

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Insurance
(AC-In)**

(Form Updated: 11/20/2008)

COMMITTEE NOTICES ...

➤ Committee Reports ... CR
**

➤ Executive Sessions ... ES
**

➤ Public Hearings ... PH
**

➤ Record of Comm. Proceedings ... RCP
**

**INFORMATION COLLECTED BY COMMITTEE
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt
**

Name:

➤ Clearinghouse Rules ... CRule
**

➤ Hearing Records ... HR (bills and resolutions)
**

➤ Miscellaneous ... Misc

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(un-dated documents)

2003 Medical Malpractice Jury Verdicts

1. Kaul vs Cedar Mills Medical Group
99 MMP 1271
Ozaukee 99 CV 0360
Jury awarded \$7,700,000
Noneconomic: \$930,000
2. Duncan vs Richardson et al.
98 MMP 1184
Richland 00 CV 0071
Jury awarded \$2,432,000
Noneconomic: \$650,000
3. Estate of Feggstad vs Pittenger
00 MMP 1201
Rock 00 CV 0727
Jury awarded \$1,200,000
Noneconomic: \$500,000
4. Estate of Smith vs Manske
02 MMP 1061
Racine 02 CV 0958
Jury awarded \$420,000
Noneconomic: \$210,000
5. Estate of Achterberg vs Frontiera et al
00 MMP 1195
Columbia 01 CV 0009
Jury found no negligence
6. Estate of Massey vs Baig et al
00 MMP 1134
Milwaukee 00 CV 008160
Jury found no negligence
7. Grutza vs Westley et al
00 MMP 1280
Milwaukee 01 CV 004006
Jury found no negligence
8. Scheberle vs Milson
01 MMP 1043
Brown 01 CV 0345
Jury found no negligence
9. Estate of Bryan vs Bjelland
01 MMP 1017
Juneau 01 CV 0131
Jury found no negligence
10. Olson vs Blum
02 MMP 1025
Waupaca 02 CV 0040
Jury found no negligence
11. Otto vs Benham
99 MMP 1154
Manitowoc 01 CV 0066
Jury found no negligence
12. LaCombe vs Karls et al
00 MMP 1279
Racine 00 CV 1631
Jury found negligence but no causation
13. Baumler vs Deckard et al
01 MMP 1012
Milwaukee 01 CV 000079
Jury found no negligence

14. Parker vs Berres et al
01 MMP 1074
Richland 01 CV 0093

Jury found no negligence

15. Crews vs Caldwell et al
01 MMP 1019
Milwaukee 01 CV 004475

Jury found no negligence

16. Estate of Pribnow vs Mielke
02 MMP 1046
Waushara 02 CV 0031

Jury found no negligence

2002 Medical Malpractice Jury Verdicts

1. Dickinson vs. St Mary's Hospital
00 MMP 1053
Dane 00 CV 1715
Jury awarded \$12,700,000
(Including \$6,500,000 noneconomic)
2. Estate of Capistrant vs MCOV
00 MMP 1111
Milwaukee 00 CV 003384
Jury awarded \$2,700,000
3. Severson vs. Ragatz
99 MMP 1216
Waukesha 99 CV 1675
Jury awarded \$2,620,000
(Including \$1,770,000 noneconomic)
4. Ferdon vs Brockman
00 MMP 1057
Brown 01 CV 1897
Jury awarded \$1,187,600
(Including \$700,000 noneconomic)
5. Krzykowski vs Christie et al
00 MMP 1261
Wood 00 CV 0412
Jury awarded \$401,000
(Including \$260,000 noneconomic)
6. Estate of Donaldson v Aprahamian
98 MMP 1115
Milwaukee 98 CV 007325
Jury awarded \$200,000
(All noneconomic)
7. Romans vs Community Memorial Hospital
99 MMP 1260
Waukesha 99 CV 2042
Jury awarded \$142,737
(Including \$116,500 noneconomic)
8. Daly vs Bell
98 MMP 1024
Green 98 CV 0017
Jury found no negligence
9. Jeffries vs Gerber
99 MMP 1166
Milwaukee 99 CV 005386
Jury found no negligence
10. Franke vs Lehman
00 MMP 1275
Milwaukee 01 CV 003167
Jury found no negligence
11. Burns vs Shapiro et al
00 MMP 1028
Racine 00 CV 0688
Jury found no negligence
12. Cuchna vs Thompson
00 MMP 1056
Grant 00 CV 0069
Jury found no negligence
13. Anibas vs Edwards et al
00 MMP 1143
Eau Claire 00 CV 0735
Jury found no negligence

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| 14. Estate of Fullen vs Lindgren et al
01 MMP 1058
Price 01 CV 0015 | Jury found no negligence |
| 15. Seefeld vs Aurora Medical Group
00 MMP 1222
Fond du Lac 00 CV 0412 | Jury found no negligence |
| 16. Cook vs Brockman
99 MMP 1309
Racine 99 CV 1648 | Jury found no negligence |
| 17. Lawrence vs Borkovec et al
98 MMP 1012
Milwaukee 99 CV 003818 | Jury found no negligence |
| 18. Gibeaut vs Schueller et al
99 MMP 1244
Green 99 CV 0156 | Jury found no negligence |
| 19. Boetcher vs St. Mary's Hospital
98 MMP 1295
Dane 99 CV 0914 | Jury found no negligence |
| 20. Barber vs Arnesen
98 MMP 1240
Dane 99 CV 0359 | Jury found no negligence |
| 21. Puckett vs Holtzman et al
00 MMP 1213
Dane 00 CV 2361 | Jury found no negligence |
| 22. Obey vs Gallagher et al
97 MMP 1160
Brown 97 CV 1575 | Jury found no negligence |
| 23. Hansen vs Rankin
97 MMP 1220
Eau Claire 98 CV 0109 | Jury found no negligence |
| 24. Estate of Prissel vs McEnany
99 MMP 1308
Buffalo 00 CV 0035 | Jury found no negligence |
| 25. Estate of Clark vs McEnany
00 MMP 1036
Eau Claire 99 CV 0333 | Jury found no negligence |
| 26. Deziel vs Park
00 MMP 1170
Polk 00 CV 0393 | Jury found no negligence |

2001 Medical Malpractice Jury Verdicts in Wisconsin

1. Hull v Family Health Plan
93 MMP 4256
Milwaukee 93 CV 008286
Jury awarded \$4,350,000
2. Limberger v Seno
97 MMP 1167
Milwaukee 97 CV 007608
Jury awarded \$3,200,000
3. Brown v Wright
99 MMP 1140
Eau Claire 00 CV 0120
Jury awarded \$1,920,000
4. Mason v Prairie du Chien Memorial Hosp
99 MMP 1069
Crawford 99 CV 0026
Jury awarded \$1,365,000
5. Fleischman vs Blando et al
98 MMP 1285
Oconto 99 CV 0141
Jury awarded \$1,100,000
(Noneconomic: \$300,000)
6. Estate of Dombeck vs Kubsch
99 MMP 1027
Brown 99 CV 0139
Jury awarded \$338,500
(Noneconomic: \$150,000)
7. Gardner v Panish
98 MMP 1130
Milwaukee 98 CV 004670
Jury awarded \$335,000
8. Zummo v Behrens
98 MMP 1143
Rock 99 CV 0259
Jury awarded \$37,000
(Noneconomic: \$25,000)
9. Estate of Campbell v Khan
98 MMP 1269
Milwaukee 99 CV 001980
Jury found no negligence
10. Estate of Leister v Iorio
99 MMP 1134
Waukesha 99 CV 1095
Jury found no negligence
11. Spiering v Barwig
00 MMP 1054
Milwaukee 00 CV 001119
Jury found no negligence
12. Portman vs Paidisetty
00 MMP 1196
Racine 00 CV 1405
Jury found no negligence
13. White vs Whiffen
99 MMP 1285
Columbia 99 CV 0337
Jury found no negligence

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| 14. Risch vs Milwaukee Medical Clinic
00 MMP 1148
Ozaukee 00 CV 0198 | Jury found no negligence |
| 15. Kildow vs Gordon
00 MMP 1064
Rock 00 CV 0043 | Jury found no negligence |
| 16. Ackerman vs Green
00 MMP 1066
Sheboygan 00 CV 0105 | Jury found no negligence |
| 17. Eichelkraut vs Bernhardt
99 MMP 1250
Dane 99 CV 2457 | Jury found no negligence |
| 18. Rogman v Rankin
99 MMP 1222
Eau Claire 99 CV 0707 | Jury found no negligence |
| 19. Konop vs Curtis
98 MMP 1208
Portage 99 CV 0128 | Jury found no negligence |
| 20. Froemming v Kuplic
00 MMP 1018
Outagamie 00 CV 0027 | Jury found no negligence |
| 21. Estate of Anderson v Johnkoski
00 MMP 1035
Dane 00 CV 1178 | Jury found no negligence |

