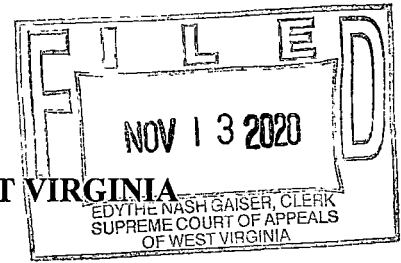


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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Writ No. 20-0818

**STATE ex rel. CABELL HUNTINGTON HOSPITAL, INC., d/b/a CABELL
HUNTINGTON HOSPITAL,**

Petitioner,

v.

PHILILIP M. STOWERS, JUDGE, PUTNAM COUNTY CIRCUIT COURT, AND J.M.A.

Respondents.

**DO NOT REMOVE
FROM FILE**

**AMENDED VERIFIED PETITION FOR WRIT OF PROHIBITION/MANDAMUS AND
MOTION FOR IMMEDIATE STAY OF PROCEEDINGS**

Appeal from the Circuit Court of Putnam County, West Virginia

Civil Action No. CC-40-2019-C-75

Respectfully Submitted by,

**CABELL HUNTINGTON HOSPITAL, INC.,
d/b/a CABELL HUNTINGTON HOSPITAL**

By Counsel:

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**AMENDED PETITION FOR WRIT OF PROHIBITION AND
REQUEST FOR IMMEDIATE STAY OF PROCEEDINGS**

Pursuant to Article VIII, Section 3 of the West Virginia Constitution and Rule 16 of the West Virginia Rules of Appellate Procedure, Petitioner, Cabell Huntington Hospital, Inc. (“CHH”) respectfully requests that this Honorable Court grant its Amended Petition for Writ of Prohibition and, in support thereof, states as follows:

I.

QUESTIONS PRESENTED

I. Whether the Circuit Court of Putnam County committed clear legal error in denying Petitioners’ Motion to Dismiss Plaintiff’s claim related to medical care and treatment which was filed claiming a violation of the West Virginia Consumer Credit and Protection Act.

II. Whether the Circuit Court of Putnam County committed clear legal error in ruling that this court has subject matter jurisdiction over Plaintiff’s claims against Cabell Huntington Hospital, Inc. as a healthcare provider without pre-suit notification or opportunity to cure under the MPLA or the WVCCPA.

II.

PROCEDURAL HISTORY AND STATEMENT OF THE CASE

A. Procedural History

This case arises out of a civil action pending in the Circuit Court of Putnam County, West Virginia, before Respondent, The Honorable Phillip M. Stowers, under Civil Action Number 19-C-75. On or about April 10, 2019, J.M.A. (hereinafter sometimes referenced as “Plaintiff”) commenced the underlying action against the Defendants, Marshall University Joan C. Edwards

School of Medicine, Marshall University Board of Governors, (hereinafter jointly referenced as “Marshall”), Radiology, Inc., John Doe-radiologist (“hereinafter sometimes referenced as “Rad Inc.”), and Cabell Huntington Hospital, Inc. (hereinafter referenced as “CHH”), collectively referred to as (“Defendants” or “Petitioners”). The Complaint primarily asserted claims of negligence and breach related to the privacy of J.M.A.’s medical records. (*See*, Complaint, *Appendix* 001)

On June 6, 2019, the Defendants’ Motions to Dismiss the Complaint (*See*, Defendants’ Motions to Dismiss, *Appendix* 016), for lack of Subject Matter Jurisdiction, Lack of Venue, and Failure to State a Claim were presented before the Honorable Judge Joseph Reeder. At the conclusion of the hearing, upon learning the identity of J.M.A., the judge recused himself due to a conflict. The case was then transferred to the Honorable Judge Phillip M. Stowers.

On October 23, 2019, Plaintiff filed an Amended Complaint (*See*, Amended Complaint, *Appendix* 023) substituting Mark Jason Akers for the John Doe Defendant. Although the Amended Complaint claimed some variation in legal theories from the original Complaint, both the Complaint and its amended version claim that J.M.A. had his “sensitive information,” an x-ray film which was taken during his care at CHH in 2011, viewed by medical students during the course of their education in 2018.

