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March 21, 2022

To:

Hon. Jacob B. Frost
Circuit Court Judge
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You are hereby notified that the Court has entered the following order:

No. 2021AP908

Clarke v. SSM Health Care Corp. L.C. #2019CV1630

On September 8, 2021, a petition for bypass was filed on behalf of defendants-respondents-cross-appellants, SSM Health Care Corporation, and Dean Clinic & St. Mary's Hospital Accountable Org., LLC, and Diversified Medical Record Services, Inc. (collectively, the "Defendants). A response to the petition was filed by plaintiff-appellant-cross-respondent, Brittany Clarke. Pursuant to this court's order of January 11, 2022, the parties have subsequently filed legal memoranda discussing the impact, if any, of Townsend v. ChartSwap, LLC, 2021 WI 86, ___ Wis. 2d ___, 967 N.W.2d 21, on the issues in this appeal. In addition, Clarke has filed a motion to dismiss Diversified Medical Records Services, Inc. (Diversified) from her appeal and from Diversified's cross-appeal. Diversified has filed a motion for leave to file a response to Clarke's motion to dismiss. The court having considered all of the filings,

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IT IS ORDERED that the motion of Diversified for leave to file a response to the motion to dismiss is granted, and the response to the motion to dismiss is accepted for filing; and

IT IS FURTHER ORDERED that the petition for bypass is denied, without costs; and,

IT IS FURTHER ORDERED that the motion of Clarke to dismiss Diversified from her appeal and from Diversified's cross-appeal is transferred to the court of appeals.

ANN WALSH BRADLEY and REBECCA GRASSL BRADLEY, J.J., dissent as to the denial of the petition to bypass.

Sheila T. Reiff
Clerk of Supreme Court