2000 Medical Malpractice Verdicts

1. Walter vs Bruhn et al. Jury awarded \$2,945,000
98 MMP 1093
US District Court
2. Conder vs George Jury awarded \$1,500,000
95 MMP 1182
Green 95 CV 0095
3. Richards vs Herzog Jury awarded \$880,788
98 MMP 1232
Eau Claire 98 CV 0508
4. Nelson vs Rankin Jury awarded \$750,618
98 MMP 1227 (Noneconomic: \$235,000)
Eau Claire 99 CV 0047
5. Estate of Berghauer vs Heyl Jury awarded \$546,000
98 MMP 1044 (Noneconomic: \$460,000)
Outagamie 98 CV 0164
6. Schmidt vs Altman Jury awarded \$332,000
98 MMP 1059 (Noneconomic: \$224,000)
Milwaukee 98 CV 004940
7. Haun vs Rankin Jury found negligence
98 MMP 1145 No damages awarded
Eau Claire 98 CV 0655
8. Carini vs Liethen Jury found no negligence
94 MMP 4673
Washington 95 CV 0111
9. Estate of Kapp vs McManus Jury found no negligence
97 MMP 1200
Milwaukee 98 CV 003787
10. Carter vs Brennan Jury found no negligence
95 MMP 1155
Milwaukee 95 CV 004874
11. Wood/Schmidt vs Balcom Jury found no negligence
97 MMP 1070
Milwaukee 97 CV 003481
11. Ruege vs Dougherty Jury found no negligence
97 MMP 1132
Waukesha 98 CV 0731
13. Durgin vs Breed Jury found no negligence
99 MMP 1074
Jefferson 99 CV 0105

14. Estate of Schaub vs Bowe
97 MMP 1139
Clark 98 CV 0131
Jury found no negligence
15. Olson vs Lottmann
96 MMP 1058
Monroe 96 CV 0317
Jury found no negligence
16. Farchmin vs Engle
98 MMP 1029
Waukesha 98 CV 1026
Jury found no negligence
17. Richtsmeier vs Langenkamp
99 MMP 1048
Racine 99 CV 0831
Jury found no negligence
18. Haworth vs Anderson
96 MMP 1151
Milwaukee 96 CV 009410
Jury found no negligence
19. Tucci vs Rubin
98 MMP 1172
Milwaukee 98 CV 007583
Jury found no negligence
20. Gabera vs St Elizabeth Hospital
97 MMP 1225
Outagamie 98 CV 0292
Jury found no negligence
21. Benirschke vs Mancheski
98 MMP 1057
Sheboygan 98 CV 0173
Jury found no negligence
22. Alt vs Cline
92 MMP 4017
Outagamie 92 CV 1084
Jury found no negligence
23. Estate of Rehberg vs Khan
98 MMP 1174
Milwaukee 98 CV 006774
Jury found no negligence

1999 Medical Malpractice Verdicts

1. Estate of Maurin vs. Hall
97 MMP 1089
Washington 98 CV 0229
Jury awarded \$3,050,000
2. Estate of Suokko vs Mendivil
97 MMP 1109
Kenosha 97 CV 0557
Jury awarded \$1,700,000
3. Laseke vs Fejer
96 MMP 1123
US Dist. Ct. 9i-C-0024
Jury awarded \$1,430,000
4. Muller vs Azcueta
97 MMP 1060
Milwaukee 97 CV 002466
Jury awarded \$1,400,000
5. Hess vs Fernandez
95 MMP 1071
Marathon 95 CV 0138
Jury awarded \$750,000
6. Sheppard vs Starkey
98 MMP 1141
Portage 98 CV 0169
Jury awarded \$720,000
7. Pierce vs Rankin
97 MMP 1103
Eau Claire 97 CV 0592
Jury awarded \$463,000
8. Wilson vs Boscobel Area Health Care
96 MMP 1200
Grant 97 CV 0196
Jury awarded \$424,000
9. McGoff vs Pilon
97 MMP 1119
Langlade 97 CV 0071
Jury awarded \$314,000
10. Bjorklund vs Pakpreo
97 MMP 1210
Eau Claire 98 CV 0146
Jury awarded \$153,000
11. Horton vs Bodner
96 MMP 1158
Milwaukee 97 CV 003856
Jury awarded \$72,000
12. Henks vs Bartholow
95 MMP 1130
Sauk 95 CV 0155
Jury found no negligence

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| 13. Ostrum vs Behrens
97 MMP 1032
Walworth 97 CV 0119 | Jury found no negligence |
| 14. May vs Cusick
96 MMP 1177
Milwaukee 96 CV 009879 | Jury found no negligence |
| 15. Scully vs Harris
95 MMP 1272
Milwaukee 96 CV 002673 | Jury found no negligence |
| 16. Zembinski vs Woods
96 MMP 1021
Milwaukee 96 CV 004650 | Jury found no negligence |
| 17. Estate of Walter vs De Trana
97 MMP 1169/98 MMP 1023
Sheboygan 97 CV 0632 | Jury found no negligence |
| 18. Estate of Koch vs Adorn
97 MMP 1011
St. Croix 97 CV 0234 | Jury found no negligence |
| 19. Estate of Sauter vs Monette
97 MMP 1188
Brown 97 CV 1334 | Jury found no negligence |
| 20. Foster vs Burgess
96 MMP 1143
Eau Claire 97 CV 0001 | Jury found no negligence |
| 21. Robenolt vs Griebel
97 MMP 1130
Dodge 97 CV 0526 | Jury found no negligence |
| 22. Abler vs Clements
96 MMP 1116
Fond du Lac 96 CV 0305 | Jury found no negligence |
| 23. Wearing vs Watts et al
95 MMP 1143
Shawano 97 CV 0031 | Jury found no negligence |
| 24. Rehbein vs Sondag
96 MMP 1228
Milwaukee 96 CV 009752 | Jury found no negligence |
| 25. Nommensen vs St Mary's Med Center
98 MMP 1013
Racine 98 CV 0997 | Jury found negligence but no causation |

TENTATIVE LIST

1998 Medical Malpractice Jury Trials

1. Williams vs Orceck
96MMP1152
Dane 96 CV 1888
Jury awarded \$11,500,000
(\$9,250,000 noneconomic)
2. Johnson vs Hinckley
95MMP1022
Brown 95 CV 0267
Jury awarded \$1,881,520
(\$1,750,000 noneconomic)
3. Haen vs Curl
96 MMP 1060
Brown 96 CV 0907
Jury awarded > \$1,000,000
4. Collins vs Physicians Insurance
96 MMP 1035
Dane 96 CV 0320
Jury awarded \$900,000
(All noneconomic)
5. Bush vs Johnson
95 MMP 1278
Wood 96 CV 054
Jury awarded \$641,000
(\$335,000 noneconomic)
6. Breuer vs Fabich
96 MMP 1088
Dodge 96 CV 0031
Jury awarded \$170,000
(All noneconomic)
7. Menge vs Shivaram
M1-4441
Milwaukee 94 CV 007162
Jury awarded \$88,000
8. Jurgenson vs Haig
96MMP1052
Winnebago 96 CV 0186
Jury found no negligence
9. Cross-madsen vs Beresky
95MMP1276
Dane 95 CV 2615
Jury found no negligence
10. Ibarra vs Holtzman
96MMP1191
Dane 96 CV 2311
Jury found no negligence
11. DeClerc vs Bellin Memorial Hospital
97MMP1031
Brown 97 CV 0732
Jury found no negligence
12. Trifilette vs Mariner Medical Clinic
95MMP1238
Douglas 95 CV 0220
Jury found no negligence
13. Yatso vs Auer et al.
96MMP1098
Milwaukee 96 CV 002930
Jury found no negligence