At the November 7, 2019, hearing regarding the Amended Complaint and the Defendants’ collective Motions to Dismiss and Amended Motion to Dismiss (*See*, Motion to Dismiss Amended Complaint, *Appendix* 039), the Honorable Judge Phillip M. Stowers heard but deferred ruling upon the Motions to Dismiss of the Petitioners. A Scheduling Order was entered shortly thereafter. Subsequently, at a hearing held on June 29, 2020, Judge Stowers denied all Motions to Dismiss, including those regarding the Court’s lack of jurisdiction over subject matter

and venue pursuant to W.Va. Code Section 55-7B-6, *et seq.* (See, Hearing Transcript, *Appendix 060*). Although this is a case against healthcare providers regarding issues of protected health information (“PHI”) related to treatment, it was filed under the W.V. Consumer Credit and Protection Act, W.Va. Code §46A-5-107, (hereinafter “WVCCPA”). The Judge overruled the Motions to Dismiss of all defendants below.

The Amended Petition for Writ of Prohibition by CHH seeks relief from the Circuit Court of Putnam County’s Orders entered on July 7, 2020, denying Defendants’ Motions to Dismiss the Complaint.

B. Statement of The Case

On or about April 24, 2011, the Plaintiff below was admitted to the emergency room of CHH due to foreign bodies in his urinary tract. He was seen by Lawrence M. Wyner, M.D., a urologist, who obtained x-rays before and after the attempted removal of the foreign bodies. Following the removal, the patient was released from the hospital. The x-rays obtained are at the heart of the litigation below.

Eight years later, on or about April 10, 2019, the Plaintiff commenced the underlying action under the WVCCPA in the Circuit Court of Putnam County. The Complaint alleged that “Plaintiff’s sensitive medical information was shown to his classmates without having been de-identified, causing the Plaintiff severe anxiety and embarrassment.” The incident at issue surrounds the review of radiology films on or about April 4, 2018, by a student or students at the Marshall University School of Medicine in the normal course of an educational rotation. The film at issue was secluded in a teaching file of a radiologist and was viewed in a private room.

Petitioner, Cabell Huntington Hospital is a West Virginia Corporation with its principle place of business in Cabell County. Joan C. Edwards School of Medicine, Marshall University is

an educational facility in Cabell County which trains medical students at area healthcare facilities. Radiology, Inc. is a healthcare corporation that provides radiology interpretation services at area hospitals, with its principle place of business in Cabell County. The Petitioners have been named as defendants in the case below wherein J.M.A. (Plaintiff herein) alleges: breach of duty of confidentiality; unjust enrichment; negligence, per se; breach of contract; reckless indifference; negligent supervision; breach of good faith and fair dealing; invasion of privacy; and negligence.

The alleged claims, as asserted in the Complaint, sound in negligence and/or breach against healthcare providers. The Plaintiff below was a student at Marshall University. His claim is that the Petitioners disclosed his PHI related to the health care services rendered when the x-ray film was created in 2011. Therefore, the claims fall under W.Va. Code §55-7B-1 *et seq.*, The West Virginia Medical Professional Liability Act, (hereinafter “MPLA”).

Plaintiff has erroneously filed his cause of action under the West Virginia Consumer Credit and Protection Act (hereinafter the WVCCPA), Code Section 46A-5-107. Neither the Complaint nor the Amended Complaint raise issues of unfair trade, commerce or debt collection practices or have any relation to the purpose of the WVCCPA. The claim relates to the alleged disclosure of “sensitive Information” related to healthcare. Although the maintenance of private health information is of utmost importance, it is not a paid-for line item. No evidence is extant that any money received by any provider in this case was for protection of the privacy of medical records. (*see* Medical Bills for Admission April 24, 2011, *Appendix 103*). There are no issues relevant to consumer credit and protection in this litigation.

As stated above, on April 26, 2019, CHH filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction, Lack of Venue and Failure to State a Claim, followed by Motions to Dismiss

by all Petitioners, also regarding the same issues. Respondent, the Honorable Phillip M. Stowers having heard oral arguments on June 29, 2020, entered on July 7, 2020, the “Orders Denying all Motions to Dismiss,” which are the subject of the Petition, herein. (*See*, Orders Denying Defendants’ Motions to Dismiss, *Appendix* 106).

III.

SUMMARY OF THE ARGUMENT

The Circuit Court of Putman County committed clear legal error in denying Petitioners’ Motion to Dismiss this case which was incorrectly filed under the WVCCPA. The claims in the Complaint and Amended Complaint sound in Medical Professional Liability for the alleged disclosure of Protected Health Information related to a medical procedure performed on the Plaintiff, J.M.A. These are covered by and must be filed under the W.Va. Code §55-7B-1 *et seq.* (MPLA) for the reasons set forth, below.

