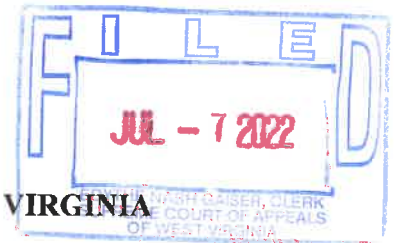


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20-BCLD-09

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

TRI-STATE AMBULANCE, INC.

Plaintiff,

v.

DO NOT REMOVE
FROM FILE

WHEELING HOSPITAL, INC.,

Ohio County Circuit Court

Civil Action No. 20-C-155

WEST VIRGINIA UNIVERSITY
HOSPITALS, INC.,

(Judge: Hon. Michael J. Olejasz)

HEALTHTEAM CRITICAL CARE
TRANSPORT, LLC,

and

HEALTHNET AEROMEDICAL
SERVICES, INC.,

Defendants.

**PLAINTIFF'S REPLY MEMORANDUM TO WEST VIRGINIA UNIVERSITY
HOSPITALS, INC.'S MOTION TO REFER CASE TO BUSINESS COURT DIVISION**

COMES NOW, Plaintiff Tri-State Ambulance, Inc.(hereinafter "Plaintiff") by and through its counsel, Robert J. D'Anniballe, Jr., Esq. of the law firm of Pietragallo Gordon Alfano Bosick & Raspanti, LLP and, pursuant to West Virginia Trial Court Rule 29.06(a)(4), submits the within reply memorandum to the *Motion to Refer Case to Business Court Division* filed by Defendant, West Virginia University Hospitals, Inc. (hereinafter "WVUH").

1. Plaintiff is replying to the motion of WVUH pursuant to West Virginia Trial Court Rule 29.06(a)(4), which provided twenty days for any affected party to state its position.
2. Plaintiff strongly objects to, and will vigorously challenge, certain characterization contained in the motion of WVUH, which are as follows:

“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.”

“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 Health Team Critical Care and HealthNet based on Plaintiffs 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.”

“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.”

3. The case involves claims of (1) breach of contract; (2) breach of implied covenant of good faith and fair dealing; and (3) tortious interference with business relationship.

4. Plaintiff does not oppose the transfer and agrees that a transfer to the Business Court Division is appropriate.

/s/ Robert J. D’Anniballe, Jr.

Robert J. D’Anniballe, Jr., WV Bar #920

/s/ Anthony S. Caliguire

Anthony Sarafino “Fino” Caliguire, WV Bar #13944

**PIETRAGALLO GORDON ALFANO BOSICK &
RASPANTI, LLP**

333 Penco Road

Weirton, WV 26062

Telephone: 304-723-0220

Facsimile: 304-723-6318

E-Mail: RJD@Pietragallo.com

Email: ASC@Pietragallo.com

Counsel for Tri-State Ambulance, Inc.

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

TRI-STATE AMBULANCE, INC.

Plaintiff,

v.

WHEELING HOSPITAL, INC.,

WEST VIRGINIA UNIVERSITY
HOSPITALS, INC.,

HEALTHTEAM CRITICAL CARE
TRANSPORT, LLC,

and

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Ohio County Circuit Court
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CERTIFICATE OF SERVICE

Service of the foregoing **PLAINTIFF'S REPLY MEMORANDUM TO WEST VIRGINIA UNIVERSITY HOSPITALS, INC.'S MOTION TO REFER CASE TO BUSINESS COURT DIVISION** was made upon the following by electronic filing to counsel of record on this 6th day of July 2022.

Paul N. Garinger, WV Bar #12649
BARNES & THORNBURG LLP
41 South High Street, Suite 3300
Columbus, OH 43215
Telephone: 614-628-1454
Counsel for Wheeling Hospital, Inc.

Christine S. Vaglianti, WV Bar #4987
Assistant Vice President / Senior Litigation Counsel
West Virginia University Health System, Inc.
1238 Suncrest Towne Centre Drive
Morgantown, WV 26505
Tel.: 304-598-4199
Fax: 304-594-9888
vaglientic@wvumedicine.org
Counsel for West Virginia University Hospitals, Inc.

Julie A. Moore, Esq.
Michael C. Cardi, Esq.
Bowles Rice LLP
125 Granville Square, Suite 400
Morgantown, WV 26505
jamoore@bowlesrice.com
mcardi@bowlesrice.com
Phone: 304-285-2500
Fax: 304-285-2575

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

COPIES ALSO MAILED TO:

Michael J. Olejasz, Judge;
Ohio County Courthouse
1500 Chapline Street, Room 506
Wheeling, WV 26003

Brenda L. Miller, Clerk
The Ohio County Circuit Clerk's Office
Ohio County Courthouse
1500 Chapline Street, Room 506
Wheeling, WV 26003

Business Court Division Central Office
Berkley County Judicial Center
380 West South Street
Suite 2100
Martinsburg, WV 25404

/s/ Robert J. D'Anniballe, Jr.

Robert J. D'Anniballe, Jr., WV Bar #920

/s/ Anthony S. Caliguire

Anthony Sarafino "Fino" Caliguire, WV Bar #13944

**PIETRAGALLO GORDON ALFANO BOSICK &
RASPANTI, LLP**

333 Penco Road

Weirton, WV 26062

Telephone: 304-723-0220

Facsimile: 304-723-6318

E-Mail: RJD@Pietragallo.com

Email: ASC@Pietragallo.com

Counsel for Tri-State Ambulance, Inc.