

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

HIGHMARK WEST VIRGINIA, INC.,

Plaintiff,

vs.

**Civil Action No.: 18-C-271
Presiding Judge: Shawn D. Nines
Resolution Judge: Christopher C. Wilkes**

MEDTEST LABORATORIES, LLC, et al.,

Defendants.

MEDTEST LABORATORIES LLC,

**Counterclaim and Third-Party
Plaintiff,**

vs.

HIGHMARK WEST VIRGINIA INC., et al.,

**Counterclaim and Third-Party
Defendants.**

ENTERED
1875
FEB 11 2021
CLERK OF COURT

ORDER LIFTING STAY AND SETTING SCHEDULING CONFERENCE

This matter came before the Court this 4th day of February 2021 upon Plaintiff's Motion to Lift Stay, Effectuate Mandate and Set Scheduling Conference. The Court hereby ADJUDGES and ORDERS as follows:

First, on March 27, 2020, this Court entered an Order denying Third-Party Defendants' motion to dismiss, declining to dismiss Third-Party Defendants¹ from the instant civil action for

¹ The Court notes Defendant MedTest Laboratories LLC named said Third-Party Defendants in its Counterclaim.

lack of personal jurisdiction². From the aforementioned March 27, 2020 and April 14, 2020 Orders, Third-Party Defendants filed a writ of prohibition with the West Virginia Supreme Court of Appeals, asking the West Virginia Supreme Court of Appeals to prevent enforcement of said Orders and to grant the requested writ of prohibition dismissing them from the instant civil action for lack of personal jurisdiction. On November 19, 2020, the West Virginia Supreme Court of Appeals entered its Opinion regarding this Court's decision, granting the requested writ of prohibition, and remanding the case back to this Court.

On January 21, 2021, the Court entered an Order adopting all of the findings/conclusions of said opinion and dismissing the Third-Party Defendants³ in this matter.

² The Court notes that certain Third-Party Defendants filed a renewed motion to dismiss after this Court entered its March 27, 2020 Order. This Court denied the renewed motion to dismiss for reasons contained within the March 27, 2020 Order on April 14, 2020.

³ Specifically, the Court's January 21, 2021 Order dismissed the following Third-Party Defendants: Wherefore, the Court ORDERS that the Third-Party Defendants in this matter shall be dismissed with prejudice: Blue Cross and Blue Shield of Alabama; Anthem, Inc.; Health Care Service Corporation, A Mutual Legal Reserve Company; Cambia Health Solutions, Inc.; CareFirst, Inc.; Premera Blue Cross; Blue Cross and Blue Shield of Arizona, Inc.; USABLE Mutual Insurance Company d/b/a Arkansas Blue Cross and Blue Shield; Blue Cross of California d/b/a Anthem Blue Cross; California Physicians' Service, Inc. d/b/a Blue Shield of California; Rocky Mountain Hospital and Medical Service, Inc. d/b/a Anthem Blue Cross and Blue Shield; Anthem Blue Cross and Blue Shield; Anthem Health Plans, Inc. d/b/a Anthem Blue Cross and Blue Shield of Connecticut; Highmark Inc.; Highmark BCBSM Inc. d/b/a Highmark Blue Cross Blue Shield Delaware; Group Hospitalization and Medical Services, Inc. d/b/a CareFirst BlueCross BlueShield; Blue Cross and Blue Shield of Florida, Inc.; Blue Cross and Blue Shield of Georgia, Inc.; Blue Cross of Idaho Health Service, Inc.; Regence BlueShield of Idaho, Inc.; Blue Cross and Blue Shield of Illinois, Inc.; Anthem Insurance Companies, Inc. d/b/a Anthem Blue Cross and Blue Shield of Indiana; Wellmark, Inc. d/b/a Wellmark Blue Cross And Blue Shield of Iowa; Anthem Health Plans of Kentucky, Inc. d/b/a Anthem Blue Cross and Blue Shield of Kentucky; Louisiana Health Service and Indemnity Company, PAC d/b/a Blue Cross and Blue Shield of Louisiana; Anthem Health Plans of Maine, Inc. d/b/a Anthem Blue Cross and Blue Shield of Maine; CareFirst of Maryland, Inc. d/b/a CareFirst BlueCross BlueShield; Blue Cross and Blue Shield of Massachusetts, Inc.; Blue Cross Blue Shield of Michigan; BCBSM, Inc. d/b/a Blue Cross and Blue Shield of Minnesota; Blue Cross & Blue Shield of Mississippi, A Mutual Insurance Company; HMO Missouri, Inc. d/b/a Anthem Blue Cross and Blue Shield of Missouri; Blue Cross and Blue Shield of Kansas City; Caring for Montanans, Inc. f/k/a Blue Cross Blue Shield of Montana, Inc.; Blue Cross and Blue Shield of Nebraska, Inc.; Anthem Blue Cross and Blue Shield of Nevada; Anthem Health Plans of New Hampshire, Inc., d/b/a Anthem Blue Cross and Blue Shield of New Hampshire; Horizon Healthcare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey; Blue Cross and Blue Shield of New Mexico Insurance Company; Empire HealthChoice Assurance, Inc. d/b/a Empire BlueCross BlueShield; Excellus Health Plan, Inc. d/b/a Excellus BlueCross BlueShield; Blue Cross and Blue Shield of North Carolina; Noridian Mutual Insurance Company d/b/a Blue Cross Blue Shield of North Dakota; Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield of Ohio; Blue Cross and Blue Shield of Oklahoma; Regence BlueCross BlueShield of Oregon; Capital Blue Cross; Independence Hospital Indemnity Plan, Inc.; Triples Salud, Inc.; Blue Cross & Blue Shield of Rhode Island; Blue Cross Blue Shield of