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| 14. Wild vs Benson et al
95MMP1310
Milwaukee 95 CV 011363 | Jury found no negligence |
| 15. Kelly vs Dorros et al
95MMP1037
Milwaukee 95 CV 000906 | Jury found no negligence |
| 16. Clifton vs Soriano
95MMP1291
Grant 95 CV 0360 | Jury found no negligence |
| 17. Peterson vs Knuth
96MMP1128
Sheboygan 96 CV 0509 | Jury found no negligence |
| 18. Levsen vs Medical College of Wisconsin
96MMP1133
Milwaukee 96 CV 008825 | Jury found no negligence |
| 19. Steinberg vs Jensen
91MMP1678
Milwaukee 91 CV 000033 | Jury found no negligence |
| 20. Doernbach vs Krawczyk
96MMP1070
Milwaukee 96 CV 002463 | Jury found no negligence |
| 21. <i>Stellv Percy
Marquette Co.</i> | <i>Jury awarded \$255,000</i> |

1997 Medical Malpractice Verdicts

1. Agacki vs Wausau Hospital Center
95MMP1129
Marathon 95 CV 0190
Jury awarded \$5,900,000
2. Schneider vs Mercy Hospital
96MMP1094
Rock 96 CV 0239
Jury awarded \$2,770,000
3. Fish vs Meier
95MMP1067
Dane 95 CV 0596
Jury awarded \$2,160,000
4. Jones vs Sleight
94MMP4682
Milwaukee 94 CV 013701
Jury awarded \$2,029,632
(\$1,470,000 noneconomic)
5. Ketter vs Kotila et al
94MMP4659
Oneida 95 CV 0082
Jury awarded \$1,533,266
(Nonecon: \$972,482)
6. Hornbeck vs Rudat
94MMP4502
Dane 94 CV 1289
Jury awarded \$794,000
7. Lair vs Freeman et al.
95MMP1277
Douglas 95 CV 0377
Jury awarded \$751,000
(Nonecon: \$286,000)
8. Schemenauer vs Robertson
96MMP1009
Marathon 96 CV 0005
Jury awarded \$201,000
(Nonecon: \$50,000)
9. Manley vs Koontz
94MMP4466
Sauk 94 CV 0142
Jury awarded \$140,000
10. Brown vs Dibbell
95MMP1054
Trempeleau 95 CV 0027
Jury awarded \$115,000
11. Kauffmann vs Thayer et al
95MMP1025
Polk 95 CV 0201
Jury awarded \$110,096
(Nonecon: \$31,554)
12. Miller vs Rieder
95MMP1203
Winnebago 95 CV 0866
Jury found no negligence
13. Wissmiller vs Urlakis
95MMP1204
Milwaukee 95 CV 006108
Jury found no negligence

14. Klarner vs Filmanowicz
94MMP4524
Waukesha 94 CV 2417
Jury found no negligence
15. Verbeski vs Moe
96MMP1037
Chippewa 96 CV 0030
Jury found no negligence
16. Sommers vs Caine
95MMP1023
Waukesha 95 CV 0101
Jury found no negligence
17. Miller vs Larsen
93MMP4251
Waukesha 93 CV 2310
Jury found no negligence
18. Gallagher vs Kinney et al
96MMP1106
Milwaukee 96 CV 003328
Jury found no negligence
19. Harvancik vs Schneider et al.
95MMP1072
Washington 95 CV 0295
Jury found no negligence
20. Thor vs O'Hair
95MMP1248
Outagamie 96 CV 0109
Jury found no negligence
21. Gustavson vs Beatty et al.
92 MMP4018
Milwaukee 92 CV 012825
Jury found no negligence
22. Sullivan vs Seegers et al
94MMP4681
Walworth 94 CV 0639
Jury found no negligence
23. Dull vs Helmen et al
95MMP1162
St. Croix 95 CV 0210
Jury found no negligence
24. Belson vs Dudley
95MMP1318
Waukesha 95 CV 2673
Jury found no negligence
25. Raasch vs Larson et al.
94MMP4577
Milwaukee 94 CV 008455
Jury found no negligence
26. Hachfield vs Jerome et al.
94MMP4687
Winnebago 94 CV 1079
Jury found no negligence

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| 27. Coldagelli vs Stine
96MMP1092
Brown 96 CV 0521 | Jury found no negligence |
| 28. Manley vs St. Elizabeth Hospital et al.
95MMP1099
Outagamie 95 CV 0217 | Jury found no negligence |
| 29. Petzke vs Weber et al.
93MMP4173
Milwaukee 93 CV 011014 | Jury found no negligence |
| 30. Martin vs Diebold et al.
96MMP1026
Eau Claire 96 CV 0242 | Jury found no negligence |
| 31. Sedivy vs Haug
95MMP1247
Oneida 95 CV 0277 | Jury found no negligence |
| 32. Smith vs Flanary
95MMP1118
LaCrosse 95 CV 0207 | Jury found no negligence |
| 33. Seaquist vs Matloob
92MMP4024
Rock 93 CV 0208 | Jury found no negligence |

Bench Trials

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|---|-------------------------|
| 34. Geib vs Kleinman et al
95MMP1319
Milwaukee 96 CV 009610 | Court awarded \$545,000 |
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1996 Medical Malpractice Verdicts

1. Hensel vs Rich
94MMP4444
Dane 94 CV 0551
Jury awarded \$550,000
2. Bathke vs Roth
94MMP4592
Milwaukee 94 CV 008965
Jury awarded \$471,800
(Nonecon: \$325,000)
3. Warner vs Dussault
93MMP4328
Walworth 93 CV 0617
Jury awarded \$398,000
(Nonecon: \$300,000)
4. Bryan vs Sacred Heart Hospital
95MMP1015
Eau Claire 95 CV 0005
Jury awarded \$230,000
5. Latus vs Benson
M1-4402
Milwaukee 94 CV 000215
Jury awarded \$148,000
6. Stevens vs Bonavia
94MMP4608
Milwaukee 94 CV 010309
Jury awarded \$126,000
7. Simmons vs Northwest General Hospital
95MMP1176
Milwaukee 95 CV 004907
Jury awarded \$110,000
8. Oliff vs Davies
M1-4337
Milwaukee 94 CV 003461
Jury awarded \$80,000
9. Ihde vs Layde
94MMP3610
Eau Claire 95 CV 0030
Jury awarded \$27,000
10. Boguszewski vs Howard Young Med Center
95MMP1261
Vilas 95 CV 0169
Jury awarded \$6,051
11. Solem vs Plautz
94MMP4606
Rock 94 CV 0596
Jury found no negligence
12. Fritz vs Vogt
95MMP1200
Outagamie 95 CV 0492
Jury found no negligence

13. McManus vs Vega
92MMP2008
Dane 92 CV 0013
Jury found no negligence
14. Wilkoski vs Romero
M1-2197
Waukesha 93 CV 1611
Jury found no negligence
15. Balcerzak vs Vincent
94MMP4618
Milwaukee 94 CV 010665
Jury found no negligence
16. Fakler vs Heber
M1-2131
Milwaukee 92 CV 015913
Jury found no negligence
17. Meek vs Chang
M2-1839
Dane 91 CV 2331
Jury found no negligence
18. Navarette vs Kernes
94MMP4582
Waukesha 94 CV 2416
Jury found no negligence
19. Chounard vs Merkow
94MMP4620
Waukesha 95 CV 0046
Jury found no negligence
20. Vandermuss vs O'Reilly
95MMP1032
Brown 95 CV 0302
Jury found no negligence
21. Opall vs Kretz
93MMP4379
Vilas 94 CV 0007
Jury found no negligence
22. Klingenmeyer vs Reedsburg Med Ctr
95MMP1098
Columbia 95 CV 0417
Jury found no negligence
23. Nielsen vs Larson
M1-4338
Milwaukee 93 CV 014128
Jury found no negligence
24. Cartiere vs Alpren
94MMP4584
Milwaukee 94 CV 008784
Jury found no negligence
25. Maki vs Sriram
95MMP1178
Racine 95 CV 1568
Jury found no negligence

