

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

**CHARLESTON AREA MEDICAL CENTER, INC.,**

**Plaintiff,**

**v.**

**Civil Action No. 22-C-359**

**Presiding: Judge Shawn D. Nines**

**Resolution: Judge Mary Claire Akers**

**WEST VIRGINIA UNITED HEALTH  
SYSTEM, INC., et al.,**

**Defendants.**


**PROPOSED ORDER GRANTING STIPULATION OF DISMISSAL AND  
JOINT MOTION TO VACATE FIRST RECOMMENDED DECISION  
AND RELATED FILINGS BY DISCOVERY COMMISSIONER**

On March 15, 2024, the parties filed a *Stipulation of Dismissal and Joint Motion to Vacate First Recommended Decision and Related Filings by Discovery Commissioner* ("Joint Motion"). For good cause shown, the Court **GRANTS** Charleston Area Medical Center, Inc.'s (hereinafter "CAMC") and Defendant West Virginia United Health System Inc.'s d/b/a West Virginia University Health System and WVU Health System; (hereinafter "WVU Health") Joint Motion, and hereby **DENIES** the *First Recommended Decision of Discovery Commissioner* ("First Recommended Decision"), entered on November 27, 2023. The Court hereby **VACATES** and **STRIKES** from the record, the First Recommended Decision and all related filings, including CAMC's *Motion for Sanctions and for Rule to Show Cause as to Why WVU Health Should Not be Held in Contempt*, all responses and replies thereto, and WVU Health's *Objection to First Recommended Decision*. Further, the Court hereby **DIRECTS** the clerk to **SEAL** all related pleadings from the public docket.


The parties have likewise indicated to this Court that all claims have been resolved as to all parties, and dismissal is appropriate. With the parties in agreement, it is hereby **ORDERED** that this action be **DISMISSED** with prejudice and removed from the active docket of the Court. **IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: this 26<sup>th</sup> day of April, 2024.

  
Honorable Shawn D. Nines  
Nineteenth Judicial Circuit

Prepared by:

  
Philip J. Combs (WVSB #6056)  
Andrew B. Cooke (WVSB #6564)  
M. David Griffith, Jr. (WVSB #7720)  
Susan W. Romaine (WVSB #9936)  
Emily L. Ford (WVSB #13885)  
Thomas Combs & Spann, PLLC  
P.O. Box 3824  
Charleston, WV 25338  
Tel: 304.414-.800  
Fax: 304.414.1801  
Email: pcombs@tcspllc.com  
acooke@tcspllc.com  
dgriffith@tcspllc.com  
swromaine@tcspllc.com  
eford@tcspllc.com

Agreed to by:

*Stuart W. Demaille, by permission  
of Joseph L. Amos*

Karen H. Miller (WVSB #1567)  
Joseph L. Amos, Jr. (WVSB #11956)  
Robert A. Hogue (WVSB #7983)  
Miller & Amos, Attorneys at Law  
2 Hale Street  
Charleston, WV 25301  
khmiller@karenmillerlaw.com  
joeamos@karenmillerlaw.com  
Counsel for Defendant Pulmonary  
Associates  
of Charleston PLLC, d/b/a Critical Care,  
PLLC; Defendant Trake, LLC; Defendant  
Kevin Eggleston, M.D.; Defendant Phillip  
Cox, D.O.; Defendant Robby Keith, M.D.;  
Defendant James D. Perry, III, D.O.;  
Defendant Tamejiro "Tom" Takubo,  
D.O.; Defendant Ryan Waddell, D.O.;  
and Defendant W. Alex Wade, M.D.

*Stuart W. Demaille, by permission  
of Michael C. Cardi*

Stuart A. McMillian (WVSB #6352)  
Bowles Rice LLP  
600 Quarrier Street  
P.O. Box 1386  
Charleston, WV 25325  
smcmillan@bowlesrice.com

Michael C. Cardi (WVSB #12228)  
Bowles Rice LLP  
125 Granville Square, Suite 400  
Morgantown, WV 26501  
mcardi@bowlesrice.com  
Counsel for Defendant Kevin Eggleston, M.D.;  
Defendant Phillip Cox, D.O.; Defendant Robby  
Keith, M.D.; Defendant James D. Perry, III,  
D.O.; Defendant Tamejiro "Tom"  
Takubo, D.O.; Defendant Ryan Waddell, D.O.;  
and Defendant W. Alex Wade, M.D.

*Stuart W. Demaille, by permission of  
Wahby S. Kiff*

Thomas J. Hurney, Jr. (WVSB #1833)  
Robby J. Aliff (WVSB #7415)  
Candice M. Harlow (WVSB #12496)  
Jackson Kelly PLLC  
500 Lee Street  
Charleston, WV 25301  
thurney@jacksonkelly.com  
raliff@jacksonkelly.com  
charlow@jacksonkelly.com  
Counsel for Defendant Thomas Health  
System, Inc., d/b/a Thomas Health;  
Defendant Herbert J. Thomas Memorial  
Hospital Association, d/b/a Thomas  
Memorial Hospital; Defendant THS  
Physician Partners, Inc.; and Defendant  
Charleston Hospital, Inc. d/b/a Saint  
Francis Hospital

*Stuart W. Demaille, by permission of  
Kathleen Jones Goldman*

Erin J. McLaughlin (WVSB #10464)  
Jaime S. Tuite (WVSB #10936)  
Kathleen Jones Goldman (WVSB #6917)  
James C. Wall, III (WVSB #13277)  
Buchanan Ingersoll & Rooney LLP  
Union Trust Building  
501 Grant Street, Suite 200  
Pittsburgh, PA 15219-4413  
erin.mclaughlin@bipc.com  
jaime.tuite@bipc.com  
kathleen.goldman@bipc.com  
james.walls@bipc.com  
Counsel for Plaintiff Charleston Area Medical  
Center, Inc.