

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

HIGHMARK WEST VIRGINIA, INC.,

Plaintiff,

vs.

Civil Action No.: 18-C-271

Presiding Judge: Shawn D. Nines

Resolution Judge: Christopher C. Wilkes

MEDTEST LABORATORIES, LLC, et al.,

Defendants.

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MEDTEST LABORATORIES LLC,

Counterclaim and Third-Party  
Plaintiff,

vs.

HIGHMARK WEST VIRGINIA INC., et al.,

Counterclaim and Third-Party  
Defendants.

**ORDER DENYING RENEWED MOTION OF BLUE CROSS BLUE SHIELD OF KANSAS  
AND HEALTHNOW TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND  
IMPROPER VENUE**

This matter came before the Court this 13<sup>th</sup> day of April 2020, upon Blue Cross Blue Shield of Kansas, Inc. and HealthNow New York Inc. d/b/a Blue Cross Blue Shield of Western New York and Blueshield of Northeastern New York's "Renewed Motion of Blue Cross Blue Shield of Kansas and HealthNow to Dismiss for Lack of Personal Jurisdiction and Improper Venue."

ENTERED

D.B. No. \_\_\_\_\_

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CLERK CIRCUIT COURT

4/14/2020 <sup>x19</sup> all attys on list  
Order Denying Motion to Dismiss

The parties have fully briefed the issues necessary. On January 28, 2020 the Court heard oral argument from counsel regarding the instant motion. So, upon the full consideration of the issues, the record, the movant's affidavit, and the pertinent legal authorities, the Court rules as follows.

The Court hereby incorporates the Order Denying Third-Party Defendants' Motion to Dismiss MedTest's First Amended Third-Party Complaint for Lack of Personal Jurisdiction entered March 27, 2020 into the instant Order.

For the reasons contained within the Court's March 27, 2020 Order, the Court DENIES Blue Cross Blue Shield of Kansas, Inc. and HealthNow New York Inc. d/b/a Blue Cross Blue Shield of Western New York and Blueshield of Northeastern New York's "Renewed Motion of Blue Cross Blue Shield of Kansas and HealthNow to Dismiss for Lack of Personal Jurisdiction and Improper Venue".

The Court hereby INCORPORATES its prior Order Denying Third-Party Defendants' Motion to Dismiss MedTest's First Amended Third-Party Complaint for Lack of Personal Jurisdiction entered March 27, 2020 into the instant Order.

The Court has found and concluded that the Third-Party Plaintiff has met its burden to establish jurisdiction. The Court further DIRECTS the parties to proceed with discovery.

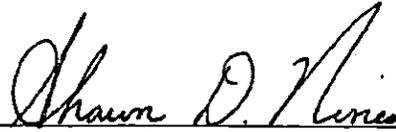
#### CONCLUSION

**WHEREFORE**, it is hereby **ORDERED** and **ADJUDGED** that Blue Cross Blue Shield of Kansas, Inc. and HealthNow New York Inc. d/b/a Blue Cross Blue Shield of Western New York and Blueshield of Northeastern New York's "Renewed Motion of Blue Cross Blue Shield of Kansas and HealthNow to Dismiss for Lack of Personal Jurisdiction and Improper Venue" is hereby **DENIED**.

The Court notes the objections of the parties to any adverse ruling herein.

The Clerk is directed to enter this Order as of the date first hereinabove appearing, and send attested copies to all counsel of record, as well as to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

ENTERED this 13<sup>th</sup> day of April 2020.



Shawn D. Nines  
Business Court Division