

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

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

**Plaintiffs,**

**vs.**

**Case No.: 3:20-cv-00740  
Judge Robert C. Chambers**

**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.**

**AGREED ORDER FOR SUBSTITUTION OF PARTIES**

Pursuant to Fed. R. Civ. P. 25(d), the Defendant, Ted Cheatham, by counsel, moved this Court to substitute Jason Haught as a named defendant in his place and stead. The Court finds the following:

1. Defendant, Ted Cheatham, was the former Director of the West Virginia Public Employees Insurance Agency, and he retired on October 29, 2021.
2. On October 30, 2021, Jason Haught was appointed Interim Director of the West Virginia Public Employees Insurance Agency.
3. Rule 25 of the Federal Rules of Civil Procedure allows for a public officer's successor to be substituted as a party.

**WHEREFORE**, the Court does hereby ORDER that Jason Haight, Interim Director of the West Virginia Public Employees Insurance Agency shall be substituted as a defendant in place and stead of Ted Cheatham, former Director of the West Virginia Public Employees Insurance Agency. From the entry of this Order forward, the style of the case shall be changed to reflect said substitution of party.

The Clerk is directed to update the party names accordingly.

Entered this 15 day of Nov., 2021.

  
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HONORABLE ROBERT C. CHAMBERS, JUDGE

**TED CHEATHAM, in his official  
capacity as Director of the West Virginia  
Public Employees Insurance Agency,**

**BY COUNSEL**

/s/ Eric D. Salyers

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