

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

**CHRISTOPHER FAIN; ZACHARY
MARTELL; BRIAN MCNEMAR; SHAWN
ANDERSON a/k/a SHAUNTAE ANDERSON.
And LEANNE JAMES, 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; JASON HAUGHT, in his official
capacity as Director of the West Virginia Public
Employees Insurance Agency; and THE
HEALTH PLAN OF WEST VIRGINIA, INC.,**

Defendants.

DEFENDANT JASON HAUGHT'S MOTION FOR ABSTENTION

Defendant Jason Haught, in his official capacity as Director of the West Virginia Public Employees Insurance Agency ("Defendant"), by and through counsel, Perry W. Oxley, David E. Rich, Eric D. Salyers, Christopher K. Weed, and the law firm of Oxley Rich Sammons, PLLC, hereby moves this Honorable Court to abstain from this matter via either a dismissal without prejudice or a procedural stay pursuant to the *Colorado River* doctrine. In support thereof, this Defendant submits the Memorandum of Law filed contemporaneously herewith.

WHEREFORE, this Defendant respectfully requests that this Court **GRANT** his Motion to Abstain and **ENTER** an **ORDER** dismissing all claims in Plaintiffs' First Amended Complaint

directed towards this Defendant, without prejudice, or in the alternative, staying said claims. This Defendant further respectfully requests any other such relief, including costs and attorneys' fees, to which it may be entitled.

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

BY COUNSEL

s/Perry W. Oxley

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing “**Defendant Jason Haught’s Motion for Abstention**” on this 18th day of **November, 2021**, with the Clerk of the Court using the CM/ECF system, which will send notification of filing, and a copy of the same, to the following CM/ECF participants:

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