26. Lukasis vs McInerney
M1-4465
Waukesha 95 CV 0815
Jury found no negligence
27. Behling vs Fetherston
M1-4097
Milwaukee 93 CV 004745
Jury found no negligence
28. Nielson/Hall vs Miller
M2-2192
Rock 94 CV 2728
Jury found no negligence
29. Gage vs Suliene
95MMP1233
Columbia 95 CV 0230
Jury found no negligence
30. Richardson vs Spooner
94MMP4658
Rock 94 CV 0408
Jury found no negligence
31. Smith vs Zahm
94MMP4526
Ashland 94 CV 0098
Jury found no negligence
32. Pouwels vs Kadile
94MMP4613
Brown 94 CV 1691
Jury found no negligence
33. DeVor vs Dent
M2-4482
Waupaca 94 CV 0230
Jury found no negligence
34. Clark vs Romero
92MMP2197
Waukesha 93 CV 1611
Jury found no negligence
35. Dick vs Subbarao
M1-4356
Milwaukee 94 CV 001541
Jury found no negligence
36. Ziulkowski vs Nierengarten
94MMP4519
Milwaukee 94 CV 008647
Jury found no negligence
37. Krueger vs Palm
95MMP1026
Kenosha 95 CV 0496
Jury found no negligence
38. Williams vs Johnson
95MMP1052
Eau Claire 95 CV 0128
Jury found no negligence

39. Larnerd vs Rucker
95MMP1047
Eau Claire 95 CV 0094

Jury found no negligence

40. Steinhart vs Kleinman
94MMP4598
Milwaukee 94 CV 007865

Jury found no negligence

Other Cases:

41 Hotvedt vs Nassif
MI-4003
Milwaukee 92 CV 017378

Bench Trial
Court awarded \$200,000

1995 Medical Malpractice Verdicts

1. Silva vs Shafi et al.
M1-4480
Milwaukee 93CV008583
Jury awarded \$4,200,000
(Noneconomic: \$1,750,000)
2. Niederkorn vs Anderson et al.
M1-1978
Milwaukee 91CV016445
Jury awarded \$3,950,000
(Noneconomic: \$3,350,000)
3. Meister vs Gerber et al.
M2-4142
Racine 93 CV 1611
Jury awarded \$3,834,000
(Noneconomic: \$2,525,000)
4. Craig vs Steingraeber et al.
M3-1952
LaCrosse 92CV113
Jury awarded \$3,320,000
(Noneconomic: \$660,000)
5. Stiebs vs Rodrigues
M3-4255
Waupaca 93CV0290
Jury awarded \$3,180,000
(Noneconomic: \$670,000)
6. Maxon vs Melby et al.
M3-4450
Polk 94CV0107
Jury awarded \$1,040,000
(All noneconomic)
7. Linn vs Hancock
M4-2107
Sheboygan 92 CV 0814
Jury awarded \$858,000
8. Krueger vs Awen
M4-4304
Brown 93 CV 1201
Jury awarded \$480,000
(Noneconomic: \$450,000)
9. Deback vs White
M1-1520
Waukesha 90 CV 3257
Jury awarded \$440,000
10. Wright vs Mercy Hospital
M2-4397
Rock 93 CV 0896
Jury awarded \$460,000
(Noneconomic: \$35,000)
Reduced by court to \$120,000
11. Loizzo vs Siegert et al.
M1-1824
Racine 93 CV 6940
Jury awarded \$200,000
(All noneconomic)
12. Caviale vs Streicher et al.
M2-2030
Dane 92CV0308
Jury awarded \$176,400

13. Vanden Heuvel vs Olson et al. Jury awarded \$132,600
M4-4135
Outagamie 93CV030
14. Peddie vs Larson et al. Jury awarded \$75,000
M1-4247
Milwaukee 93CV013609
15. Huissen vs Ansari Jury awarded \$65,000
M1-4091
Racine 93CV1399
16. Richards vs Mendivil Jury awarded \$24,000
M1-4050
Kenosha 93 CV 0670
17. Thompson vs Bollinger et al. Jury awarded \$31,500
94MMP4612 (All noneconomic)
Eau Claire 94CV0500
18. Zieman vs Kriss et al. Jury found no negligence
M2-4158
Dane 93CV0458
19. Ignatowski vs Bernhardt Jury found no negligence
M1-4366
Milwaukee 94CV002203
20. Allen vs Parker Jury found no negligence
M1-4449
Walworth 94CV0471
21. Reed vs Beaumont et al. Jury found no negligence
M1-1856
Milwaukee 91CV009266
22. Pluger vs Richards et al. Jury found no negligence
M4-4169
Outagamie 91CV1535
23. Ivanoski vs Wurman et al. Jury found no negligence
M3-4370
Marathon 93CV0608
24. Schmidt vs Hanna Jury found no negligence
M1-4395
Milwaukee 93CV017980
25. Leroy vs Wishau Jury found no negligence
M2-4429
Jefferson 94CV040

26. Eytcheson vs Warren et al. Jury found no negligence
94MMP4546
Sawyer 94CV063
27. Dietrich vs Sanger et al. Jury found no negligence.
M1-147
Milwaukee 719-868
28. Basken vs Bechtel et al. Jury found no negligence.
M4-4291
Brown 93CV1050
29. Nygard vs Zelinski Jury found no negligence.
M3-1663
Vilas 90CV0216
30. Schnoll vs Gimbel Jury found no negligence
M1-4279
Milwaukee 93CV009361
31. Stenson vs Frazin Jury found no negligence
M1-4095
Milwaukee 93CV001665
32. Mikolic vs Galaviz Jury found no negligence
M1-4112
Milwaukee 92CV017047
33. Guza vs Williams et al. Jury found no negligence
M3-4372
Trempeleau 94CV049
34. Stafford vs Johnson et al. Jury found no negligence
M4-4227
U.S.D.C. 93-C-0452
35. Gleason vs Clapper et al. Jury found no negligence
M1-4238
Waukesha 93 CV 1111
36. Gamerdinger vs Mahon Jury found no negligence
M1-4114
Milwaukee 93 CV 007482
37. Rosewitz vs Weber Jury found no negligence
M1-2172
Milwaukee 93 CV 000189
38. Gamalski vs Kim Jury found no negligence
M1-4305
Milwaukee 93 CV 011725

39. Ruiz vs Bhatti
M1-2159
Milwaukee 92 CV 015002
Jury found no negligence

40. Stahnke vs Lontok et al.
M1-1737/1972
Milwaukee 91 CV 005754
Jury found no negligence

41. Leygraaf vs Kloehn
M4-4314
Outagamie 93 CV 1025
Jury found no negligence

Additional Cases:

42. Riley vs Clowry et al.
M1-4294
Washington 93 CV 0489
Liability conceded
Bench trial
Damages awarded: \$122,000

1994 Medical Malpractice Verdicts

1. Goff vs. Seldera
M1-2158
Walworth 92 CV 0435
Jury awarded \$1,017,701
(Nonecon: \$1,012,534)
2. Zobal vs Farne
M2-4295
Juneau 93 CV 0152
Jury awarded \$543,000
(Nonecon: \$526,000)
Reduced to \$265,000
3. Sexton vs Peterson
M1-4167
Kenosha 93 CV 0199
Jury awarded \$235,000
(Nonecon: \$60,000)
4. Huissen vs Ansari
M1-4091
Racine 93 CV 1399
Jury awarded \$65,000
5. Williams vs Baldwin
M3-4103
Clark 92 CV 0188
Jury awarded \$1,000
6. Herron vs Decker
M1-2024
Washington 92 CV 0871
Jury found no negligence
7. Rees vs Kaufman
M2-4111
Dane 92 CV 4907
Jury found no negligence
8. Carrington vs Quenan
M3-4034
Polk 92 CV 0469
Jury found no negligence
9. Derr vs Tyne
M1-2067
Milwaukee 92 CV 004790
Jury found no negligence
10. Aschenbach vs Dvoracek
M1-1959
Milwaukee 91 CV 014942
Jury found no negligence
11. Haise vs Ferstenfeld
M1-2119
Waukesha 92 CV 2111
Jury found no negligence
12. Herron vs Decker
M1-2024
Milwaukee 92 CV 013966
Jury found no negligence
13. Ryan vs Behrens
M2-4041
Rock 92 CV 0426
Jury found no negligence