The Circuit Court erred by finding it had subject Matter Jurisdiction over the defendant healthcare providers, under the WVCCPA or the MPLA. The Plaintiff failed to comply with the Mandatory Pre-suit Notice Requirements of the MPLA as required for an action against medical professionals for claims related to medical care in West Virginia. W.Va. Code § 55-7B-6. *State ex rel. PrimeCare Medical of West Virginia, Inc. v Faircloth*, 835 S.E.2d 579 (W.Va. 2019).

Respondent, J.M.A., also failed to meet the pre-suit notice requirements to bring a valid claim under the WVCCPA, W. Va. Code § 46A-6-106(c). Therefore, the case must be dismissed for lack of subject matter jurisdiction under either statute.

IV.

STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Oral argument is not required in this case pursuant to W.Va. R. App. P. 18(a)(3) because the arguments regard issues that have been previously considered and ruled upon by this Court as authoritative. Pursuant to W.Va. Rule of Appellate Procedure, 21(d) this matter merits a memorandum decision reversing the decision of the Circuit Court of Putnam County, West Virginia.

V.

ARGUMENT

The Petitioner is entitled to a Writ of Prohibition in this matter. “The Writ of Prohibition shall lie as a matter of right in all cases of usurpation and abuse of power, when the inferior court has no jurisdiction of the subject matter in controversy, or having such jurisdiction, exceeds its legitimate powers.” W.Va. Code §53-1-1.

I. The Circuit Court of Putnam County Committed clear legal error in denying Petitioner’s Motion to Dismiss Plaintiff’s claim related to medical care and treatment which was filed under the West Virginia Consumer Credit and Protection Act.

This case is not properly filed under the WVCCPA. The allegations in the Amended Complaint are not related to bad debt collection practices or consumer credit issues. The claim in this matter is related to the disclosure of Private Health Information, previously generated during the course of patient care. The Amended Complaint alleges that Petitioners made J.M.A.’s “Sensitive Information” accessible to his fellow students. In this case, there are no claims of illegal, fraudulent, unfair, or deceptive acts in the conduct of any trade or commerce. Therefore, the WVCCPA is not germane to this case. “The consumer protection act is essentially designed to protect consumers in the relatively common cash and credit transactions in which they engage on a regular basis.” *State ex rel. McGraw v. Bear, Stearns & Co.* 217 W.Va. 573, 618 S.E.2d 282 (2005).

In that case, the West Virginia Supreme Court cited a law review article, published by Professor Vincent Cardi, West Virginia University College of Law, which defines the purpose of the WVCCPA. The purpose is defined as follows: “The West Virginia Consumer Credit and Protection Act is intended to: (1) increase the availability of consumer credit by raising allowable finance charges (interest rates) and move toward equalization of rates available to consumers whether they borrow the money from a lender or buy the goods on credit from a seller; (2) regulate the rate of finance charges allowed for consumer credit transactions by prescribing rates and rules for computation; (3) regulate those businesses which make small consumer loans and which were formerly regulated by the small loan act; (4) protect consumers who purchase goods or services on credit or through consumer loans from deceptive selling techniques, unconscionable contract terms, and undesirable debt recovery and collection practices; and (5) protect consumers who purchase goods or services for cash or credit from, and to give them remedies for, defective or shoddy goods and services and unfair and deceptive selling practices.” *Id.*, citing *The West Virginia Consumer Credit and Protection Act*, 77 W.Va. L. Rev. 401 (1974-75). Clearly the purpose of the Act has nothing to do with the disclosure of health information or records.

There is no argument that the allegations herein sound in tort or breach and are related to the alleged disclosure of PHI from Plaintiff’s patient records. Even so, the Plaintiff filed the case under the WVCCPA. The Petitioner responded to the Complaint, filing a Motion to Dismiss pursuant to W.Va. Code §55-7B-6(a)-(d); W.Va. R. Civ. P.12(b)(1) for lack of subject matter jurisdiction; 12(b)(3) for lack of venue; and 12(b)(6) for failure to state a claim upon which relief can be granted. The court denied the Motion in its entirety (*See Order Denying Defendant, Cabell Huntington Hospital’s Motion to Dismiss, Appendix 127*).

