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JUN 13 2008

June 13, 2008

By Messenger

The Honorable Thomas Wexler
Hennepin County Government Center
300 South Sixth Street
Room 1531
Mpls, MN 55487

Re: SUMA MRI
Vs: Allstate Insurance Co
Court File No. 27-CV-08-4298

Dear Judge Wexler:

I received a call Monday from your clerk who asked if this case could be set for trial during your next civil block in July. I told her I planned to meet with my client yesterday to prepare answers to the discovery you had ordered, and I would contact you with my client's response today. My client is willing to try this case next month. Plaintiff had asked for a court trial, which we believe would be the most efficient means of disposing of this matter.

In order to fully prepare the case for trial my client needs clarification about the issue(s) to be tried. In particular, my client seeks a clarification of paragraph #27 of your order that states the Plaintiff's activities are prohibited by the corporate practice of medicine. I'll briefly state my reasons for requesting this clarification before trial.

The Plaintiff sued the Defendant for services rendered pursuant to a no-fault contract. The Plaintiff served discovery requesting information about experts the Defendant planned to call to testify on the issue of the reasonableness and necessity of the Plaintiff's services. The discovery was deemed continuing and the Defendant has not identified any expert(s), nor has it provided copies of any written expert opinions on this issue to date. (See Defendant's Answer to Interrogatories #12 and Response to Request for Production of Documents #3-9 attached). So the issue of the reasonableness of the services would require only one witness as to the actual service provided and the charge for it.

The Defendant had also raised other issues in its Answer that had nothing to do with the no-fault contract. Some of the allegations concern non-parties and lawsuits in other

JUN 13 2008

jurisdictions that I believe you have already deemed irrelevant. But the issue of the corporate practice of medicine was raised in Defendant's Answer and is relevant.

At this time the Plaintiff does not intend to present evidence challenging your ruling that it is subject to the corporate practice doctrine. The Plaintiff does intend to present evidence of its compliance with that doctrine to rebut the allegations in the Defendant's Answer. But after reading your order we are unable to ascertain how the Plaintiff violated this doctrine, so we are unsure what evidence to present on this issue. That is why Plaintiff seeks this clarification.

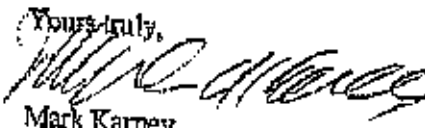
The *Isley* and *Granger* cases cited in your order both involved lay persons engaged in what was determined to be healing arts. The corporate practice doctrine prohibits lay people from engaging in activities that require a professional license. However, the Plaintiff is solely owned by a chiropractor licensed in Minnesota. Dr. Yochum was retained to read the scan and he is also a licensed chiropractor in Minnesota. The corporate practice doctrine does not prevent chiropractors from engaging in a professional association, nor does their professional board prevent them from operating a digital imaging facility.

Your order does not specifically state what practice(s) of the Plaintiff you deemed to violate the corporate practice doctrine. So the Plaintiff needs to why you determined it violated this doctrine, so we can prepare and present evidence on that issue.

Also, be advised my client does intend to have the answers to discovery you ordered served upon the Defendant no later than next Wednesday, so Plaintiff's discovery will be complete in advance of the July trial date.

Thank you for your consideration in this matter.

Yours truly,


Mark Karney

MAK/kr

cc: Christopher Drake (Via Facsimile and U.S. Mail)

STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT

JUDGE THOMAS W. WEXLER
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June 24, 2008

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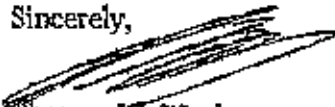
RE: SUMA MRI, Inc. v. Allstate Ins. Co., 27-CV-08-4290

Dear Mr. Karney:

I received your letter dated June 13, 2008. You do not have to present evidence about whether your client is operating in violation of the corporate practice of medicine doctrine. I have already determined that they are in violation of that doctrine.

Thus, it seems to me that the issues to be addressed in your case-in-chief are two: (1) a presentation of evidence showing the efforts your client made to comply with what your client understood the law to require to organize and set up his businesses, and (2) your client's evidence concerning the reasonableness and necessity of the services that were provided. Thereafter, it seems to me, it falls to Defendant to prove a knowing and intentional failure to abide by state and local law, and that the services were not reasonable and necessary.

Sincerely,



Thomas W. Wexler

Cc: Richard Stempel, Esq.