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DISTRICT IV

December 7, 2017

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

2016AP2429

Dane Radebaugh v. Wausau Underwriters Insurance Company
p/k/a Liberty Mutual Insurance Company (L.C. # 2014CV126)

Before Lundsten, P.J., Kloppenburg and Fitzpatrick, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Roger Burrow appeals the circuit court's judgment holding that Wausau Underwriters Insurance Company and Employers Insurance Company of Wausau have no duty to defend or indemnify him because he was an independent contractor rather than an employee of Lake Mills School District. We conclude in *Radebaugh v. Wausau Underwriters Insurance Company*, No. 16AP2357, unpublished slip op. (WI App Dec. 7, 2017), issued this same date, that Burrow is shielded from liability under the contact sports immunity statute, WIS. STAT. § 895.525(4m) (2015-16)¹ and the parties agree that upon our affirmance in the companion appeal, this appeal is moot. We summarily dismiss this appeal. WIS. STAT. RULE 809.21(1). Therefore,

IT IS ORDERED that the appeal is summarily dismissed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that no costs are allowed in this appeal.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals

¹ All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.