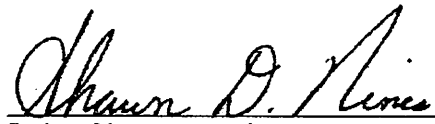
Therefore, the Court finds the instant motion's request for dismissal of the Third-Party Defendants to effectuate the Supreme Court's Mandate to be moot.

Next, following the Supreme Court's decision and Mandate, the Court finds and concludes that any stay in the proceedings that may be operative in this case shall be lifted.

Finally, the Court concludes it shall hold a status and scheduling conference in this matter, for the purpose of entering an Amended Scheduling Order to govern further discovery and proceedings. Such conference will be held on **February 10, 2021 at 1:15 pm**. Counsel of record, and *pro se* party Muhammad Amjad, Ph.D., will receive an email invitation to participate in this conference.

It appearing all matters raised in the instant motion are resolved, the motion is hereby ADJUDGED and ORDERED disposed. The Clerk is directed to provide a copy of this Order to counsel and *pro se* parties of record; to the West Virginia Business Court Division, Berkeley County Judicial Center, 380 W. South Street, Suite 2100, Martinsburg, WV 25401; and to the Clerk for the Supreme Court of Appeals of West Virginia.

ENTERED this 4th day of February 2021.



Judge Shawn D. Nines
West Virginia Business Court Division

South Carolina; Wellmark of South Dakota, Inc. d/b/a Wellmark, Blue Cross and Blue Shield of South Dakota; BlueCross BlueShield of Tennessee, Inc.; Blue Cross and Blue Shield of Texas; Regence BlueCross BlueShield of Utah; Blue Cross and Blue Shield of Vermont; Anthem Health Plans of Virginia, Inc. d/b/a Anthem Blue Cross and Blue Shield of Virginia, Inc.; Regence BlueShield; Blue Cross Blue Shield of Wisconsin d/b/a Anthem Blue Cross and Blue Shield of Wisconsin; and Blue Cross & Blue Shield of Wyoming (West Virginia Supreme Court of Appeals Case No. 20-0296); and Blue Cross and Blue Shield of Kansas, Inc.; HealthNow New York, Inc. d/b/a Blue Cross and Blue Shield of Western New York; and BlueShield of Northeastern New York (West Virginia Supreme Court of Appeals Case No. 20-0297).

STATE OF WEST VIRGINIA
COUNTY OF WOOD, TO-WIT:

I, CELESTE RIDGWAY, CLERK OF THE CIRCUIT COURT
OF WOOD COUNTY, WEST VIRGINIA, HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE
COPY OF AN ORDER ENTERED IN SAID COURT, ON THE
11 DAY OF FEB 2021
AS FULLY AS THE SAME APPEARS TO ME OF RECORD,
GIVEN UNDER MY HAND AND SEAL OF SAID CIRCUIT
COURT, THIS 5 DAY OF FEBRUARY, 2021.

Celeste Ridgway
CLERK OF THE CIRCUIT COURT OF
WOOD COUNTY, WEST VIRGINIA

BY: [Signature]

DEPUTY