

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

HIGHMARK WEST VIRGINIA INC.,

Plaintiff

v.

CIVIL ACTION NO. 18-C-271

Presiding Judge: Shawn D. Nines

Resolution Judge: Christopher Wilkes

MEDTEST LABORATORIES, LLC,
BRICE TAYLOR, BILLY TAYLOR, MUHAMMAD
AMJAD, PH. D., MICHAEL CHEN, PH. D.,
JAMES TAYLOR, CENEGEN, LLC, and
VITAS LABORATORY LLC,

Defendants.

MEDTEST LABORATORIES, LLC,

Counterclaim and Third-Party Plaintiff,

v.

HIGHMARK WEST VIRGINIA INC., et al.,

Counterclaim and Third-Party Defendants.

 ENTERED
D.B. No. _____
FILED _____

JAN 28 2022

CELESTE RIDGWAY
CLERK OF CIRCUIT COURT

ORDER

On the 21st day of January, 2022, the Court held a status conference in this matter via Microsoft Teams. Stuart McMillan, Esq. and Peter Markham, Esq. of Bowles Rice LLP appeared on behalf of the plaintiff, Highmark West Virginia Inc. ("Highmark WV"). Patrick Sheehan, Esq. of Whatley Kallas, LLP and Samuel Hrko, Esq. of Bailey Glasser PLLC appeared on behalf of defendants MedTest Laboratories, LLC ("MedTest"); Billy Taylor; Brice Taylor; James Taylor; Vitas Laboratory, LLC ("Vitas"); and Cenegen, LLC ("Cenegen") (collectively, the "MedTest Parties"). Joshua Lowther, Esq. of Lowther Walker LLC also appeared on behalf of

defendant Billy Taylor. Scott H. Kaminski, Esq. of Ray, Winton & Kelley, PLLC appeared on behalf of defendant Michael Chen, Ph. D. Defendant Muhammad Amjad, Ph. D. appeared *pro se*.

After receiving status updates from the foregoing individuals, the Court continues to assess several issues in connection with its December 6, 2021, *Order Granting Motion to Withdraw as Counsel*. It is the Court's understanding that the defendant limited liability companies—MedTest, Vitas, and Cenegen—have not obtained new counsel. Present counsel for MedTest, Vitas, and Cenegen continue to request the Court's authorization to withdraw as counsel, asserting various hardships and difficulties associated with the further representation of MedTest, Vitas, and Cenegen and coordinating with their appointed contact person, defendant Billy Taylor, who presently is incarcerated in Arkansas pending trial on federal criminal charges of health care fraud under 18 U.S.C. § 1347 and 18 U.S.C. § 2. In these circumstances, the Court **ORDERS** present counsel for MedTest, Vitas, and Cenegen to file briefs on these issues, together with supporting affidavits, no later than February 4, 2022.

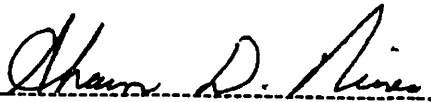
Additionally, counsel for Highmark WV advised the Court that Highmark WV intends to file a discovery-related motion and a dispositive motion and requested a specific briefing schedule for these motions. The Court **ORDERS** that the motions mentioned by Highmark WV may be filed, together with supporting memoranda of law and exhibits, no later than February 4, 2022. The Court further **ORDERS** that responses to the motions mentioned by Highmark WV may be filed in accordance with W. Va. R. Civ. P. 6(d).

Finally, the Court notes that this ORDER may be modified for good cause shown.

The Clerk shall enter the foregoing and forward attested copies hereof to the Business Court Central Office, counsel listed below, and defendant Amjad appearing *pro se*.

IT IS SO ORDERED.

ENTERED this 28th day of January, 2022.


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

Forward attested copies to:

Business Court Central Office
Business Court Division
380 West South Street
Suite 2100
Martinsburg, West Virginia 25401

Stuart A. McMillan, Esquire
Peter G. Markham, Esquire
Gabriele Wohl, Esquire
BOWLES RICE LLP
600 Quarrier Street
Charleston, West Virginia 25301

Patrick J. Sheehan, Esquire
WHATLEY KALLAS, LLP
101 Federal Street
19th Floor
Boston, Massachusetts 02110

Samuel A. Hrko, Esquire
BAILEY & GLASSER LLP
209 Capitol Street
Charleston, West Virginia 25301

Joshua W. Lowther, Esquire
LOWTHER WALKER LLC
101 Marietta Street, NW
Centennial Tower Suite 3325
Atlanta, Georgia 30303

Scott H. Kaminski, Esquire
RAY, WINTON & KELLEY, PLLC
109 Capitol St., Suite 700
Charleston, West Virginia 25301

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
28 DAY OF January, 2022
AS FULLY AS THE SAME APPEARS TO ME OF RECORD.
GIVEN UNDER MY HAND AND SEAL OF SAID CIRCUIT
COURT, THIS 31 DAY OF JANUARY, 2022.

Celeste Ridgway
CLERK OF THE CIRCUIT COURT OF
WOOD COUNTY, WEST VIRGINIA
BY A. Dougherty
DEPUTY

Muhammad Amjad, Ph.D.
2006 Springdale Road
Hurricane, West Virginia 25526