The W.Va. Supreme Court of Appeals has addressed the issue of whether a claim falls within the MPLA on many occasions for many years. *Boggs v. Camden Clark*, 216 W.Va. at 662, 609 S.E.2d at 923 (W. Va. 2003). In *Boggs*, the Court held that the MPLA applies only to claims resulting from the death or injury of a person for any tort or breach of contract based on health care services rendered or that should have been rendered. At that time, W.Va. § 55-7B-2 did not apply to claims that may be contemporaneous to or related to the alleged act of medical professional liability.¹ This issue was again before this court in the case of *Gray v. Mena*, 218 W.Va. 564, 625 S.E.2d 326 (W. Va. 2005). In that case the claim was assault and battery during a medical examination. The court below granted Defendant's motion to dismiss, due to Ms. Gray's failure to comply with the MPLA pre-suit requirements. In 2015, the definition broadened and now includes acts which are contemporaneous with or related to medical care. 55-7B-2(i).

In the case of *Blankenship v. Ethicon*, 221 W.Va.700; 656 S.E.2d, 451; 2007 W.Va. Lexis 66. 451, the Court was faced with issues regarding the applicability of the MPLA when plaintiffs filed a putative class action suit in Kanawha County regarding the use of unsterilized sutures that had been surgically implanted by area hospitals. The defendant hospitals moved to dismiss the claims in July of 2003 asserting that the MPLA constituted the "sole remedy" for the case which had multiple claims including violations of the **Consumer Credit and Protection Act**. After hearing the Motions, the circuit court concluded that the claims therein must be brought under the MPLA and therefore dismissed the action for failure to comply with the statutory prerequisites for filing under the Act. Upon appeal, the Supreme Court held that the

¹ In Syl. Pt. 3 of *Boggs*, the court modified the holding of *Gray v. Mena*, 218 W.Va. 564 holding that the MPLA "does not apply to other claims that may be contemporaneous to or related to the alleged act of medical professional liability." That was based on the earlier version of the statute and is no longer correct.

circuit court ruling was correct in holding that claims against hospitals must be asserted under the MPLA. The case was remanded on other grounds to permit the Appellants the opportunity to amend the complaint and file in compliance with the current version of the MPLA.²

Plaintiff J.M.A. argues that the alleged disclosure of health information is not covered under the MPLA and for many years his argument would have been correct. However as stated above, the definition of medical professional liability changed in 2015 and included acts that were “contemporaneous with and related to medical care” in West Virginia as set forth below:

“Medical professional liability” means any liability for damages resulting from the death or injury of a person for any tort or breach of contract based on health care services rendered, or which should have been rendered, by a health care provider or health care facility to a patient. It also means other claims that may be contemporaneous to or related to the alleged tort or breach of contract or otherwise provided, all in the context of rendering health care services.

(Emphasis added)

W.V. Code § 55-7B-2(i).

Although the alleged disclosure in this case was not contemporaneous with Plaintiff’s care, it is undeniably “related to” his medical care and the privacy of his records which places this claim squarely under the W. Va. Medical Professional Liability Act.

The case at bar is premised upon one act, the viewing of Plaintiff’s radiology film by Marshall University Medical Student(s) in the course of their education and training. The film at the center of this case was taken during an emergency hospitalization as part and parcel of Plaintiff’s medical care. The film relates directly back to the medical care provided at the time

² *Blankenship v. Ethicon* was filed on June 2, 2003, which required the court to apply the version of the MPLA as it stood in 2001. In the instant case, the 2015 version of the MPLA is applicable as it relates to 55-7B-2(i) which broadened the language and meaning of Medical Professional Liability.

of surgery. The alleged review of the radiology film occurred during the training and supervision of medical students. Therefore, the claims also fall under the definition of “health care” pursuant to W.Va. Code Section 55-7B-2(e)(3). Under that Code Section, health care is defined as: “The process employed by health care providers and health care facilities for the appointment, employment, contracting, credentialing, privileging and **supervision of health care providers.**” *Emphasis added.* The claim is alleged to have occurred while student providers were doing a radiology rotation as part of their education. The MPLA encompasses every claim made in Plaintiff’s Complaint.

This cause of action which emanates from the alleged disclosure of PHI or sensitive health information was filed under the WVCCPA, as if related to bad debt collection practices. The WVCCPA is not appropriate or applicable herein because no such claims have been made. The claims in the instant case are not related to “illegal, fraudulent, unfair or deceptive acts in the conduct of any trade or commerce.” Therefore, W.Va. Code Sec. 46A-5-107 (WVCCPA) is not applicable and does not relate to the issues at play in this litigation.

