

GL-11-17



**NIELSEN, ZEHE
& ANTAS, P.C.**

Attorneys at Law

*Ashley S. Portman
Direct Dial: (312) 635-1812
Direct Fax: (312) 322-9977
E-mail: aportman@nzalaw.com*

*55 West Monroe Street
Suite 1800
Chicago, Illinois 60603
Phone: (312) 322-9900
Fax: (312) 322-9977
www.nzalaw.com*

May 25, 2017

Via Certified Mail and E-mail

Article No.: 7014 1820 0001 6281 3727

Village of Salem Lakes, Wisconsin f/k/a Trevor, Wisconsin
Attn: Legal Department/Claims Department
9814 Antioch Rd (Hwy. 83)
PO Box 443
Salem, WI 53168
Email: dtesar@villageofsalemlakes.org (Village President)
Email: cernest@townofsalem.net (Clerk)

Via Certified and Regular Mail

Article No.: 7014 1820 0001 6281 3734

Kenosha County, Wisconsin
County Clerk
Attn: Legal Department/Claims Department
1010 56th St
Kenosha, WI 53140



Via Certified and Regular Mail

Article No.: 7014 1820 0001 6281 3741

Kenosha County, Wisconsin
Public Works Department
Kenosha County Center
19600 75th St., Suite 122-1
Bristol, WI 53104-9772

Via Certified and Regular Mail

Article No.: 7014 1820 0001 6281 3758

Kenosha County, Wisconsin
Division of Highways
Kenosha County Center
19600 75th St., Suite 122-1
Bristol, WI 53104-9772



May 25, 2017

Page 2

Re: Kenosha County Sheriff Report: 17-040408
Our Insured: Kelbe Bros. Equipment
Our Claim No.: 57F119551
D/L: March 28, 2017
L/ L: Intersection of Camp Lake Road/County Highway SA also referred to as Intersection of 268th Avenue/ 103rd St. Salem Lakes, Wisconsin f/k/a Trevor, Wisconsin
Our File No.: 86-265

To Whom it May Concern,

Please note the undersigned law firm was retained by Sentry Insurance, ("Sentry") the subrogated insurer for Kelbe Bros. Equipment, ("Kelbe") to represent its subrogation interests relative to the above-listed matter involving a train which hit a tractor-trailer at the above listed date and location.

Please allow this correspondence to serve as an official notice pursuant to Wis. Stat. Ann. 893.80, et. al, that Sentry and/or Kelbe may pursue any and all claims related to this loss, as detailed in this correspondence, against the Village of Salem Lakes, Wisconsin; the Village of Trevor, Wisconsin; the County of Kenosha, Wisconsin and/or any related governmental entities, bodies, municipalities, villages and/or agencies responsible for owning, maintaining, supervising and/or performing work on the railroad track and its surrounding areas, highway, street and/or road where this loss occurred.

Please allow this correspondence to also serve as an official notice pursuant to Wis. Stat. Ann. 893.80, et. al, that Sentry and/or Kelbe may pursue damages incurred as a result of this loss against the Village of Salem Lakes, Wisconsin; the Village of Trevor, Wisconsin; the County of Kenosha, Wisconsin and/or any related governmental entities, bodies, municipalities, villages and/or agencies responsible for owning, maintaining and/or performing work on the railroad track and its surrounding areas, highway, street and/or road where this loss occurred. The amount of damages is still be adjusted by Sentry, but as of the date of this correspondence, damages exceed at least \$150,000, relative to damage sustained to the tractor-trailer and its contents involved in this accident. Please note the amount of damages is not ascertainable at this time as salvage value may be obtained and additional damages not yet known may be determined. The \$150,000 figure is expected to fluctuate and upon confirmation as to the amount of damages sustained, an updated figure will timely be provided.

As you are undoubtedly aware, on March 28, 2017, an accident occurred wherein a train hit a tractor-trailer driven by Kelbe. The investigation into this loss is ongoing. However, if a determination is made that this loss resulted from any of the above entities failure to adequately maintain the railway crossing, including, but not limited to its grade and/or pitch; its failure to



May 25, 2017

Page 3

ensure adequate signs and/or warnings were located near the crossing and/or if it is determined that any of the above parties and/or the parties to whom this letter is sent failed to comply with any state and/or federal regulations relative to maintaining the loss location, its highways, streets and/or the areas surrounding the railroad then a claim against any and all liable parties will be made to recover the losses sustained by Kelbe and Sentry. In addition, if a determination is made that the above parties and/or the parties to whom this letter is sent engaged in any negligent and/or tortious conduct resulting in this loss, then a claim will be made against same.

As a result of the foregoing and given that an investigation is underway, all parties to whom this letter is sent and all other involved bodies referenced in this correspondence are hereby placed on notice to maintain, keep and preserve the loss location so that Kelbe and Sentry are provided a sufficient opportunity to inspect the loss location and/or to have a retained expert(s) inspect the loss location. The loss location shall be construed as not only the subject railroad crossing where the loss occurred, but also the street and/or intersection on which the railroad sits. If your offices/bodies maintain that they do not own, control and/or maintain all of those areas, please specify the areas owned and maintained so that notice can be provided to other potential third-parties. **In addition, all parties to whom this letter is sent and all other involved bodies referenced in this correspondence are hereby placed on notice to maintain, keep and preserve all records, documents, recordings, videos, speed data, bell information, event recordings, relating to the subject railroad crossing as well as any information relating to complaints made regarding problems, issues relating to the subject crossing and any information relating to all other incidents, accidents, "bottom-ing out" events and/or similar events relating to the subject crossing.**


If any body intends to make any changes to the loss location, including, but not limited to its pitch; grade; adding signs; changes to the railway; changes to safety crossings, highway, street, intersection, roadways and/or any other modifications, alterations and/or additions to the loss location then please advise the undersigned immediately. Please note that the undersigned, on behalf of Sentry and Kelbe, will require sufficient notice before any such changes are made so that Sentry and Kelbe's expert(s) have adequate time to inspect the loss location.

Last, if changes have already been made to the loss location, please immediately advise what changes were made; when they were made and please provide all photographs on the date of the loss and/or subsequently prior to the changes being made.

If you have any questions, please contact the undersigned directly at (312) 635-1812.

Very truly yours,

NIELSEN, ZEHE & ANTAS, P.C.

By: 
Ashley S. Portman