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| 14. Runjo vs Chrzan
M1-2096
Milwaukee 92 CV 011870 | Jury found no negligence |
| 15. Tonkovitz vs St. Francis Hospital
M1-1928
Milwaukee 91 CV 012697 | Jury found no negligence |
| 16. Michelson vs St. Michael's Hospital
M1-4182
Milwaukee 93 CV 003536 | Jury found no negligence |
| 17. Brandow vs Langlade Memorial Hospital
M4-4200
Langlade 93 CV 0042 | Jury found no negligence |
| 18. Alter vs Khoja
M1-4015
Kenosha 92 CV 1183 | Jury found no negligence |
| 19. Yule vs Stenzel
M3-2101
Eau Claire 91 CV 0734 | Jury found no negligence |
| 20. Singstock vs Hanusa
M4-1816
Oneida 91 CV 0266 | Jury found no negligence |
| 21. Frank vs Atassi
M4-1753
Winnebago 92 CV 1274 | Jury found no negligence |
| 22. Krueger vs West
M4-4016
Outagamie 92 CV 1335 | Jury found no negligence |
| 23. Uygur vs Shapiro
M1-4115
Kenosha 93 CV 0131 | Jury found no negligence |
| 24. Wells vs Mt. Sinai
M1-1305
Milwaukee 90 CV 004439 | Jury found no negligence |
| 25. Jungwirth vs Ray
M3-1967
Wood 91 CV 1129 | Jury found no negligence |
| 26. Maliborski vs Flesch
M1-1977
Milwaukee 91 CV 016259 | Jury found no negligence |

27. Ortiz vs Ross
M1-2190
Racine 92 CV 2416
Jury found no negligence
28. Marthaler vs Cochrane
M1-2141
jefferson 92 CV 0441
Jury found no negligence
29. DeMichei vs Bartl
M1-4221
Waukesha 93 CV 0965
Jury found no negligence
30. Gralinski vs Gondi
M1-4072
Milwaukee 92 CV 015613
Jury found no negligence
31. Benentt vs Dean Medical Center
M2-1794
Dane 91 CV 3355
Jury found no negligence
32. Lacko vs Rietbrock
M1-2006
Waukesha 92 CV 1610
Jury found no negligence
33. Price vs Bolles
M1-1917
Dane 92 CV 0301
Jury found no negligence
34. Groom vs Musser
M2-1158
Dane 89 CV 6523
Jury found no negligence
35. Damron vs Rudat
M2-4132
Dane 93 CV 1995
Jury found no negligence
36. Klug vs Taylor
M2-2144
Marquette 92 CV 0181
Jury found no negligence
37. Gainer vs Koewler
M1-1988
Waukesha 92 CV 0887
Jury found no negligence

1993 MEDICAL MALPRACTICE VERDICTS

- | | |
|--|---|
| 1. Kraft v. Lam et al.
M1-1752
Ozaukee 91CV096 | Jury awarded \$1,136,000
(\$1,100,000 noneconomic) |
| 2. Talbert v. Bohac et al.
M3-2057
Washburn 92CV16 | Jury awarded \$1,003,000
(\$433,000 noneconomic) |
| 3. Staples v. Koeller
M3-1871
Bayfield 91CV109 | Jury awarded \$150,000 |
| 4. Derke v. Rudat
M2-1735
Dane 91CV0663 | Jury awarded \$83,000 |
| 5. Marsh v. Willett et al.
M4-1736
Green Lake 92CV071 | Jury awarded \$40,000 |
| 6. Sobkowiak v. Wiersma
M3-1898
LaCrosse 92CV452 | Jury awarded \$40,000 |
| 7. Budnik v. Horwitz
M1-1431
Milwaukee 90CV010571 | Jury awarded \$22,000 |
| 8. Johnson v. Kokemoor et al.
M3-1903
Chippewa 92CV170 | Jury found negligence
Damages not yet tried
Case is on appeal |
| 9. Goldstein v. Gimbel
M1-2081
Milwaukee 92CV004069 | Jury found no negligence |
| 10. Heinicke v. Solocek
M1-350
Milwaukee 755-252 | Jury found no negligence |
| 11. Geracie v. Brusky
M1-1458
Milwaukee 90CV006732 | Jury found no negligence |
| 12. Daniel v. Hodulik
M2-1247
Dane 90CV0608 | Jury found no negligence |

13. Mackelfresh v. Odland
M2-1779
Rock 91CV11188
Jury found no negligence
14. Ballmer v. Falk
M2-1556
Rock 91CV0138
Jury found no negligence
15. Smoczynski v. Roth
M1-1739
Dane 91CV2474
Jury found no negligence
16. Filley v. Vastola
M2-1747
Dane 91CV3359
Jury found no negligence
17. Gotautis v. St. Joseph's et al.
M3-1858
Chippewa 91CV259
Jury found no negligence
18. Johnson v. Becker
M1-1724
Milwaukee 91CV007730
Jury found no negligence
19. Boshell v. Fok et al.
M2-2077
Dane 92CV1209
Jury found no negligence
20. Lohr v. Sherkow et al.
M1-2175
Washington 92CV799
Jury found no negligence
21. Katzenberg v. Hearn
M1-1988
Walworth 91CV650
Jury found no negligence
22. Anton v. Stastny
M1-1624
Milwaukee 90CV016102
Jury found no negligence
23. Stanisch v. Harris et al.
M1-1707
Waukesha 90CV3287
Jury found no negligence
24. Simmons v. Akes
M1-1894
Milwaukee 91CV011249
Jury found no negligence
25. Kolodzinski v. Meyer
M1-1475
Milwaukee 90CV008051
Jury found no negligence

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|---|--------------------------|
| 26. Olin v. Jacobson
M1-1716
Milwaukee 90CV017004 | Jury found no negligence |
| 27. Jirik v. Thorstenson
M1-1214
Waukesha 89CV2005 | Jury found no negligence |
| 28. Peters v. Tector
M1-2005
Kenosha 92CV271 | Jury found no negligence |
| 29. Torres v. Mendivil
M1-4009
Kenosha 92CV1145 | Jury found no negligence |
| 30. Sheriff v. Arrellano et al.
M4-2036
Fond du Lac 92CV088 | Jury found no negligence |
| 31. Smith v. McBride
M4-1704
Fond du Lac 91CV021 | Jury found no negligence |
| 32. Robbins v. Ash
M1-1121
Milwaukee 89CV006968 | Jury found no negligence |
| 33. Prohaska v. Sargeant
M3-1874
Price 91CV062 | Jury found no negligence |
| 34. Benzschawel v. Casing
M3-1790
Eau Claire 92CV038 | Jury found no negligence |
| 35. Wosick v. Hinck
M3-1728
Polk 91CV262 | Jury found no negligence |
| 36. Rogers v. Koski
M3-1642
Douglas 91CV106 | Jury found no negligence |
| 37. Van Vreede v. Mich
M4-1855
Outagamie 91CV759 | Jury found no negligence |
| 38. Nowatske v. Osterloh
M4-1787
Winnebago 91CV499 | Jury found no negligence |

39. Oestreich v. Sheppard et al. Jury found no negligence
M3-1672
Clark 91CV06
40. Strait v. Rafter et al. Jury found no negligence
M1-1591
Monroe 90CV186
41. Charette v. Turkington et al. Jury found negligence but
M1-1242 no causation
Milwaukee 90CV001653

41 trials to verdict

33 defense verdicts (80%)

8 plaintiff verdicts (20%)

93-4

1992 MEDICAL MALPRACTICE VERDICTS

- | | |
|--|--|
| 1. Goss v. Ulrich et al
M3-1412
Chippewa 90CV258 | Jury awarded \$2,224,000
(\$1,305,000 noneconomic) |
| 2. Novak/Kartes v. Sharma
M1-1667
Milwaukee 91CV000068 | Jury awarded \$1,900,000
(Parties stipulated to
amount of damages) |
| 3. Marshall v. Schmalz et al.
M1-1302
Milwaukee 90CV004729 | Jury awarded \$432,000)
(\$315,000 noneconomic) |
| 4. Gorke v. Limjoco
M1-1470
Waukesha 90CV01430 | Jury awarded \$315,592
(\$250,000 noneconomic) |
| 5. Hennessy v. Heiseer et al.
M3-1598
St. Croix 91CV120 | Jury awarded \$312,000
(\$0 noneconomic) |
| 6. Pfister v. Somerville
M4-1306
Brown 90CV0539 | Jury awarded \$287,000 |
| 7. Jelinek v. Bellin Mem. Hosp.
M4-1676
Brown 91CV009 | Jury awarded \$200,000
(All noneconomic) |
| 8. Cabral v. Rotter
M1-1546
Milwaukee 90CV011131 | Jury awarded \$172,000
(\$160,000 noneconomic) |
| 9. Janson v. Pinkerton et al.
M4-1721
Marinette 91CV41 | Jury awarded \$61,888
(\$0 noneconomic) |
| 10. Kitchen v. Scott
M2-1321
Dane 90CV0061 | Jury awarded \$60,000 |
| 11. Esser v. Horswill
M2-819
Dane 89CV422 | Jury awarded \$55,000 |
| 12. DeCristofaro v. Limjoco
M4-1584
Waushara 91CV061 | Jury awarded \$36,000 |

