

CASE NO. A111719  
STATE OF MINNESOTA  
IN COURT OF APPEALS

OFFICE OF  
APPELLATE COURTS  
DEC 23 2011  
FILED

Kari Renswick

vs.

Jason Wenzel

APPELLANT'S BRIEF IN RESPONSE TO THE BRIEF OF *AMICUS CURIAE*  
THE MINNESOTA ASSOCIATION FOR JUSTICE

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## MEMORANDUM OF LAW

Appellant Jason Wenzel (hereinafter “Wenzel”) submits this reply memorandum to the Brief of *Amicus Curiae* The Minnesota Association for Justice. Wenzel respectfully directs the Court to the appellate briefing in Johnson v. Mid-American Auction Co., Inc., Appellate Court Case No. A11-301, wherein the Minnesota Association for Justice filed an *amicus* brief on the issue of whether Medicare discounts are collateral sources. The Minnesota Defense Lawyers Association (“MDLA”) also filed an *amicus* brief on this issue in Johnson. A true and correct copy of the MDLA’s *amicus* brief is attached hereto as “Exhibit A”.

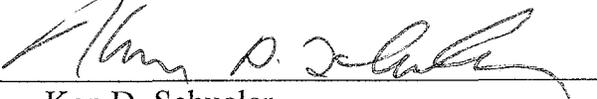
The *amicus* brief filed by the Minnesota Association of Justice in this case is the same brief it filed in Johnson. The MDLA’s *amicus* brief in Johnson addresses the Minnesota Association for Justice’s arguments and is equally applicable here. Wenzel therefore adopts the MDLA’s *amicus* arguments and reasoning to support his contention the trial court erred in awarding Respondent Kari Wenzel damages for Medicare negotiated discounts and in finding Medicare payments are a Social Security benefit excluded as a collateral source. (Exh. A.)

**CONCLUSION**

Based upon the prior briefs submitted and Exhibit A attached hereto, Appellant Jason Wenzel respectfully requests the Court grant his requested relief.

Dated: December 21, 2011.

DUNLAP AND SEEGER, P.A.

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