



## OFFICE OF THE CLERK

## Supreme Court of Wisconsin

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October 14, 2009

To:

Hon. Jean W. DiMotto  
Milwaukee County Circuit Court Judge  
901 N. 9th St., #401  
Milwaukee, WI 53233-1425

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\*Additional Parties Listed on Pages 2 & 3

You are hereby notified that the Court has entered the following order:

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No. 2007AP1868

Johnson Controls, Inc. v. London Market L.C.# 1989CV16174

The court having considered the motion of AIU Insurance Company, American Home Assurance Company, Granite State Insurance Company, Landmark Insurance Company, and National Union Fire Insurance Company of Pittsburg, PA (collectively, the movants) for leave to intervene on review in this court, or, in the alternative, for reconsideration of the June 17, 2009, order denying leave to file non-party brief *amicus curiae*, as well as the opposition of plaintiff-respondent Johnson Controls, Inc. (JCI);

IT IS ORDERED that, on or before October 26, 2009, the movants shall file a supplemental memorandum addressing the following issues with respect to the motion for intervention:

1. The motion for intervention contains the following assertion: "In particular, movants satisfy Wis. Stat. § 803.09(2): their defenses in this significant

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insurance action and those of London Market 'have a question of law or fact in common.' Of this there can be no serious question, for movants are parties to certain insurance policies with plaintiff JCI that contain language and duties similar to those in the policies between JCI and London Market." What are the specific bases for this assertion?

2. Should the fact that the movants did not request to participate in the appeal while the case was pending in the court of appeals, either by means of intervention or by means of a non-party brief, be considered by the court in deciding the motion here?

IT IS FURTHER ORDERED that the motion for reconsideration is denied.

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David R. Schanker  
Clerk of Supreme Court

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