

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LYNN L. MATTILA and
ROBERT MATTILA,

Plaintiffs,

v.

INJURED PATIENTS AND FAMILIES
COMPENSATION FUND and
MARSHFIELD CLINIC,

Defendants,

and

UNITED HEALTHCARE INSURANCE
COMPANY,

Nominal Defendant.

MEMORANDUM

07-C-50-C

In an order dated October 12, 2007, I directed plaintiff to advise the court no later than October 26, 2007, where defendant Marshfield Clinic's principal place of business is and what the citizenship is of "nominal defendant" United Healthcare Insurance Company. In addition, I noted that if the citizenship of United Healthcare Insurance Company would destroy diversity jurisdiction if it were to be aligned with the plaintiffs, then plaintiffs should

address the question whether its present designation of United Healthcare as a nominal defendant is proper. Now plaintiffs have submitted affidavits that satisfy me that diversity jurisdiction exists and that, whether United Heathcare is aligned with the plaintiffs or remains a nominal defendant, its citizenship does not destroy jurisdiction under the diversity statute. Therefore, the action will proceed as outlined in the magistrate judge's March 22, 2007 preliminary pretrial conference order and I will set aside the question whether United Heathcare's alignment requires alteration unless it is raised by any party at some future time.

Entered this 26th day of October, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge