



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION APPOINTING OUTSIDE COUNSEL ON BEHALF OF
THE SECRETARY OF THE WEST VIRGINIA DHHR,
INTERIM INSPECTOR GENERAL AND DIRECTOR OF THE OFFICE OF HEALTH
FACILITY LICENSURE AND CERTIFICATION,
AND THE CLERK OF THE HOUSE OF DELEGATES**

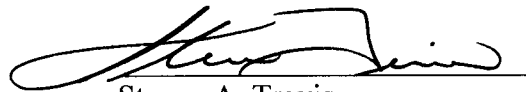
On June 25, 2021, the Complaint and Motion for Emergency Relief were filed instituting litigation styled *Milan Puskar Health Right, et al. v. Bill J. Crouch, et al.*, Civil Action No. 3:21-cv-00370, in the United States District Court for the Southern District of West Virginia. On June 28, 2021, the Court entered a Temporary Restraining Order and set the matter for hearing on July 8, 2021.

Given the short time frame and the current work load within the Office of the West Virginia Attorney General, it was necessary to obtain the services of outside counsel to defend this matter. Because this matter involves time-sensitive legal services that cannot be adequately provided by the Office of the Attorney General, for which insufficient time exists to complete the customary bidding process, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Sections (D)(1) Policy #WVAGO-004. Rather, a law firm was selected from those firms who provided responses to RFP #96.

As a result, the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint Carey Douglas Kessler and Ruby, PLLC for the purposes of the needed legal services based on the following factors:

- The Defendants are in immediate need of legal services to be performed in Kanawha and Cabell Counties, West Virginia.
- It is not feasible for the Office of the Attorney General to provide the requested legal services without the assistance of outside counsel at this time.
- The law firm of Carey Douglas Kessler and Ruby, PLLC is the Defendants preferred counsel among those that submitted responses to RFP #96.
- The law firm of Carey Douglas Kessler and Ruby, PLLC is ready and able to provide the needed legal services at a rate not to exceed \$375 per hour.

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Carey Douglas Kessler and Ruby, PLLC to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in black ink, appearing to read "Steven A. Travis", written over a horizontal line.

Steven A. Travis
Deputy General Counsel

Dated: June 28, 2021