pursuant to W.Va. Trial Court Rule 29.06(a)(4), and contends that the following constitutes good cause to do so: _____
- _____

WHEREFORE, the undersigned hereby MOVES, pursuant to W.Va. Trial Court Rule 29, the Chief Justice of the West Virginia Supreme Court of Appeals to refer this case to the Business Court Division.

Respectfully submitted, this 27th day of June, 2022.



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CERTIFICATE OF SERVICE

I, Christine S. Vaglianti, do hereby certify that on this 27th day of June, 2022, I have served the foregoing "Motion to Refer Case to Business Court Division," with attachments by either hand delivery or first class mail to:

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Michael J. Olejasz, Judge; the Ohio County Circuit Clerk's Office; and the Business Court Division
Central Office, Berkeley County Judicial Center, 380 West South Street, Suite 2100, Martinsburg, WV
25401.


Christine S. Vaglianti (W.Va. State Bar No. 4987)