

STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT IV

No. 2009AP000728

WISCONSIN MEDICAL SOCIETY, INC.
AND DAVID M. HOFFMANN, M.D.,

Plaintiffs-Appellants,

v.

MICHAEL L. MORGAN,

Defendant-Respondent.

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS
CURIAE BY DEAN HEALTH SYSTEMS INC.,
MARSHFIELD CLINIC AND
GUNDERSEN LUTHERAN HEALTH SYSTEM, INC.

Pursuant to Rules 809.14 and 809.19(7), Dean Health Systems, Marshfield Clinic and Gundersen Lutheran Health System, Inc. (the "Wisconsin Clinics") respectfully move this Court for leave to participate in this appeal as *amicus curiae* and to file the accompanying brief in this matter. In support of their motion, the Wisconsin Clinics state as follows:

1. The Wisconsin Clinics are three of the largest health care clinics in the State. They provide a broad range of health care services to patients located in significant,

geographically diversified portions of the State. The interests of the Wisconsin Clinics affected by this case are representative of clinics and their health care providers across the State. Chapter 655, Wis. Stat., defines the categories of physicians, nurse anesthetists and other health care providers who are required by Chapter 655 to pay premiums to the Injured Patients and Families Compensation Fund (the "Fund").

2. As detailed below, the Wisconsin Clinics employ approximately 1,627 physicians for whom premiums are assessed by, and paid to, the Fund. The Wisconsin Clinics also employ numerous nurse anesthetists and other advanced health care providers for whom premiums are paid to the Fund. All told, they employ over 2,400 individual health care providers for whom premiums are paid to the Fund. While precise percentages are difficult to quantify, the Wisconsin Clinics believe that they employ over ten percent (10%) of the total individual health care providers in Wisconsin for whom premiums are required by law to be paid to the Fund.

3. Dean Health Systems is a multi-specialty integrated health care provider based in Madison, Wisconsin,

which provides medical and health services through a network of clinics throughout an eighteen-county service area in southwestern Wisconsin. Dean presently has approximately 458 physicians and 39 nurse anesthetists as both are defined at Wis. Stat. §§ 655.001(9) and (10m). Dean has over 219 additional advanced health providers for whom premiums also are paid to the Fund. These additional advanced health care providers include: advanced practice nurse prescribers (APNPs); physician assistant certified (“PACs”); optometrists (“ODs”); and podiatrists (“DPMs”).

4. Marshfield Clinic is a multi-specialty group practice, operating forty-five health care centers in northern, central and western Wisconsin. Marshfield Clinic has approximately 804 physicians and 39 nurse anesthetists (as defined at Wis. Stat. §§ 655.001(9) and (10m)) serving patients in over 80 medical specialties and subspecialties. Like Dean, Marshfield also employs a large number of additional advanced health care providers for whom premiums are assessed by, and paid to, the Fund.

5. Gundersen Lutheran Health System, Inc. is a comprehensive health care network based in La Crosse, Wisconsin, which provides medical and health services for

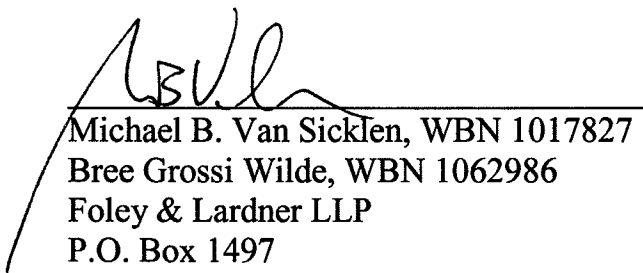
patients in western Wisconsin and other states. Gundersen Lutheran employs approximately 365 physicians, 23 nurse anesthetists and 199 other advanced health care providers for whom premiums are paid to the Fund.

6. The Wisconsin Clinics and their health care providers are directly affected by the transfer at issue in this case of \$200 million from the Fund pursuant to Section 9225 of 2007 Wisconsin Act 20. The Wisconsin Clinics wish to participate in this appeal to assist the Court with discussion of legal points and policy considerations not otherwise fully covered by the parties from the perspective of health care clinics in Wisconsin.

7. Accordingly, the Wisconsin Clinics seek leave to file the attached amicus brief.

WHEREFORE, the Wisconsin Clinics respectfully request that this motion for leave to file a brief as amicus curiae be granted.

Respectfully submitted this 26th day of June, 2009.



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