

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT IV

No. 2009AP000728

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

*Plaintiffs-Appellants,*

v.

MICHAEL L. MORGAN,

*Defendant-Respondent.*

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**MOTION OF WISCONSIN HOSPITAL ASSOCIATION  
FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE**

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Pursuant to Rules 809.14 and 809.19(7), Wisconsin Hospital Association (“WHA”) respectfully submits this motion for leave to file an amicus curiae brief in this appeal. In support of its motion, WHA states as follows:

1. This case presents important questions concerning the legality of 2007 Wisconsin Act 20. In particular, plaintiffs challenge the constitutionality of Section 9225 of the Act, which removed \$200

million from the Injured Patients and Families Compensation Fund, for use elsewhere in the budget. The case thus raises important legal questions, which include impairment of contracts, legislative takings, and sovereign immunity.

2. WHA is a longstanding voluntary association of hospitals and other health-care providers. Its mission is to advocate for high-quality health-care services in Wisconsin's communities, and its activities include participating as appropriate in legal actions, such as this, raising substantial issues affecting the overall well-being of the health-care system.

3. WHA previously participated in this case as *amicus curiae* in the circuit court. WHA also has been permitted to submit *amicus* briefs in numerous previous appellate cases in Wisconsin. *See, e.g., Lornson v. Siddiqui*, 2007 WI 92, 302 Wis. 2d 519, 735 N.W. 2d 55; *Ferdon v. Wisconsin Patients Compensation Fund*, 2005 WI 125, 284 Wis. 2d 573, 701 N.W. 2d 440; *Lagerstrom v. Myrtle Werth Hospital-Mayo Health Sys.*, 2005 WI 124, 285 Wis. 2d 1, 700 N.W. 2d 201; and *Phelps v. Physicians Ins. Co.*, 2005 WI 85, 282 Wis. 2d 69, 698 N.W. 2d 643.

4. In these circumstances, WHA wishes to participate in this appeal as amicus curiae and present to this Court its interpretations and understandings of the legal issues on appeal. Given its broad perspective, WHA believes that its submission may be helpful to the Court. This motion falls squarely within the now-established appellate practice in Wisconsin of permitting amicus curiae participation by a wide range of interested citizens, associations, and corporations.

5. WHA's proposed brief accompanies this motion.

WHEREFORE, Wisconsin Hospital Association respectfully requests that this motion for leave to file a brief as amicus curiae be granted.

Respectfully submitted,



Anne Berleman Kearney  
State Bar No. 1031085  
APPELLATE CONSULTING GROUP  
Post Office Box 2145  
Milwaukee, Wisconsin 53201  
(414) 332-0966

*Attorney for WHA*