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R. O. No. 110 - 21 - 22. By City Clerk. December 20, 2021.

Submitting a Summons and Complaint in the matter of Kevin L. Siehr et al vs. American Family Insurance Company et al.

FHP

CITY CLERK

12-15-21
1405

FILED

11-04-2021

Clerk of Circuit Court
Manitowoc County, WI
2021CV000436

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC

Kevin L. Siehr et al vs. American Family Insurance
Company et alElectronic Filing
Notice

Case No. 2021CV000436

Class Code: Personal Injury/Automobile

DEC 15 '21 PM 2:47

CITY OF SHEBOYGAN GROUP BENEFIT PLAN
SUITE 204
828 CENTER AVENUE
SHEBOYGAN WI 53081

Case number 2021CV000436 was electronically filed with/converted by the Manitowoc County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 142234

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-683-4030.

Manitowoc County Circuit Court
Date: November 4, 2021

FILED
11-04-2021
Clerk of Circuit Court
Manitowoc County, WI
2021CV000436

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

KEVIN L. SIEHR,
525 Randolph Street
Mishicot, WI 54228,

Plaintiff,

and

CITY OF SHEBOYGAN GROUP BENEFIT PLAN,
A Domestic Corporation
828 Center Avenue, Suite 204
Sheboygan, Wisconsin 53081
Registered Agent: Susan Richards, City Clerk
828 Center Avenue, Suite 205
Sheboygan, Wisconsin 53081,

ERIE INSURANCE EXCHANGE,
A Foreign Corporation
100 Erie Insurance Place
Erie, Pennsylvania 16530
Registered Agent: Kemmy Stickney
20300 Watertower Boulevard, Suite 230
Brookfield, Wisconsin 53045,

Involuntary Plaintiffs,

vs.

AMERICAN FAMILY INSURANCE COMPANY,
A Domestic Corporation
6000 American Parkway
Madison, Wisconsin 53783
Registered Agent: Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, Wisconsin 53717,

STEVEN A. BARTA,
5616 Two Creeks Road
Two Rivers, WI 54241,

Defendants.

Case No: _____
Case Code No: 30101
Amount Claimed is
Greater Than \$10,000.00

SUMMONS

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT

YOU ARE HEREBY NOTIFIED that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint which is attached states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Circuit Court for Manitowoc County whose address is 1010 South 8th Street, 1st Floor, Room 105, Manitowoc, WI 54220, and to the Plaintiff's attorney, Gruber Law Offices, LLC, by Attorneys Eric M. Knobloch and Connor C. Stengel, whose address is 100 East Wisconsin Avenue, Suite 2800, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant Judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A Judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 4th day of November 2021.

GRUBER LAW OFFICES, LLC
Attorneys for Plaintiff

By: /s/Eric M. Knobloch
Eric M. Knobloch
State Bar No.: 1064347

Email: emk@gruber-law.com

Connor C. Stengel

State Bar No.: 1117700

Email: connor.stengel@gruber-law.com

POST OFFICE ADDRESS:

100 East Wisconsin Avenue

Suite 2800

Milwaukee, Wisconsin 53202

Telephone: 414-276-6666

STATE OF WISCONSINCIRCUIT COURTMANITOWOC COUNTY

KEVIN L. SIEHR,
525 Randolph Street
Mishicot, WI 54228,

Plaintiff,

and

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STEVEN A. BARTA,
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Two Rivers, WI 54241,

Defendants.

COMPLAINT

Case No: _____

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Amount Claimed is

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NOW COMES the Plaintiff, KEVIN L. SIEHR, by and through his attorneys, GRUBER LAW OFFICES, LLC, by Attorneys Eric M. Knobloch and Connor C. Stengel, and alleges as follows:

THE PARTIES

1. That the Plaintiff, KEVIN L. SIEHR, is an adult individual residing at 525 Randolph Street, in the City of Mishicot, County of Manitowoc, State of Wisconsin 54228.

2. That the Involuntary Plaintiff, CITY OF SHEBOYGAN GROUP BENEFIT PLAN, is a domestic corporation organized and existing under the laws of the State of Wisconsin, whose main place of business is 828 Center Avenue, Suite 204, in the City and County of Sheboygan, State of Wisconsin 53081, that the registered agent for Involuntary Plaintiff, CITY OF SHEBOYGAN GROUP BENEFIT PLAN, located at the same address is Susan Richards, City Clerk; and at all times material herein was a self-funded ERISA plan providing monies for health care services provided to the Plaintiff, KEVIN L. SIEHR, as a result of the injuries said Plaintiff sustained in the accident which is the subject of this lawsuit. The Plaintiff, KEVIN L. SIEHR, alleges doubt as to whether Involuntary Plaintiff, CITY OF SHEBOYGAN GROUP BENEFIT PLAN, is truly subrogated or interested in this action, but that said Involuntary Plaintiff is joined as a party for the purpose of complying with the provisions of § 803.03 Wis. Stats.

3. That the Defendant, AMERICAN FAMILY INSURANCE COMPANY, is upon information and belief a domestic corporation organized and existing under the laws of the State of Wisconsin, whose main place of business is located at 6000 American Parkway, in the City of Madison, County of Dane, State of Wisconsin 53783, and whose registered agent for the purpose of service of process is Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717; that upon information and belief, the Defendant, AMERICAN

FAMILY INSURANCE COMPANY, was at all times material herein the liability insurance carrier of the Defendant, STEVEN A. BARTA, pursuant to § 803.04(2), Wis. Stats., and is a proper party Defendant by reason of the terms of its policy and the laws of the State of Wisconsin.