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|---|---|
| 13. Bradley v. Berry
M2-1058
Dodge 89CV0136 | Jury awarded \$33,000 |
| 14. McGee v. Johnson et al.
M1-1373
Milwaukee 90CV002589 | Jury awarded \$26,000 |
| 15. Hoover v. Abadeer et al.
M3-1307
Marathon 89CV960 | Jury awarded \$23,300 |
| 16. Connor v. Associated Physicians
M4-1809
Fond du Lac 91CV568 | Jury found negligence but
no causation |
| 17. Miller v. Campbell
M2-1482
Dodge 90CV323 | Jury found no negligence |
| 18. Stinson v. Wenger
M2-1513
Dane 90CV4483 | Jury found no negligence |
| 19. Gregoriou v. Estrella et al.
M1-1317
Washington 90CV195 | Jury found no negligence |
| 20. Christenson v. Gutenberger
M1-1763
Milwaukee 91CV002755 | Jury found no negligence |
| 21. Molitor v. Engeler et al.
F2-1888
Dane 85CV5909 | Jury found no negligence |
| 22. Miller v. Kim et al.
M2-1581
Iowa 90CV138 | Jury found no negligence |
| 23. Ace v. Paster et al
M2-1627
Dane 90CV4823 | Jury found no negligence |
| 24. Rose v. Gundersen Clinic et al.
M3-1711
LaCrosse 91CV28 | Jury found no negligence |
| 25. Wood v. Martinelli
M1-1190
Waukesha 89CV1126 | Jury found no negligence |

26. Wall v. Monk et al. M1-1573 Waukesha 90CV2501	Jury found no negligence
27. Carstens v. St. Mary's Hospital M1-1725 Milwaukee 91CV001608	Jury found no negligence
28. Allen v. St. Luke's Med Center M1-1857 Milwaukee 91CV007745	Jury found no negligence
29. Gehrke v. Sinai Samaritan M1-1425 Milwaukee 90CV004727	Jury found no negligence
30. Brown v. Bodner et al. M1-1036 Milwaukee 89CV02236	Jury found no negligence
31. Deback v. White M1-1520 Waukesha 90CV3257	Jury found no negligence
32. Martin v. Daley M1-525 Milwaukee 005-111	Jury found no negligence
33. Helmers v. Unger M1-1218 Waukesha 90CV0173	Jury found no negligence
34. Trudeau v. Fortier M1-955 Racine 88CV2634	Jury found no negligence
35. Johnson v. Agoncillo M1-1734 Milwaukee 91CV002453	Jury found no negligence
36. Friedlein v. Kieser M3-1236 Iowa 90CV0073	Jury found no negligence
37. Rupert v. Kohn M1-539 Milwaukee 756-570	Jury found no negligence
38. Provo v. Landgraf M1-1499 Milwaukee 90CV009420	Jury found no negligence

39. Dahm v. Vondrak M1-1531 Washington 90CV455	Jury found no negligence
40. Kline v. Nishicka M4-1564 Federal Court?	Jury found no negligence
41. Lechner v. Ludwig M1-1637 Milwaukee 90CV016628	Jury found no negligence
42. Ede v. Walcott M1-1422 Milwaukee 90CV010304	Jury found no negligence
43. Kraus v. Langheim M1-1039 Dane 89CV2121 Dane 89CV6771	Jury found no negligence
44. Miner v. Gilman M1-1617 Milwaukee 90CV016146	Jury found no negligence
45. Heitpas v. Mayer M4-1615 Eau Claire 91CV0083	Jury found no negligence
46. O'Brien v. Lulloff M4-1443 Winnebago 90CV926	Jury found no negligence
47. Porter v. Lee et al. M3-1548 Marathon 90CV731	Jury found no negligence
48. Mackey v. Moore M3-1046 Ashland 90CV07	Jury found no negligence
49. Wertelusky v. Fergus et atl. M4-1543 Brown 91CV0421	Jury found no negligence
50. Barry v. Richardson et al. M2-1315 Richland 90CV108	Jury found no negligence
51. Borgen v. Al-Khatib M3-1497 Eau Claire 91CV214	Jury found no negligence

52. Miller v. Meves et al. M4-1590 Brown 90CV1413	Jury found no negligence
53. Jirikowic v. Egan et al. M4-1481 Waupaca 90CV182	Jury found no negligence
54. Clevers v. Mockert M1-1669 Sheboygan 90CV1150	Jury found no negligence
55. Torcaso v. St. Catherine's M1-1506 Kenosha 90CV0967	Jury found no negligence
56. Burgmeier v. Armstrong et al. M2-1697 Dane 91CV0092	Jury found no negligence
57. Bohn v. Campbell M2-1178 Columbia 89CV701	Jury found no negligence
58. Powers v. Guthrie M2-1508 Dane 90CV4678	Jury found no negligence
59. Kiedrowski v. Solfelt M3-1339 Trempeauleau 90CV004	Jury found no negligence
60. Steinberg v. Jensen M1-1678 Milwaukee 91CV000033	Jury found negligence but No Causation

60 Verdicts

15 Plaintiff Verdicts---25%

45 Defense Verdicts-----75%

1991 MEDICAL MALPRACTICE TRIALS

1. Bonk v. Albrecht et al.
M1-1143/M1-1395
Milwaukee 89CV000140
Jury awarded \$2,400,000
(\$700,000 noneconomic)
2. Castaneda v. Pederson et al.
M1-1229
Milwaukee 89CV004063
*Jury awarded \$2,000,000
(\$900,000 noneconomic)
R & R by WSC for new trial
on issue of damages
Jury awarded \$1,835,000
(\$430,000 noneconomic)
3. Mercer v. Quandt
F2-2928
Jefferson 86CV449
Jury awarded \$750,000
(\$325,000 noneconomic)
4. Wade v. Glazier
M4-1105
Waushara 89CV162
Jury awarded \$589,000
(\$425,000 noneconomic)
5. Martin v. Caskey
M4-1578
Waupaca 90CV317
Jury awarded \$539,000
(\$447,000 noneconomic)
6. Thormodsgard v. Lorenz et al.
M3-1198
Eau Claire 89CV453
Jury awarded \$504,000
(\$268,000 noneconomic)
7. Miller v. Farah et al
M3-911
St. Croix 88CV407
Jury awarded \$35,000
(\$30,000 noneconomic)
8. Wisotzke v. Simon et al.
M1-888
Milwaukee 88CV019395
Jury found no negligence
9. Poffenberger v. Kosseff et al.
M2-1062
Dane 89CV3902
Jury found no negligence
10. Lawless v. Koslov et al.
M2-1086
Dane 89CV2376
Jury found no negligence
11. Socha v. Plooser et al.
M2-1094
Adams 89CV41
Jury found no negligence
12. Cieslak v. Ihle et al.
M3-915
Eau Claire 89CV281
Jury found no negligence

13. Sommers v. Friedman
M2-1461
Dane 90CV2191
Jury found no negligence
14. Labiszak v. Hammer et al.
F1-1167
Milwaukee 669-758
Jury found no negligence
15. Artino v. Schmidt et al.
M1-1114
Milwaukee 89CV6787
Jury found no negligence
16. Kaczorek v. Owsiak et al.
M1-740
Milwaukee 88CV016491
Jury found no negligence
17. Batura v. Novacek et al.
M1-644
Waukesha 89CV1419
Jury found no negligence
18. Siegel v. Bauer et al.
M1-583
Milwaukee 003-938
Jury found no negligence
19. Bell v. Zupnik et al.
M1-385
Milwaukee 753-891
Jury found no negligence
20. Robinson v. West
M1-891
Outagamie 88CV01631
Jury found no negligence
21. Cymys v. Carlson et al.
M3-1085
Washburn 89CV54
Jury found no negligence
22. Roesler v. Miner et al.
M3-1444
LaCrosse 90CV687
Jury found no negligence
23. Schoneman v. Schoonhoven et al.
M4-1392
Outagamie 90CV946
Jury found no negligence
24. Kufahl v. Tanner
M3-748
Marathon 88CV302
Jury found no negligence
25. Ruby v. Rechseiner et al.
M3-1195
Washburn 89CV136
Jury found no negligence

