

No. 20-600

DO NOT REMOVE
FILE COPY FILE COPY

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia ex rel.
GRANT COUNTY COMMISSION,
Petitioner,

v.



HONORABLE LYNN NELSON, Judge of the Circuit Court of Grant County,
KIMBERLY LINVILLE,
ROBERT W. "BOB" MILVET,
THE BOARD OF TRUSTEES OF GRANT MEMORIAL HOSPITAL TRUST FOUNDATION, INC.
(OTHERWISE KNOWN AS GRANT MEMORIAL HOSPITAL)
Respondents.

**SUMMARY RESPONSE TO PETITION FOR WRIT OF PROHIBITION AND APPEAL
PURSUANT TO COLLATERAL ORDER DOCTRINE
ON BEHALF OF ROBERT W. "BOB" MILVET AND
GRANT MEMORIAL HOSPITAL**

Wendy G. Adkins, Esq. (WVSB #9412)
JACKSON KELLY PLLC
150 Clay Street, Suite 500
Morgantown, WV 26501
Telephone: 304-284-4136
wgadkins@jacksonkelly.com

and

Justin M. Harrison, Esq. (WVSB #9255)
JACKSON KELLY PLLC
500 Lee Street, East, Suite 1600
Charleston, West Virginia 25322
Telephone: (304) 340-1358
Justin.Harrison@jacksonkelly.com

*Counsel of Record for Respondents,
Robert W. "Bob" Milvet and Grant Memorial Hospital.*

STATEMENT OF THE CASE AND ARGUMENT

Consistent with its position taken below concerning the motion to dismiss, Respondents Robert W. "Bob" Milvet and Grant Memorial Hospital do not join or oppose the Petition for Writ of Prohibition and Appeal Pursuant to Collateral Appeal Doctrine filed by the Grant County Commission.

CONCLUSION

As stated above, Respondents Robert W. "Bob" Milvet and Grant Memorial Hospital do not take a position concerning the Petition for Writ of Prohibition and Appeal Pursuant to Collateral Appeal Doctrine filed by the Grant County Commission.

Respectfully submitted,

**ROBERT W. "BOB" MILVET AND
GRANT MEMORIAL HOSPITAL**

By counsel



Wendy G. Adkins, Esq. (WVSB #9412)
JACKSON KELLY PLLC
150 Clay Street, Suite 500
Morgantown, WV 26501
Telephone: 304-284-4136
wgadkins@jacksonkelly.com

and

Justin M. Harrison, Esq. (WVSB #9255)
JACKSON KELLY PLLC
500 Lee Street, East, Suite 1600
Charleston, West Virginia 25322
Telephone: (304) 340-1358
Justin.Harrison@jacksonkelly.com

*Counsel of Record for Respondents,
Robert W. "Bob" Milvet and Grant Memorial Hospital.*

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia ex rel.
GRANT COUNTY COMMISSION,
Petitioner,

v.

HONORABLE LYNN NELSON, Judge of the Circuit Court of Grant County,
KIMBERLY LINVILLE,
ROBERT W. "BOB" MILVET,
THE BOARD OF TRUSTEES OF GRANT MEMORIAL HOSPITAL TRUST FOUNDATION, INC.
OTHERWISE KNOWN AS GRANT MEMORIAL HOSPITAL)
Respondents.

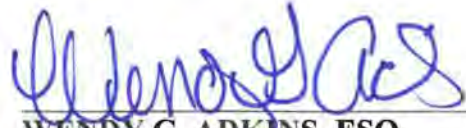
CERTIFICATE OF SERVICE

I, Wendy G. Adkins, do hereby certify that I have served the foregoing **SUMMARY RESPONSE TO PETITION FOR WRIT OF PROHIBITION AND APPEAL PURSUANT TO COLLATERAL ORDER DOCTRINE ON BEHALF OF ROBERT W. "BOB" MILVET AND GRANT MEMORIAL HOSPITAL** by U.S. Mail this 26 th day of August 2020, to:

Peter G. Zurbuch, Esq.
Jeffery S. Zuburch, Esq.
Busch, Zurbuch & Thompson, PLLC
P.O. Box 1819
Elkins, WV 26241
Counsel for Grant County Commission

G. Isaac Sponaule III, Esq.
Sponaule & Sponaule
P.O. Box 578
Franklin, WV 26807
Counsel for Kimberly Linville

Jane E. Peak, Esq.
Allan N. Karlin & Associates, PLLC
174 Chancery Row
Morgantown, WV 26505
Counsel for Kimberly Linville



WENDY G. ADKINS, ESQ.
(WVSB 9412)