II. The Circuit Court of Putnam County committed clear legal error for failing to grant Defendant’s Motion to Dismiss for lack of Subject Matter Jurisdiction over Plaintiff’s claims against Cabell Huntington Hospital, Inc. as a healthcare provider without pre-suit notification or opportunity to cure under the MPLA or the WVCCPA

The MPLA currently defines Medical Professional Liability as:

Any liability for damages resulting from the death or injury of a person for any Tort or Breach of Contract based on healthcare services rendered, or which should have been rendered, by a health care provider or health care facility to a patient. It also means other claims that may be contemporaneous to or related to the alleged tort or breach of contract or otherwise provided, all in the context of rendering health care services.”

W.Va. Code Sec. 55-7B-2(i).

The claims in this case are “related to” medical care received and purport to claim liability in tort and breach by medical professionals and facilities. The facts in this case are eerily similar to those in *Blankenship*, 221 W.Va. 700. Like the plaintiffs in *Blankenship*, J.M.A. attempted to bring his case with facts that relate to medical professional liability, under the WVCCPA. In *Blankenship*, the court held that the claims fell under the MPLA and as such the pre-suit notice filing was mandatory pursuant to W.Va. Code §55-7B-6(a) and (b) which state that, “[n]o person may file a medical professional liability action against any health care provider unless, at least thirty days prior to the filing of the action, he or she has served, by certified mail, return receipt requested, a notice of claim on each health care provider the claimant will join in the litigation.” *Id.*, Syl. Pt. 4.

The W.V. Supreme Court of Appeals has determined that the pre-suit notice requirements in the MPLA are jurisdictional and failure to provide them deprives a circuit court of subject matter jurisdiction. Syl. Pt. 2, *State ex rel., PrimeCare Medical of W.Va., Inc. v. Faircloth*, 835 S.E. 2d 579 (W.Va. 2019). In that case, the court cautioned “[W]e have expressly and repeatedly warned litigants to err on the side of caution in complying with the MPLA.” In light of the ruling in *Faircloth*, the case at bar must be dismissed for lack of subject matter jurisdiction pursuant to W.Va. Rule of Civil Procedure 12(h)(3).

The Supreme Court of Appeals and Circuit Courts of West Virginia have consistently dismissed cases of medical professional liability for lack of subject matter jurisdiction related to failure to follow pre-suit filing requirements of the MPLA. *Cline v. Kresa-Reahl*, 229 W.Va. 203, 214, 728 S.E. 2d 87, 98 (W. Va. 2012), *State ex rel. PrimeCare v. Faircloth*, 835 S.E.2d 579 (W.Va. 2019).

This Petitioner states that, by filing a case related to healthcare against healthcare providers without the pre-requisites to filing under the MPLA, the Plaintiff, J.M.A. has deprived the Court of Subject Matter Jurisdiction over the claims.

The claims in the case below were brought under the guise of Consumer Protection, pursuant to the WVCCPA. Even assuming, *arguendo*, that filing under Consumer Protection Law is permissible, the court lacks subject matter jurisdiction over the cause of action. Prior to filing a claim pursuant to this Act, the plaintiff must serve notice on the potential defendants. *Rawls v. Associated Materials, LLC*. No. 1:10-CV-01272, 2012 U.S. Dist. Lexis 125733, 2012 WL3852873 at *6 (S.D.W.Va. Sept 5, 2012). The Plaintiff J.M.A. failed to follow the requisite pre-suit requirements under W.Va. Code Section 46A-5-108(a), which state in pertinent part:

No action may be brought pursuant to this article and articles two, three and four of this chapter until the consumer has informed the creditor or debt collector in writing and by certified mail, return receipt requested, to the creditor's or debt collector's registered agent identified by the creditor or debt collector at the office of the West Virginia Secretary of State or, if not registered with the West Virginia Secretary of State, then to the creditor's or debt collector's principal place of business, of the alleged violation and the factual basis for the violation and provide the creditor or debt collector forty-five days from receipt by the agent or at the principal place of business referenced above of the notice of violation but twenty days in the case a cause of action has already been filed to make a cure offer, which shall be provided to the consumer's counsel or, if unrepresented, to the consumer by certified mail, return receipt requested....

W.Va. Code Section 46A-5-108(a).

