

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

R. EDWARD HAMRICK, JR. M.D.,
Plaintiff,

v.

Civil Action No. 04-C-2518

CHARLESTON AREA MEDICAL CENTER
Defendant,

FINAL ORDER

The Court having heretofore entered orders dated July 9, 2008, ruling upon the defendant's motion for new trial and remittitur, notes that there is the outstanding issue of the issuance of a permanent injunction in this matter, and the Court is further of the opinion that a concise final appealable order should be entered in this matter.

The Court heretofore informed the parties that the Court, in accordance with the ruling of the West Virginia Supreme Court of Appeals in this matter, is inclined to issue a permanent injunction, enjoining and restraining the defendant from suspending or revoking the privileges of Dr. R. E. Hamrick, M. D. to practice at CAMC, without approval of the West Virginia Supreme Court of Appeals, but that the Court would grant any party a hearing as to whether or not the plaintiff's current self-insurance plan complied with CAMC's current Medical Staff governing documents and the West Virginia Medical Professional Liability Act, if any party sought such a hearing.

Thereafter, by letter dated the 29th day of April, 2008, which letter, with attachments, shall be filed and made a part of the record in this case, the defendant CAMC, by counsel, informed the Court that CAMC is of the opinion that plaintiff's current self-insurance plan

complies with CAMC's current Medical Staff governing documents and the West Virginia Medical Professional Liability Act.

CONCLUSIONS OF LAW

Based upon the foregoing, it is **ADJUDGED** and **ORDERED** as follows:

1. That in accordance with this Court's order denying the defendant's motion for new trial, which order is incorporated herein by reference, the motion for a new trial is **DENIED**.
2. That in accordance with this Court's order granting remittitur in this case, which order is incorporated herein by reference, the judgment heretofore awarded by the jury for compensatory damages is reduced to Two Million Dollars (\$2,000,000.00), and the judgment heretofore awarded for punitive damages is reduced to Eight Million Dollars (\$8,000,000.00), for a total **JUDGMENT** in favor of the plaintiff, R. E. Hamrick, Jr., M. D., and against the defendant, CAMC, in the sum of Ten Million Dollars (\$10,000,000.00), which judgment shall bear interest from **February 7, 2008**.
3. That in accordance with the prior order of the West Virginia Supreme Court of Appeals in this matter, the defendant CAMC is **ENJOINED** and **RESTRAINED** from suspending or revoking the plaintiff's privileges to practice at CAMC, without approval of the West Virginia Supreme Court of Appeals.
4. The costs, as taxed by the Clerk of this Court, are assessed against the defendant.
5. In accordance with the agreement of the parties, the issues of attorney fees shall be addressed by this Court, upon the this order becoming final and all appeal times, in regards

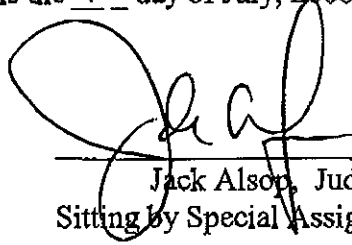
thereto have expired or the order of this court has otherwise become final.

6. This is a final appealable order, in this action, under the Rules of Civil Procedure.

Each party's objection and exception is noted by the Court.

The Clerk is directed to send a copy of this Order to the parties.

Entered this the 10 day of July, 2008.



Jack Alsop, Judge
Sitting by Special Assignment

*** RX REPORT ***

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