4. That the Defendant, STEVEN A. BARTA, is upon information and belief an adult individual whose last known address is 5616 Two Creeks Road, Two Rivers, Wisconsin 54241.

5. That the Involuntary Plaintiff, ERIE INSURANCE EXCHANGE, is upon information and belief, a foreign corporation organized and existing under the laws of the State of Pennsylvania, with its principal offices located at 100 Erie Insurance Place, Erie, Pennsylvania 16530, and whose registered agent for the purpose of service of process is Kemmy Stickney, located at 20300 Watertown Boulevard, Suite 230, Brookfield, Wisconsin 53045; that at all times material herein the Involuntary Plaintiff, ERIE INSURANCE EXCHANGE, was the automobile insurance carrier of Plaintiff, KEVIN L. SIEHR, pursuant to § 803.04(2), Wis. Stats., and is a proper party Involuntary Plaintiff by reason of the terms of its policy, specifically its medical payments provisions; and that Involuntary Plaintiff, ERIE INSURANCE EXCHANGE, alleges to have made payments on behalf of Plaintiff, KEVIN L. SIEHR and is believed to have a subrogated interest in this matter, and therefore is joined as an Involuntary Plaintiff for the purpose of complying with the provisions of Wisconsin Statutes §803.03.

CAUSE OF ACTION – NEGLIGENCE OF DEFENDANT STEVEN A. BARTA

6. Plaintiff repeats and re-alleges all of the allegations contained in paragraphs one (1) through five (5) above, as if set forth in full herein, and further alleges as follows:

7. That on or about the 22nd day of January 2021, the Plaintiff, KEVIN L. SIEHR, was traveling eastbound in a Gold 2012 Chevy Equinox on Fisherville Road, in the Town of Kossuth, County of Manitowoc, State of Wisconsin.

8. At the same time and place the Defendant, STEVEN A. BARTA, outside of his disabled truck, was fixing equipment on the rear of the flatbed trailer hitched to the truck, that (1) was illegally parked in the lane of traffic; (2) did not have hazard lights enabled; (3) created a public safety hazard by impeding traffic; (4) was disabled and could not move on its own power; and (5) forced approaching vehicles to take evasive action and deviate into the opposing lane of traffic to avoid colliding with the truck, the trailer, or the Defendant, STEVEN A. BARTA

9. That, as a result of the negligence of the Defendant, STEVEN A. BARTA, the Plaintiff's vehicle made contact with the rear of the Defendant's trailer, the front tires of the Plaintiff's vehicle climbed to mount the top of the flatbed trailer after striking it, and rolled over before it finally came to a rest with the driver's side of the Plaintiff's vehicle against the roadway causing severe injuries to the Plaintiff, KEVIN L. SIEHR.

10. That the negligence of the Defendant, STEVEN A. BARTA, in the operation of his motor vehicle and trailer, both generally and as specifically set forth above, was the proximate cause of the accident and the injuries the Plaintiff, KEVIN L. SIEHR, suffered therein.

11. That as a direct and proximate cause of the accident and the negligence of the Defendant, STEVEN A. BARTA, the Plaintiff, KEVIN L. SIEHR, was seriously injured, suffered great pain of body and mind, was obliged to expend monies for medical care and attention, lost wages, and was prevented from engaging in his normal activities, all to his damage in an amount to be determined by the trier of fact.

WHEREFORE, the Plaintiff, KEVIN L. SIEHR, demands judgment against the Defendants, AMERICAN FAMILY INSURANCE COMPANY and STEVEN A. BARTA, as follows:

1. On behalf of the Plaintiff, KEVIN L. SIEHR, in an amount to be determined by the trier of fact together with the pre-judgment and post-judgment interest, costs, attorney fees and disbursements of this action;

2. That in the event of settlement or verdict in favor of the Plaintiff, KEVIN L. SIEHR, said Plaintiff demands judgment for an Order declaring Plaintiff's rights to such settlement/verdict proceeds paramount to those of any subrogated party;

3. That in the event of any subrogated party's failure to respond to this Complaint in a timely manner, the Plaintiff, KEVIN L. SIEHR, requests this Court grant an Order dismissing the subrogated party from this action and barring any claim for subrogation and/or reimbursement, and barring the subrogated party from participating in any judgment or settlement in this action; and

4. For any and all other relief the Court deems just and equitable.

**PLAINTIFF HEREBY DEMANDS THAT THE ABOVE ENTITLED ACTION
BE TRIED BY A JURY OF TWELVE (12) PERSONS.**

Dated at Milwaukee, Wisconsin this 4th day of November 2021.

GRUBER LAW OFFICES, LLC
Attorneys for Plaintiff

By: /s/Eric M. Knobloch

Eric M. Knobloch

State Bar No.: 1064347

Email: emk@gruber-law.com

Connor C. Stengel

State Bar No.: 1117700

Email: connor.stengel@gruber-law.com

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Defendants.

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JURY DEMAND

Pursuant to Wis. Stat. § 805.01, the Plaintiff, KEVIN L. SIEHR, by his attorneys, Gruber Law Offices, LLC, by Attorneys Eric M. Knobloch and Connor C. Stengel, demands a trial by a jury of twelve and tenders the fee with this demand.

Dated at Milwaukee, Wisconsin this 4th day of November 2021.

GRUBER LAW OFFICES, LLC
Attorneys for Plaintiff

By: /s/Eric M. Knobloch

Eric M. Knobloch

State Bar No.: 1064347

Email: emk@gruber-law.com

Connor C. Stengel

State Bar No.: 1117700

Email: connor.stengel@gruber-law.com

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