26. Suring v. Siefert M4-1136 E.D. Federal Court	Jury found no negligence
27. Kuhnle v. Mercy Hospital et al. M2-394 Dane 87CV5808	Settled on 1st day of trial for \$1,500,000
28. Joshi v. Hubert M4-1012 Winnebago 89CV591	Settled during trial
29. DeSanctis v. Wilhelm et al. M3-1201 St. Croix 89CV401	Settled during trial
30. Steele v. Spooner et al. M2-1087 Rock 89CV203	Settled during trial
31. Meister v. St. Luke's Hospital M1-1177 Milwaukee 89CV009728	BENCH TRIAL Court awarded \$18,000
32. Knutson v. Edstrom M3-954 Eau Claire 90CV20	Jury awarded \$42,500 Court set aside verdict and ordered new trial

26 cases tried to verdict

8 juries found negligence (31%)

18 juries found no negligence (69%)

1990 Jury Trials

1. Ready v. Yapp
M1-344
Milwaukee 744-155
Jury awarded \$24,700,000
(Noneconomic: \$9,000,000)
2. Marcus v. St. Mary's Hospital
M1-463
Milwaukee 758-162
Jury awarded \$3,600,000
(Noneconomic: \$2,375,000)
3. Geier v. Torhorst et al.
M2-766
Dane 88CV2584
Jury awarded \$2,985,000
(Noneconomic: \$930,000)
4. Hoekman v. Moritz et al.
M2-929
Rock 88CV803
Jury awarded \$1,760,000
(Noneconomic: \$1,130,000)
5. Whitcomb v. Connolly et al.
M3-402
Polk 88CV396
Jury awarded \$44,500
6. Johnson v. Quenan
M3-1115
Sawyer 89CV173
Jury awarded \$18,000
7. Wiesner v. Bauer et al.
M1-628
Washington 88CV277
Jury awarded \$14,600
8. Fischer v. Ganju
F4-2992
Sheboygan 86CV550
Jury found no negligence
9. Cole v. Pellet
M2-747
Dane 88CV2094
Jury found no negligence
10. Ringelstetter v. Baker et al.
M2-1028
Sauk 89CV56
Jury found no negligence
11. Prochazka v. Frazer
M2-877
Rock 88CV707
Jury found no negligence
12. Butler v. Dahl
M3-966
Eau Claire 89CV199
Jury found no negligence
13. Allram v. Indianhead Medical Group
M3-457
Jury found no negligence

Barron 87CV412

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|---|--------------------------|
| 14. Westcott v. Mikkelson
M3-149 | Jury found no negligence |
| Marathon 86CV1004 | |
| 15. Burger v. St. Joseph's Hospital
M3-442
Marathon 87CV599 | Jury found no negligence |
| 16. Puchter v. Wadhwani
M1-423
Racine 87CV1501 | Jury found no negligence |
| 17. Dubinski v. Semler
M1-962
Milwaukee 88CV018904 | Jury found no negligence |
| 18. Setum v. Sondag
M1-1194
Milwaukee 89CV010805 | Jury found no negligence |
| 19. Schuster v. Altenberg
F1-2881
Racine 86CV1327 | Jury found no negligence |
| 20. Schierow v. Bruno
M1-785
Milwaukee 88CV009698 | Jury found no negligence |
| 21. Finkler v. Janowak
F1-1548
Milwaukee 755-729 | Jury found no negligence |
| 22. Schanen v. Nord
M1-374
Milwaukee 745-846 | Jury found no negligence |
| 23. Vaughan v. St. Luke's Hospital
M1-1107
Milwaukee 89CV006232 | Jury found no negligence |
| 24. Oswald v. Delahunt
M1-823
Waukesha 88CV2123 | Jury found no negligence |
| 25. Iorio v. Friedman
F1-2653
Waukesha 86CV2025 | Jury found no negligence |
| 26. Peterson v. Carlson et al.
M3-406
Douglas 87CV274 | Jury found no negligence |

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|---|---|
| 27. Thies v. Sullivan
M3-999
Vernon 89CV11 | Jury found no negligence |
| 28. DeRoo v. Quinn et al.
F4-2373
Sheboygan 86CV579 | Jury found no negligence |
| 29. Krouth v. Manabat
M4-858
Brown 89CV356 | Jury found negligence but
no causation |

29 Jury Verdicts

7 Plaintiffs' Verdicts	(24%)
22 Defense Verdicts	(76%)

Additional Cases:

Martin v. Hansen M2-734 Jefferson 88CV465	Jury awarded \$4,985,000 Verdict set aside by judge
Penrod v. St. Catherine's Hosp. M1-640 Kenosha 89CV53	Bench trial Court awarded \$26,000
Mallow v. Angove et al. F1-2187 Waukesha 86CV2039	Jury found no negligence R & R for new trial Settled before 2nd trial

1989 Jury Trials

1. M.L. v. Strelnick
M2-470
Dane 87CV3730
Jury awarded \$1,135,000
Reduced by Court of Appeals
to \$750,000
2. Wiegman v. Bechtel
F4-1930
Brown 86CV1935
Jury awarded \$485,000
3. Leuzinger v. Berk
F1-2471
Milwaukee 680-162
Jury awarded \$1,425,000
4. Lippert v. Mayersak et al.
F3-2429
Waushara 86CV125
Jury awarded \$288,000
5. Nettesheim v. Falecki
M1-158
Waukesha 86CV2971
Jury awarded \$1,680,000
6. Bohl v. Evangelista
M4-555
Outagamie 87CV1321
Jury awarded \$11,622
7. Davis v. Sirin
M1-479
Milwaukee 752-075
Jury awarded \$27,000
8. Islami v. Children's Hospital
M1-548
Milwaukee 757-068
Jury awarded \$7,500
9. Anderson v. Garber
F3-3015
Trempeleau 86CV208
Jury awarded \$90,000
10. Wojciechowski v. Margolis et al.
M1-172
Milwaukee 741-167
Jury awarded \$450,000
11. Steinke v. Reid et al.
M3-716
Eau Claire 88CV450
Jury awarded \$162,000
12. Parisi v. Anderson
F2-2352
Dane 86CV4007
Jury found no negligence
13. Aller v. Carlisle

LaCrosse 86CV626
Jury found no negligence

14. Waller v. Hartlaub et al. Jury found no negligence
M2-878
Rock 88CV176
15. Pophal v. Siverhus et al. Jury found no negligence
F2-2529
Rock 86CV529
16. Rotta v. Mateo et al. Jury found no negligence
M1-449
Milwaukee 760-889
17. Mallon v. Hansell et al. Jury found no negligence
M2-439
Columbia 88CV55
18. Riemer v. Zelinski Jury found no negligence
M4-727
Vilas 88CV46
19. Long v. Cushman Jury found no negligence
F1-2203
Milwaukee
20. Lakomski v. McNamara et al. Jury found no negligence
M1-495
Milwaukee 752-642
21. Gunderson v. Narotzky Jury found no negligence
M3-926
Eau Claire 88CV647
22. Czarniak v. Klehm Jury found no negligence
F1-2676
Milwaukee 711-762
23. Wiley v. Thomas et al. Jury found no negligence
M1-286
Milwaukee 740-439
24. Brown v. Blatnik Jury verdict for defense
M1-358
Milwaukee 745-052
25. Giacoletto v. LaBissoniere et al. Jury found no negligence
M1-576
Milwaukee 009-311
26. Lundy v. Urlakis et al. Jury found no negligence
M1-691
Milwaukee 003-578

- | | |
|--|---------------------------------|
| <p>27. R.R. v. Chintamaneni
M1-382
Milwaukee 755-042</p> | <p>Jury found no negligence</p> |
| <p>28. Magill v. Harstad
M1-614
Waukesha 87CV3780</p> | <p>Jury found no negligence</p> |
| <p>29. Westphal v. Comm. Mem. Hospital
M4-574
Oconto 87CV288</p> | <p>Jury found no negligence</p> |
| <p>30. Rupp v. Kantammeni
M2-568
Grant 87CV594</p> | <p>Jury found no negligence</p> |
| <p>31. Meyer v. Sieverhus et al.
M2-218
Dane 87CV2118</p> | <p>Jury found no negligence</p> |
| <p>32. Robinson v. Abadeer et al.
M4-455
Langlade 87CV171</p> | <p>Jury found no negligence</p> |

Total Jury Verdicts:	32	
Plaintiffs':	11	(33%)
Defense:	21	(67%)

Additional Cases:

