

**IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**CHARLESTON DIABETES AND  
ENDOCRINE CONSULTANTS,  
PLLC, a West Virginia Professional  
Limited Liability Company,  
PRASUNA JAMI, M.D., individually  
and on behalf of all other similarly  
situated parties,**

**Plaintiffs,**

**Civil Action No.:16-C-457  
Judge Matish**

**v.**

**HIGHMARK WEST VIRGINIA, INC.,  
a West Virginia Corporation, formerly  
known as MOUNTAIN STATE BLUE CROSS  
& BLUE SHIELD, INC., and formerly known  
as BLUE CROSS AND BLUE SHIELD OF WEST  
CENTRAL WEST VIRGINIA, INC.,**

**Defendant.**

ENTERED  
O.B. No. \_\_\_\_\_  
PAGE \_\_\_\_\_  
**MAR 19 2018**  
CAROLE JONES  
CLERK CIRCUIT COURT

**ORDER**

On March 1, 2018, came Plaintiffs Charleston Diabetes and Endocrine Consultants, PLLC and Prasuna Jami, M.D, (the "Plaintiffs") by counsel, Scott S. Segal and C. Edward Amos, II, of the Segal Law Firm, and Defendant Highmark West Virginia Inc. (the "Defendant"), by counsel, Russell D. Jessee of Steptoe & Johnson PLLC, and by its representative, Courtney Lemley, Associate General Counsel, and presented arguments on Plaintiffs' Emergency Motion to Compel. Upon review of the filings of the parties, the case record, and the pertinent legal authorities, the Court hereby **FINDS and ORDERS** as follows:

1. Plaintiffs' Emergency Motion to Compel primarily took issue with Defendant's rolling production. Because Defendant provided adequate reasons

*3-22-18 10:37 AM Segal Law; Miller & Amos; Steptoe & Johnson*

for the rolling production and that production has been completed, this aspect of the motion is moot. At the hearing, Plaintiffs raised three additional issues with Defendant's discovery responses that arose during and after Defendant's rolling production. One issue was resolved at the hearing when Defendant voluntarily produced additional policies and procedures, and Defendant proposed to provide a revised chart to address the other two issues in the first instance. The Court instructs the parties to use best efforts to resolve any remaining issues without Court intervention following Defendant's production of the revised chart to Plaintiffs, as Defendant offered at the hearing;

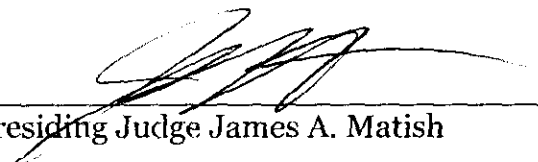
2. A hearing on Plaintiffs' Motion for Class Certification is set for May 22, 2018 at 9:00 a.m. before this Court; and
3. All deadlines in this Court's previously entered Scheduling Order are stayed until further order of the Court.

The Court notes the objections of the parties to any adverse rulings contained herein.

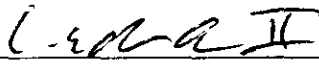
The Clerk of the Court shall issue a certified copy of this Order to all parties and/or counsel of record in this matter.

**IT IS SO ORDERED.**

Enter this 14<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Presiding Judge James A. Matish

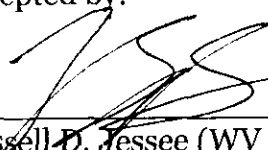
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