

In the Circuit Court of Ohio County, West Virginia

TRI-STATE AMBULANCE, INC.,
Plaintiff,

v.

Case No. CC-35-2020-C-155
Judge Michael Lorensen

**WHEELING HOSPITAL, INC.,
WHEELING HOSPITAL, INC.,
WEST VIRGINIA UNIVERSITY
HOSPITALS, INC.,
HEALTHTEAM CRITICAL CARE
TRANSPORT, LLC,
HEALTHNET AEROMEDICAL
SERVICES, INC. ET AL,**
Defendants

Jury Trial Scheduling Order and Order Lifting Stay

CAME the parties, in a status and scheduling conference on March 24, 2025, commencing at 11:00 a.m. Robert J. D'Anniballe, Jr., Esq. appeared for Plaintiff Tri-State Ambulance, Inc., Erin R. Vuljanic, Esq. appeared for Defendant West Virginia University Hospitals, Inc., Michael C. Cardi, Esq. appeared for Defendants HealthTeam Critical Care Transport, LLC and Healthnet Aeromedical Services, Inc., and Paul N. Garinger, Esq. appeared for Defendant Wheeling Hospital, Inc. As an initial matter, this civil action was stayed by prior orders of this court while the parties pursued an agreed-upon resolution track of this civil action. At this time, it is hereby ADJUDGED and ORDERED that the stay of this civil action is LIFTED. With regard to scheduling, by the consent of counsel, it is ORDERED as follows:

1. This matter will be tried to a jury in September 2026, with the actual date TBD. Continuance motions must be filed and heard prior to the pre-trial conference.

2. A pretrial conference shall be held on: August 21, 2026 at the hour of 10:00 a.m. in the Ohio County Courthouse, 1500 Chapline Street, Wheeling, WV 26003. All self-represented parties and any lawyers who will participate in the trial must appear at the pretrial conference. All parties are directed to file with the clerk, exchange and deliver a pretrial memorandum no later than seven (7) days before the conference. These memoranda must set forth the following:

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|--------------------------|-------------------------------------|
| 1. Statement of the Case | 7. List of Pending Motions |
| 2. Issues of Fact | 8. List of Motions <i>in Limine</i> |
| 3. Issues of Law | 9. Requested Instructions of Law |
| 4. Proposed Stipulations | (Copy provided to the Court via |
| 5. Schedule of Exhibits | email in an editable format) |

Schedule of Exhibits: The parties shall file and exchange a list of all proposed exhibits (including demonstrative) and shall make the exhibits available for viewing by counsel no later than 14 days prior to the pretrial. Exhibits shall be individually identified and given a unique identifying number. General designations such as “Records from Doctor Jones” are not sufficient. The parties shall mark all exhibits by use of standard exhibit stickers and provide a list to the Court and counsel. Failure to properly identify, mark or provide an exhibit is grounds for exclusion of the exhibit at trial.

Video Depositions to be used at trial: If a video deposition is to be used, all parties must be prepared to argue objections at the pretrial conference. Thereafter, the proponent of the video deposition shall have the video edited to reflect the Court’s rulings. In addition, the proponent of the video deposition must have a videographer at trial.

Jury Instructions: Counsel should be prepared to discuss jury instructions at the pretrial conference. Late instructions will be considered only if justified by good cause.

3. Expert disclosures: Plaintiff: February 2, 2026.

Defendant: March 9, 2026.

- a) Any party desiring to use an expert witness must furnish opposing counsel with a disclosure meeting the requirements of Rule 26(b)(4), Rules of Civil Procedure.
- b) The admissibility of expert testimony is subject to Rule 104(a) of the Rules of Evidence. Objection to the admissibility of expert testimony will be deemed waived if not objected to by a motion *in limine* filed at on or before 30 days and a hearing thereon set with the Court prior to first day of trial.
- c) Co-designation or co-reliance upon experts must also specifically be made in writing on date of Expert Disclosure.

4. Medical Examinations and Expert Evidentiary Inspections: n/a. The parties indicated to the Court at the Scheduling Conference that in this matter medical examinations and site inspections will not be necessary.

5. Dispositive Motions: Any motion filed under Rules 12 or 56 of the West Virginia Rules of Civil Procedure must be filed no later than 60 days prior to the pretrial conference.

