

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

**CHRISTOPHER FAIN; ZACHARY  
MARTELL; and BRIAN MCNEMAR,**  
Individually and on behalf of all others  
similarly situated,

**Plaintiffs,**

**Civil Action No. 3:20-cv-00740**

**CLASS ACTION COMPLAINT**

v.

**WILLIAM CROUCH**, in his official capacity as  
Cabinet Secretary of the West Virginia  
Department Of Health and Human Resources;  
**CYNTHIA BEANE**, in her official capacity as  
Commissioner for the West Virginia Bureau for  
Medical Services; **WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES, BUREAU FOR MEDICAL  
SERVICES; TED CHEATHAM**, in his official  
Capacity as Director of the West Virginia Public  
Employees Insurance Agency; and **THE  
HEALTH PLAN OF WEST VIRGINIA, INC.**

**Defendants.**

**STIPULATION EXTENDING TIME FOR DHHR DEFENDANTS TO  
ANSWER THE AMENDED COMPLAINT**

Now come the plaintiffs, by counsel, and defendants William Crouch, Cynthia Beane and West Virginia Department of Health and Human Resources, by counsel, and enter this stipulation that these defendants were granted an extension of the time in which to respond to the Complaint. By agreement, the responsive pleading will be due on January 11, 2021.

Prepared by:

/s/ Lou Ann S. Cyrus

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**Defendants.**

**CERTIFICATE OF SERVICE**

Now come the plaintiffs, by counsel, and defendants William Crouch, Cynthia Beane and West Virginia Department of Health and Human Resources, by counsel, do hereby certify that on the 9<sup>th</sup> day of December, 2020, the foregoing **“STIPULATION EXTENDING TIME FOR DHHR DEFENDANTS TO ANSWER THE AMENDED COMPLAINT”** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to, and constitutes service on:

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