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

Plaintiffs,

Case No. 07-CV-4035

v.

MICHAEL L. MORGAN,

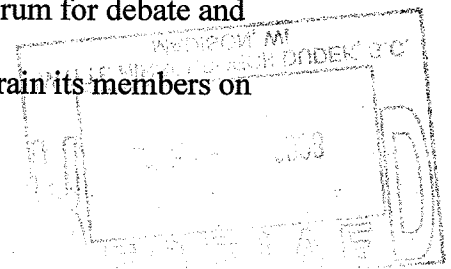
Defendant.

**UNOPPOSED MOTION OF WISCONSIN HOSPITAL ASSOCIATION
FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Non-party Wisconsin Hospital Association ("WHA") moves, pursuant to Rule 802.01(2) and Local Rule 115, for leave to file the accompanying brief as amicus curiae in support of plaintiffs' motion for summary judgment.

WHA's submission will help place the issues in this case in a larger context than that presented by the parties' situation. Because WHA's motion is unopposed, WHA does not intend to submit a separate brief in support of this motion for leave to file its amicus brief, but states as further grounds for its motion the following:

1. WHA is a voluntary membership association organized under the laws of Wisconsin and established in 1920. Its mission is to advocate for high-quality and affordable health care services in Wisconsin's communities. To that end, WHA seeks to identify and help implement initiatives for improved community health; to serve as a forum for debate and discussion of issues affecting quality health care; and to educate and train its members on



regulatory, management, and clinical improvement issues related to the provision of health care services.

2. Because of its desire to ensure the delivery of high-quality health care services in Wisconsin, WHA has taken a keen interest in legal actions that raise substantial issues affecting the overall well-being of the health care system and more specifically, the medical malpractice statutory scheme set out in Chapter 655 of the Wisconsin Statutes.

3. WHA accordingly has participated as amicus curiae in numerous cases, recently in the Milwaukee County Circuit Court, *Schultz v. Continental Casualty Co.*, No. 07-CV-296 (Mil. County Cir. Ct.), but most often in the Wisconsin Supreme Court, e.g., *Lornson v. Siddiqui*, 2007 WI 92, 302 Wis. 2d 519, 735 N.W.2d 55; *Lagerstrom v. Myrtle Werth Hospital-Mayo Health Sys.*, 2005 WI 124, 285 Wis. 2d 1, 700 N.W.2d 201; *Ferdon v. Wisconsin Patients Comp. Fund*, 2005 WI 125, 284 Wis. 2d 573, 701 N.W.2d 440; and *Phelps v. Physicians Ins. Co. of Wisconsin, Inc.*, 2005 WI 85, 282 Wis. 2d 69, 698 N.W.2d 643.

4. This litigation arising from the State of Wisconsin's diversion of \$200 million from the Injured Patients and Families Compensation Fund (the "Fund") presents issues of importance to WHA because of their profound implications for the administration of Chapter 655 of the Wisconsin Statutes.

5. WHA respectfully submits that its views can be of assistance to the Court in its disposition of this matter. WHA can provide information concerning the legal ramifications of the State's diversion of monies from the Fund as well as the significance of these issues to health care providers as a whole.

6. The Department of Justice has indicated that the State of Wisconsin would not be opposing this motion.

WHEREFORE, Wisconsin Hospital Association respectfully requests that this motion for leave to file a non-party brief be granted.

Respectfully submitted,



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