6. Amendments and Third-Party Pleadings must be filed by **July 14, 2025.**

7. Final witness list filed and exchanged: May 15, 2026. The witness list will contain the name of each person who will be called to testify at trial. By listing a witness, the lawyer or party identifying the witness certifies to the Court that he or she has spoken in person or by telephone with the witness and has confirmed his or her availability for trial. Parties must identify their witnesses by name and business or home

address. Any witness not identified by name (such as “representative of the ABC Corporation”), fails to meet the requirements of this order and will be treated as a failure to list the witness. Any witness listed may be called by any party, except retained experts. The unavailability of a witness will not be considered good cause for a continuance unless compliance with this order is shown.

8. Discovery completion date: May 1, 2026. All requests must be served and evidence of service filed with the clerk at least 35 days in advance of this date so that all responses may be completed by this date. All trial depositions must be completed at least 30 days before the pretrial.

9. Motions *in limine*. Any motion *in limine* must be filed at least 14 days before the pretrial and will be ruled on at the pretrial conference.

10. Mediation. This matter has already been mediated by the parties pursuant to the parties’ agreed upon resolution track of this civil action that was pursued before scheduling. If the parties wish to schedule additional mediation or alternative dispute resolution with the assigned Resolution Judge in this matter, the parties are instructed to contact the office of the Resolution Judge, Hon. Shawn D. Nines.

11. Dates set forth in order are final and may be changed only by order of the Court. While agreements among counsel or self-represented parties regarding any matter pertaining to the case are encouraged, these agreements are not binding on the Court unless confirmed by order. No additional evidence developed as a result of deviations from the above schedule will be admissible at trial unless justice requires. Any party seeking a continuance must do so in writing. Calling the Court’s chambers will not excuse any requirement of this order. Any party requesting a hearing must furnish the Court with three dates for which all counsel and self-represented parties are available or set forth what efforts were exercised to obtain such dates.

12. Plaintiff’s duty to notify new parties of existence of order. It will be the responsibility of Plaintiff to notify opposing counsel or self-represented parties of the existence of this scheduling order. The Plaintiff shall certify in writing compliance with this paragraph by filing a certificate of service with the clerk. Failure to promptly notify opposing counsel or self-represented parties may result in that party’s deadlines being extended, but not the deadlines of parties who have received prompt notice of the order.

13. The dates set out above do not relieve counsel or parties from timely compliance with discovery requests propounded pursuant to the West Virginia Rules of Civil Procedure.

14. Sanctions. In accordance with Rule 16(f), West Virginia Rules of Civil Procedure, the Court may impose the full spectrum of sanctions authorized by the Rule if a party or party’s counsel fails to obey this order or other orders of this Court including taxation of costs, including attorney fees, exclusion of evidence, dismissal of claims or defenses and judgment default.

15. Motions practice. If your motion requires urgent attention, consult with

other counsel and self-represented parties and state on the motion whether the relief sought is agreed, contested or what efforts were made to consult with the opposing parties.

16. Certain Trial Court Rules are inapplicable to this matter. Trial Court Rule 22.01 requires movants and respondents to furnish a copy of any motion filed to the chambers of the judge assigned of copies of each motion, response, supporting memorandum and supporting documents or materials. Since the Court can easily access work copies from the CourtPlus filing system, counsel need not furnish the Court with a work copy of motions, memoranda or attachments. Further, Trial Court Rule 6.04 requires a litigant who cites a case not reported in the United States Reports, the South Eastern Reporter or non-U.S. or non-West Virginia statutory citations to provide a copy to the presiding judicial officer and to opposing counsel. The Court has access to electronic research resources which would make this unnecessary unless specifically requested by the Court or its staff.

The Clerk shall transmit true and correct copies of this Order to all counsel of record, to the Resolution Judge Shawn D. Nines at 47 Church Street, Third Floor, Philippi, West Virginia, 26416, and to the Business Court Central Office at West Virginia Business Court Division, Berkeley County Judicial Center, 380 West South Street, Suite 4100, Martinsburg, West Virginia, 25401.

Enter: March 25, 2025

/s/ Michael Lorensen
Circuit Court Judge
1st Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.