

HIGHMARK WEST VIRGINIA INC.,

Plaintiff,

v.

MEDTEST LABORATORIES LLC, et al.,

Defendant.

MEDTEST LABORATORIES LLC

**Counterclaim and
Third Party Plaintiff,**

v.

HIGHMARK WEST VIRGINIA INC., et al.,

**Counterclaim and
Third-Party Defendants.**

On the 17th Day of November, 2021, this matter came before the Court on a Motion to Withdraw as Counsel for Defendant and Counterclaim/Third-Party Plaintiff MedTest Laboratories, LLC, and Defendants Billy Taylor; Brice Taylor; James Taylor; Michael Chen, Ph.D.; Vitas Laboratory, LLC; and Cenegen, LLC (the “MedTest Parties”). Samuel A. Hrko and Bailey & Glasser PLLC, and Patrick J. Sheehan and Whatley Kallas, LLP appeared in person in support of the motion. Defendants Billy Joe Taylor and Michael Chen appeared in person. No other Defendants appeared even though they received notice of the hearing. Plaintiff appeared by Counsel, Stuart A. McMillan, Peter G. Markham, and Bowles Rice LLP.

The Court has considered the Motion, the relevant portions of the court file, oral argument held on November 17, 2021, and the applicable statutory and case law and rules of procedure. Defendants Billy Joe Taylor and Michael Chen were given an opportunity to be heard concerning counsel's motion. Additionally, Plaintiff Highmark West Virginia, Inc, and Defendant Muhammad Amjad were heard concerning counsel's motion. All parties agreed that the trial date currently scheduled in this action should remain in full force and effect. All parties further agreed that adjustments to the discovery scheduled could be made to accommodate the withdrawal of counsel and retention of the current trial date.


The Court finds that for just cause the motion should be granted. Additionally, the Court finds that all parties to the action wish to continue with the case to be on track for trial as set forth in the Court's current scheduling order.

The Court notes plaintiff's objection to extending the Discovery Completion Date to accommodate additional written discovery and the taking of depositions other than those depositions specifically agreed to by the parties.

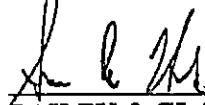
Based on the foregoing, it is **ORDERED AND ADJUDGED** as follows:

1. That, for good cause shown, the Motion is **GRANTED**, ⁶⁰¹⁰subject to MedTest obtaining new counsel and counsel's ethical duties.
2. It is **FURTHER ORDERED** that the MedTest Parties shall inform Highmark West Virginia, Inc. ("Highmark") and the Court no later than December 17, 2021, that they have retained new counsel or intend to proceed *pro se*.
3. It is **FURTHER ORDERED** that the Second Scheduling Order is hereby amended such that the Discovery Completion Date is extended until such time as the Court orders. All other deadlines set forth in the Second Scheduling Order remain in effect until further notice.

ENTERED this 6th day of December, 2021


JUDGE SHAWN D. NINES
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

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