

KENNETH PLANTS,

Petitioner,

Case No.: 10-CV-011-212

v.

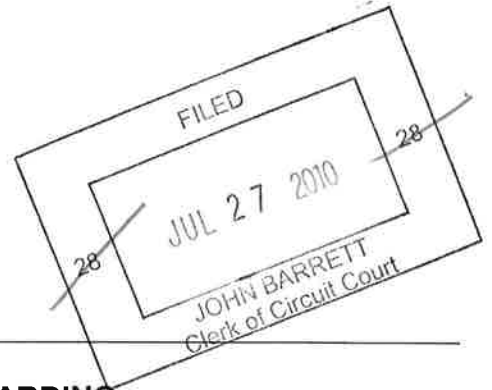
Hon. Thomas R. Cooper

GENE MUSSER, M.D., Chairman of the Wisconsin  
Medical Examining Board;

and

KELLEY SANKBEIL, Consumer Protection  
Investigator, Division of Enforcement,

Respondents.



**ORDER TO SHOW CAUSE REGARDING  
TEMPORARY WRIT OF MANDAMUS**

Based upon the Petition for Writ of Mandamus heretofore filed on July 8,  
2010, it is ordered:

1) That the defendant Kelly Sankbiel appear before this Court on the 13<sup>th</sup> day  
of August, 2010 at 10:30 A.M. to show cause why she should not:

- A) Provide the Court and the attorney for the petitioner herein with a copy of any report that, whether tentative or completed, which has or has not been delivered as of the date of service of this Order to the Medical Examining Board regarding investigation of the conduct of Dr. Cully White forthwith, within the time period to be ordered by the Court
- B) If no report has been completed in regard to the subject matter of this Writ, why said Kelly Sankbiel should not be ordered to provide a written report to the attorney for the petitioner, clearly and accurately, and with reasonable detail describing what has been done to the date of service of this Writ, in regard to the investigation of the conduct of Dr. Cully White as referred to in the Petition hereto attached, within the time period to be ordered by the Court.

- C) Kelly Sankbiel is ordered to appear on the 13th day of August, 2010 at 10:30 A.M. before this Court to give testimony as may be required regarding the substance of the Order to Show Cause and the Petition for Writ of Mandamus in the herein case.
- D) In response to subdivisions A), B) and C) hereinabove, if any privileges either statutory or otherwise are asserted, a statement of the same shall be provided to the Court and counsel for the Petitioner no less than 5 days for the date set for hearing hereinbelow..

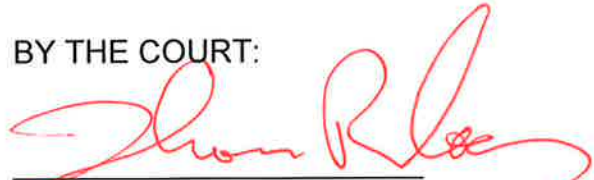
2) Dr. Gene Musser, Chairman of the Wisconsin Medical Examining Board, is ordered to appear before this Court on August 13, 2010 at 10:30 A.M. prepared to respond to the hereto attached Petition and to provide the Court with full and complete information, with specificity, and to give testimony if the Court so requires, as to:

- A) A history of the conduct of the Wisconsin Medical Examining Board regarding the handling of the National Practitioner's Databank referral of the complaint regarding Dr. Cully White, including specific information concerning precisely what the Medical Examining Board has done to discharge its statutory duties.
- B) The details of the investigation by the Medical Examining Board, with specificity, as to what the Board has done to the date of the hearing hereinabove, and further, as to what it proposes to do, both in the discharge of statutory obligations regarding the substance of this case and how the Board proposes to discharge its statutory obligations in regard to this case.
- C) Information regarding whether in its investigation of the conduct of Dr. Cully White in the instant case, it has examined all or any portion of any peer review done by St. Luke's Hospital, or any other entity whatsoever, regarding Dr. Cully White's care of Kenneth Plants. If not, why not.

- D) What additional work the Board asserts it must do before completion of its investigation of the charges against Dr. White, and when and how it proposes to have said things done, and its duties as a review board met.
- E) To present evidence, if any, he has as to why the court should not issue a Writ of Mandamus in this case.

DATE: 7-23-10

BY THE COURT:



Hon. Thomas R. Cooper

