

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

CHARLESTON AREA MEDICAL CENTER, INC.,
Plaintiff,

vs.

Civil Action No.: 22-C-359
Presiding: Judge Nines
Resolution: Judge Akers

WEST VIRGINIA UNITED HEALTH SYSTEM,
INC., d/b/a WEST VIRGINIA UNIVERSITY
HEALTH SYSTEM, and WVU HEALTH SYSTEM;
THOMAS HEALTH SYSTEM, INC. d/b/a
THOMAS HEALTH; HERBERT J. THOMAS
MEMORIAL HOSPITAL;
CHARLESTON HOSPITAL, INC. d/b/a SAINT
FRANCIS HOSPITAL; THS PHYSICIAN
PARTNERS, INC.; PULMONARY ASSOCIATES
OF CHARLESTON PLLC, d/b/a CRITICAL
CARE, PLLC, TRAKE, LLC; PHILLIP COX, D.O.,
an individual; KEVIN EGGLESTON, M.D., an
individual; ROBBY KEITH, M.D., an individual;
JAMES D. PERRY, III, D.O., an individual;
TAMEJIRO "TOM" TAKUBO, D.O., an individual;
RYAN WADDELL, D.O., an individual; and W.
ALEX WADE, M.D., an individual,
Defendants.

ORDER

The Court previously appointed G. Nicholas Casey, Esq., as Discovery Commissioner in the matter. The Court is now in receipt of an invoice dated November 28, 2023 (attached hereto), from the Discovery Commissioner in relation to said case for services provided. The Court now **FINDS** the November 28, 2023, invoice to be reasonable and **ORDERS** payments be made to Attorney Casey by the parties in the respective amounts set forth in the November 28, 2023, invoice, all in the manner set forth by previous Order of the Court.

SCANNED

The Clerk of this Court is directed to forward copies of this order to: all counsel of record; and to the Discovery Commissioner G. Nicholas Casey Jr at his address of 4401 Kanawha Ave. SE, Charleston, WV 25304; and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

IT IS SO ORDERED.

11-30-2023

Shawn D. Nines

SHAWN D. NINES, JUDGE
WEST VIRGINIA
BUSINESS COURT DIVISION

Date: 11/30/23
Certified copies sent to:
☒ counsel of record *K. Miller*
☐ parties *E. McLaughlin*
☐ other (please indicate) *A. Cashe*
By: ☒ certified/1st class mail *S. Turner*
☐ fax *S. McMillen*
☐ hand delivery *S. Karinski*
☐ interdepartmental *G. N. Casey*
Other methods accomplished: *Bis. Ct.*
[Signature]
Deputy Circuit Clerk

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 1st
DAY OF Dec 2023
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
L. Allen

G. Nicholas Casey, Attorney

4401 Kanawha Avenue SE
Charleston, West Virginia 25304
gncaseyww@gmail.com
304.610.4941

SUMMARY
STATEMENT #1
November 28, 2023

RE: Charleston Area Medical Center, Inc. v.
West Virginia United Health System, Inc., et al.
Civil Action No. 22-C-359


Total Due from Each Party

CAMC	\$ 4289.00
WVUH	\$ 2387.00
Thomas	\$ 962.00
PAC	\$ <u>962.00</u>
<u>Total</u>	<u>\$ 8600.00*</u>

* IRS Form W-9 available on request.

G. Nicholas Casey
Discovery Commissioner

Dated this 30th day of November, 20 23


SHAWN D. NINES, JUDGE
WEST VIRGINIA
BUSINESS COURT DIVISION

G. Nicholas Casey, Attorney

4401 Kanawha Avenue SE
Charleston, West Virginia 25304
gncaseyww@gmail.com
304.610.4941

ITEMIZED STATEMENT #1 November 28, 2023

RE: Charleston Area Medical Center, Inc. v.
West Virginia United Health System, Inc., et al.
Civil Action No. 22-C-359

SERVICES FOR ALL PARTIES INCLUDING:

10.01.23	Review Complaint, Reference Order from Court, email Counsel	2.00
10.11.23	Review parties proposed sequence to proceed on motions; status call With Counsel	1.50
10.12.23	Review request for in camera review, communication parties, status call	1.00
10.13.23	Review notice appearance for Thomas counsel	0.25
10.16.23	Review parties written positions on sequence to proceed	2.00
10.17.23	Status call and rule on sequence to proceed on motions	2.25
10.27.23	Separate pleadings by motion # in Court's reference order	0.25
11.01.23	Communication with counsel	0.25
11.08.23	Set up recommended decision format	2.50
Sub Total		12.00

SERVICES INVOLVING CAMC AND WVUH on CAMC Motion for Sanctions

10.27.23	Review Motion, pleadings and Courts 5/12/23 Order	1.00
10.29.23	Prepare for hearing	0.50
10.30.23	Communication with Court Reporter on conduct of hearing	0.25
11.01.23	Hearing (half of time)	2.00
11.10.23	Communication CAMC on affidavit for attorney fees	0.25
11.11.23	Review parties submissions on temporal limits	1.00
11.15.23	Draft First Recommended Decision related to Motion for Sanctions	3.50
11.21.23	Finalize First Recommended Decision related to Motion for Sanctions	1.00
Sub Total		9.50

SERVICES INVOLVING ALL PARTIES on Defendants Joint Motion for Protective Order

10.28.23	Review Motions and supporting pleadings	0.50
10.29.23	Prepare for Hearing	0.25
11.01.23	Hearing (half of time)	1.00
11.07.23	Review supporting exhibits	0.75
11.13.23	Draft First Recommended Decision related to this Joint Motion	3.50

11.20.23	Finalize First Recommended Decision related to this Joint Motion	<u>1.00</u>
	Sub Total	7.00
	Total Hours	<u>28.50</u>

<u>Hours</u>	<u>Rate</u>	<u>Fee</u>	<u>Costs*</u>	<u>Total</u>
28.50	\$300.00	\$8550.00	\$56.00	\$8606.00

* Copies

	CAMC	WVUH	Thomas	PAC
SERVICES FOR ALL PARTIES 12 hrs.	6	2	2	2
SERVICES INVOLVING CAMC/WVUH 9.50 hrs.	4.75	4.75		
SERVICES INVOLVING ALL PARTIES 7 hrs.	3.50	1.16	1.16	1.16
Total Hours per party	14.25	7.91	3.16	3.16

Total Due from Each Party

CAMC 14.25 hrs. x \$300 = \$4275.00 plus 25% of costs (56 x .25 = \$14) for Total	\$ 4289.00
WVUH 7.91 hrs. x \$300 = \$2373.00 plus 25% of costs (56 x .25 = \$14) for Total	\$ 2387.00
Thomas 3.16 hrs. x \$300 = \$948.00 plus 25% of costs (56 x .25 = \$14) for Total	\$ 962.00
PAC 3.16 hrs. x \$300 = \$948.00 plus 25% of costs (56 x .25 = \$14) for Total	<u>\$ 962.00</u>
	\$ 8600.00*

Very truly yours,

G. Nicholas Casey