

**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.

**ORDER REGARDING CONSENT DECREE BETWEEN PLAINTIFF HIGHMARK
WEST VIRGINIA INC. AND DEFENDANT MUHAMMAD AMJAD, PH. D.**

On April 4, 2022, plaintiff Highmark West Virginia Inc. ("Highmark WV"), by counsel, and defendant Muhammad Amjad, Ph. D. ("Amjad"), *pro se*, presented a Consent Decree to this Court, requesting it to sign and enter the Consent Decree. Amjad "admits to liability" in the Consent Decree and "consents to the imposition of judgment" with respect to the claims Highmark WV alleges against Amjad in the Amended Complaint. The Consent Decree also reflects these parties' acknowledgement that Amjad had a *de minimis* ownership interest in

5/13/22 CCX9 to Bowles Rice, Billy Taylor, MedTest, Vitas Lab, James Taylor, Brice Taylor, Cenege, Scott Kominski, Muhammad.

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defendant MedTest Laboratories, LLC (“MedTest”) after November 10, 2016, and was “not responsible for billing or claiming reimbursement from Highmark WV after that date.” The Consent Decree further acknowledges that it does not affect certain indemnity rights that Amjad may possess.

During its Pre-Trial Conference of April 29, 2022, this Court addressed Highmark WV’s and Amjad’s request for this Court to sign and enter the Consent Decree. Stuart A. McMillan and Peter G. Markham of Bowles Rice LLP appeared at the Pre-Trial Conference as attorneys of record for Highmark WV. Amjad did not appear at the Pre-Trial Conference.

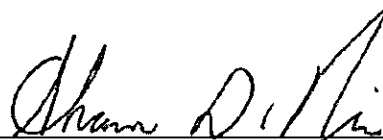
After reviewing and considering the Consent Decree, contextual information provided by Highmark WV at the Pre-Trial Conference, and related correspondence directed to this Court by Amjad—including his letter of February 6, 2022 (which has been filed in the court file, stamped February 10, 2022) and his email dated May 10, 2022 related to this proposed order—this Court **FINDS** and **CONCLUDES** that the Consent Decree speaks for itself and will be treated by this Court as a binding stipulation between Highmark WV and Amjad, pursuant to W. Va. Trial Court R. 23.05. As such, this Court hereby **ORDERS** that the Consent Decree may be read into the record and presented to the jury at trial.

The Court notes the exceptions and objections of all parties to any adverse rulings. This Court notes that Dr. Amjad, in his email/objection to the proposed order sent May 10, 2022, spoke of an alleged indemnity between Highmark WV under a sale agreement. This Court declines to make any findings or conclusion related to any such alleged indemnity or ownership related to the sale of the laboratory at issue in this Order. Again, the Court reiterates that it concludes that the Consent Decree speaks for itself.

This Court **DIRECTS** the Clerk to enter this Order and forward attested copies to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia 25401, as well as to the parties and counsel listed below.

IT IS SO ORDERED.

ENTERED this 11th day of May, 2022.



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

Forward attested copies to:

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