The Complaint and Amended Complaint do not allege claims regarding debt collection, consumer credit sales, loans, leases, deceptive acts, solicitation by mail or matters related to the WVCCPA. The Plaintiff alleges damages from the disclosure of Protected Health Information

through the review of his x-rays by medical students who were his classmates. The WVCCPA does not encompass this alleged privacy violation, yet the circuit court has ruled that this case should proceed under the WVCCPA.

Whether the case proceeds under the MPLA or the WVCCPA, Plaintiff has deprived the Circuit Court of jurisdiction because the Plaintiff incorrectly filed his claim without the appropriate notice required by either Act. *See* W.Va. Code Section 55-7B-6; *See also* W.Va.46A-5-108. *Mouzon v. Radiancy, Inc.*³, *Stanley v. Huntington Nat'l Bank*, 492 Fed. Appx. 456.

West Virginia Code section 12(h)(3) states, “[w]henever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” Clearly the subject matter of this case deals with medical care and the preservation of privacy attendant, thereto. Therefore, this is a medical malpractice claim which falls under the MPLA.

In order for the Court to have jurisdiction, in such matters, the law requires pre-suit service of a certified notice of claim on each defendant, and a sworn “screening certificate of merit” stating how the breach of the standard of care resulted in injury or death.” W.Va. Code §55-7B-6(b). This court has previously held that “[t]he provisions of W.Va. Code §55-7B-6(a) and (b) are clear and unambiguous, and thus should be applied as written.” *Davis v. Mound View Health Care, Inc.*, 640 S.E.2d 91,95 (W.Va. 2006). The Court has also held that the failure to file a medical professional liability action against any health care provider without meeting the prerequisites is a violation of the MPLA. *Primecare v. Faircloth*, 835 S.E.2d 579 at 589 (W.Va. 2019).

³ 85 F. Supp.3d 361

The Plaintiff in the instant case met none of the prerequisites for filing a claim under this act. His failure to do so deprived the court below of subject matter jurisdiction. Whenever it is determined that a court has no jurisdiction to entertain the subject matter of a civil action in West Virginia, the forum court must take no further action in the case other than to dismiss it from the docket.” *Hinkle v. Bauer Lumber & Ice Home Bldg. Ctr. Inc.*, 211 S.E.2d at Syl. Pt. 1. (W.Va. 1975).

VI.

MOTION FOR STAY

Petitioner hereby moves this Honorable Court to stay the proceedings below pending the ruling on the Writ of Prohibition, herein.

VII.

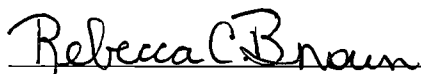
CONCLUSION

For the reasons stated herein, the Petitioner respectfully moves this Honorable Court to issue a Writ of Prohibition to prevent Circuit Court of Putnam County from enforcing its Order Denying Petitioner’s Motion to Dismiss this cause of action. This Petitioner further requests that all claims against this Petitioner be dismissed.

Respectfully Submitted

**CABELL HUNTINGTON HOSPITAL, INC.,
d/b/a CABELL HUNTINGTON HOSPITAL**

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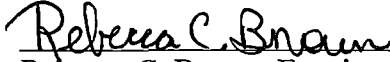
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VERIFICATION

I, Rebecca C. Brown, Esq., counsel for the Petitioner, do hereby verify, as required by W.Va. Code §53-1-3, that the facts and arguments set out in this Amended Petition are true to the best of my knowledge and belief and that Petitioner is entitled to the relief requested herein.



Rebecca C. Brown, Esquire

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

Writ No. 20-0818

**CABELL HUNTINGTON HOSPITAL, INC., d/b/a CABELL HUNTINGTON
HOSPITAL,**

Defendant below, Petitioner,

v.

PHILILIP M. STOWERS, JUDGE, PUTNAM COUNTY CIRCUIT COURT, AND J.M.A.

Respondents.

CERTIFICATE OF SERVICE

Appeal from the Circuit Court of Putnam County, West Virginia

Civil Action No. CC-40-2019-C-75

The undersigned, Counsel for Petitioner, Cabell Huntington Hospital, Inc., d/b/a Cabell Huntington Hospital, does hereby certify that I have served a true copy of the foregoing “Petitioner, Cabell Huntington Hospital, Inc.’s Amended Petition for Writ of Prohibition” by mailing a true copy thereof by United States Mail, postage prepaid to the following on this the ___ day of November, 2020.

Honorable Phillip M. Stowers
Circuit Court Judge
Twenty-Ninth Judicial Circuit
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