<p>Elam v. Gecht M1-1102 Milwaukee 89CV5362</p>	<p>Directed verdict for defense</p>
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Medical Malpractice Costs Have Decreased as a Percentage of Health Care Costs in Wisconsin

Year	Medical Malpractice Direct Premiums Earned (000s omitted)			Total Health Care Expenditures in Wisconsin (000s omitted)**	Medical Malpractice as a Percentage of Health Care Costs
	Private Insurers (OCI)*	Pat. Comp. Fund*	Insurers & Fund		
2002	\$78,324	\$29,544	\$107,868	\$26,809,000	.402%
2001	\$66,841	\$36,807	\$103,648	\$24,705,000	.419%
2000	\$58,824	\$47,879	\$106,703	\$22,728,000	.469%
1999	\$60,291	\$50,622	\$110,913	\$21,162,000	.524%
1998	\$61,346	\$49,885	\$111,231	\$19,945,000	.557%
1997	\$63,596	\$58,271	\$121,867	\$18,738,000	.650%
1996	\$65,102	\$51,049	\$116,151	\$17,738,000	.654%
1995	\$70,344	\$55,506	\$125,850	\$16,739,000	.751%
1994	\$71,439	\$51,213	\$122,652	\$14,745,808	.831%
1993	\$75,001	\$51,213	\$126,214	\$13,977,069	.903%
1992	\$73,298	\$45,606	\$118,904	\$13,386,479	.888%
1991	\$73,177	\$42,350	\$115,527	\$12,476,000	.925%
1990	\$74,159	\$43,937	\$118,096	\$11,441,000	1.03%
1989	\$74,900	\$43,161	\$118,061	\$9,961,000	1.18%
1988	\$65,275	\$37,970	\$103,245	\$8,984,000	1.14%
1987	\$49,138	\$33,643	\$82,781	\$8,161,000	1.01%

*From the Wisconsin Insurance Report, Office of the Commissioner of Insurance, years 1987-2002.

** U.S. Census Bureau, STATISTICAL ABSTRACT OF THE UNITED STATES: 2003. pages 104 & 107. Years 1991-1994 are estimated based on annual percent changes. Years 1999-2002 are also estimated based on annual percent changes of 6.1% in 1999, 7.4% in 2000 and 8.7% in 2001. Year 2002 is estimated based on a projected rate of increase of 8.6%.

Medical malpractice costs as a percentage of health care expenditures has decreased in Wisconsin from .4 percent of health care expenditures in 2002 compared to 1987 when the malpractice costs were just over 1.0 percent of health care expenditures.

THE MEDICAL PROTECTIVE COMPANY

TEXAS

PHYSICIANS AND SURGEONS

ACTUARIAL TORT REFORM MEMORANDUM

This memo explains our position in reducing our rates to reflect the potential impact of HB 4, effective on September 1, 2003, and Proposition 12, passed by the Texas Electorate on September 13, 2003. Exhibit I displays our rate need in the state of Texas of 27% for occurrence and 41% for claims made. These indications have been reduced by 6.5% to reflect potential savings from tort reform.

As outlined in a letter dated September 24, 2003, from Philip O. Presley, Chief Actuary, we quantified the impact that the three provisions in this letter would have on our rates.

- **Reduction in the interest rate to measure pre- and post-judgment interest (Article 6).**

We have no data to calculate the impact of this provision. We believe that adjustment of the interest rates in pre- and post-judgment constitute an insignificant effect on our overall book.

- **Limitations on non-economic damages (Article 10, Subchapter G).**

Non-economic damages are a small percentage of total losses paid. Capping non-economic damages will show loss savings of 1.0%. Please refer to Tort Reform Exhibit A.

- **Periodic payment of future damages in cases where the present value of future damages exceeds \$100,000 (Article 10, Subchapter K).**

This provision does not apply to damages already incurred and is a function of total damages paid and policy limits. Tort Reform Exhibit B illustrates that the estimated loss savings from this provision will be 1.1%.

Adding the three pieces gives us less than 3% in estimated savings in losses. When applied to premium rates, the savings will be even less. There are additional considerations as to why the potential impact of tort reform may be less than anticipated:

- 1 We write policy limits lower than some other companies. Therefore, our potential savings will be less.

Frequency has risen significantly this year. It will be at least a couple of years before we can tell how much can be attributed to filings to beat the September deadline and how much is a true increase in frequency.

- 3 The savings estimated by the 1996 Tort Reform did not materialize completely.
- 4 With big dollars at stake, plaintiff attorneys will find ways to shift costs from non-economic to economic damages.
5. It is unknown how the judicial system will react to the provisions. Medical malpractice victims with serious injuries who will be receiving less non-economic damages than before may be looked upon very favorably by juries and/or judges.
6. There may be "cap-busters." For example, in Jenkins v. Patel, Michigan Court of Appeals, 4/1/2003, it was ruled that the cap on non-economic damages does not apply to wrongful death cases.

The most significant reason for no further reduction is the uncertainty. Potential savings will not be seen for at least a couple of years. If these savings do not materialize we will have provided valuable services to physicians in Texas at inadequate rates. So we can continue our service we cannot reduce our rates more than 6.5%. In fact, because we are reducing our rates before savings can materialize we are putting ourselves at risk with possible inadequate rates. We view the 6.5% decrease in our indication as an act of faith with the Department and reflects a middle ground between the company's view of the impact of tort reform and the expected tort reform savings reflected in other estimates.

Each year we reevaluate our book, and fewer or greater savings will materialize in our data. We can then reflect any difference in future rate changes.

The Medical Protective Company

Tort Reform Exhibit A
\$250,000 Cap (Secure)

To estimate savings on a \$250,000 cap on non-economic damages for 2004, we stratified our losses into different layers. The losses are then projected to the year 2004. We then estimated what portion in each layer would be considered non-economic damages. The losses eliminated were calculated by subtracting \$250,000 from column (2) and dividing by the midpoint of the payment range.

<u>Payments</u>	(1) <u>% of Projected Losses in Layer</u>	(2) <u>Losses Estimated to be Non-Economic</u>	(3) <u>% Eliminated by \$250,000 Cap</u>	(4) <u>(1) x (3)</u>
1-\$100,000	10.0%	0	0.0%	0.0%
\$100,001-\$200,000	14.9%	0	0.0%	0.0%
\$200,001-\$500,000	36.6%	0	0.0%	0.0%
\$500,001-\$750,000	24.1%	100,000	0.0%	0.0%
\$750,001-\$1,000,000	8.4%	280,000	3.4%	0.3%
Over \$1,000,000	6.0%	400,000	12.5%	0.8%
Estimated Loss Savings				1.0%

The Medical Protective Company

Tort Reform Exhibit B
 Periodic Payments of Future Damages

To estimate savings on structured payments for 2004, we stratified our losses into different layers. The losses are trended to the year 2004. We then estimated the proportion of each layer would be paid in a lump sum. The remainder of each layer would be the part eligible for a structured payment.

Payments	(1) % of Projected Losses in Layer	(2) % of Losses Paid as Cost to Date	(3) % of Losses Paid for Future Benefits 1.0 - (2)	(4) (1) x (3)
1-\$100,000	10.0%	100%	0%	0.0%
\$100,001-\$200,000	14.9%	95%	5%	0.7%
\$200,001-\$500,000	36.6%	75%	25%	9.2%
\$500,001-\$750,000	24.1%	50%	50%	12.1%
\$750,001-\$1,000,000	8.4%	35%	65%	5.5%
Over \$1,000,000	6.0%	20%	80%	4.8%
Total				32.2%

Using a sample of our own data, 93% of our losses are paid outside of court verdicts. These amounts would not be subject to the law and would not be subject to the structured payments provision:

If we assume that the proportion of cases that resolve outside verdict decreases to 85%, the remainder subject to structured settlements would be approximately:

$$32.2\% \times (1.0 - 85\%) = 4.83\%$$

Discounting future payments at 5% over an average 10 year period, the savings on the future benefits is 22.8%. Therefore, the savings for losses for 2004 are estimated to be $4.83\% \times 22.8\% = 1.1\%$.



Medical Malpractice Caps

**The Impact of Non-Economic Damage Caps on
Physician Premiums, Claims Payout Levels,
and Availability of Coverage**

by

**Martin D. Weiss, Ph.D.
Melissa Gannon
Stephanie Eakins**

Weiss Ratings, Inc.

June 2, 2003
(Revised)

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