

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

SHAWANO COUNTY

FILED

08-09-2017

Clerk of Court
Shawano Co., WI

2017CV000164

TIMOTHY WELCH, individually and as Personal
Representative of the Estate of **TYLER D. WELCH**
and **JANIE WELCH**
W4771 Christie Circle
Shawano, WI 54166

Case No. 17-CV-_____

Classification Code: 30105

WAYNE W. BORSCHÉ, JR., individually and as
Personal Representative of the Estate of **CODY R.**
BORSCHÉ and **WANDA M. BORSCHÉ**
N7020 Lynwood Drive
Shawano, WI 54166

Plaintiffs,

v.

RYAN M. SWADNER
P.O. Box 80
316 S. Warrington Avenue
Cecil, WI 54111

SHANNON BRODER
N2651 Woodview Lane
Clintonville, WI 54929

ROBERT J. BRODER
N2651 Woodview Lane
Clintonville, WI 54929

Defendants.

COMPLAINT

The plaintiff, Timothy Welch, individually and as personal representative of the Estate of Tyler D. Welch and Janie Welch, their attorneys, Herrling Clark Law Firm Ltd. and the plaintiff, Wayne W. Borsche, Jr., individually and as personal representative of the Estate of Cody R. Borsche and Wanda M. Borsche, by their attorneys, Mares, Ltd. allege that:

1. The plaintiff, Timothy Welch, is an adult residing at W4771 Christie Circle, Shawano, Wisconsin 54166 and was the father of Tyler D. Welch as of the time of Tyler D. Welch's death and is authorized to bring the action on behalf of the Estate of Tyler D. Welch, and in his own behalf individually.
2. The plaintiff, Janie Welch, is an adult residing at W4771 Christie Circle, Shawano, Wisconsin 54166 and is married to Timothy Welch.

3. The plaintiff, Wayne W. Borsche, Jr. is an adult residing at N7020 Lynwood Drive, Shawano, Wisconsin 54166 and was the father of Cody R. Borsche as of the time of Cody R. Borsche's death, and is authorized to bring the action on behalf of the Estate of Cody R. Borsche, and in his own behalf individually.
4. The plaintiff, Wanda M. Borsche, is an adult residing at N7020 Lynwood Drive, Shawano, Wisconsin 54166 and is married to Wayne Borsche.
5. The defendant, Ryan M. Swadner, is upon information and belief, an adult residing at 316 S. Warrington Avenue, Cecil, Wisconsin 54111.
6. The defendant, Shannon Broder, is the mother of the defendant, Ryan M. Swadner, and is an adult residing at N2651 Woodview, Clintonville, Wisconsin 54929.
7. The defendant, Robert J. Broder, is the step-parent of the defendant, Ryan M. Swadner, and is an adult residing at N2651 Woodview, Clintonville, Wisconsin 54929.
8. On October 21, 2014, Tyler D. Welch was a passenger in the vehicle driven by Ryan M. Swadner, when it collided with another vehicle.
9. On October 21, 2014, Cody R. Borsche was a passenger in the vehicle driven by Ryan M. Swadner, when it collided with another vehicle.
10. The accident was proximately caused by the negligence of Ryan M. Swadner.
11. Robert J. Broder sponsored Ryan M. Swadner in his application for his driver's license and pursuant to the sponsorship statute, is liable for any damages caused by Ryan M. Swadner's negligent operation of a motor vehicle.
12. Upon information and belief, Ryan M. Swadner may have been under the influence of alcohol or drugs. With or without alcohol or drugs, Ryan M. Swadner's actions were reckless and/or an intentional disregard of the rights of the plaintiffs, and therefore the plaintiffs demand punitive damages in an amount to be determined by a jury.
13. Ryan M. Swadner had insurance coverage through Artisan and Truckers Casualty Company.
14. Artisan and Truckers Casualty Company has paid their policy limits and that Timothy Welch, the estate of Tyler Welch and Janie Welch received \$99,000, and that Wayne Borsche, the estate of Cody Borsche and Wanda Borsche received \$99,000, but all rights to pursue additional claims beyond those payments were in fact preserved.
15. That as a direct and proximate result of the negligence of Ryan M. Swadner and the resulting accident, Tyler D. Welch suffered severe personal injuries, causing him pain and suffering and his ultimate death, resulting in the Estate of Tyler D. Welch becoming liable for medical, burial and funeral expenses.
16. That as a direct and proximate result of the negligence of Ryan M. Swadner and the resulting accident, Cody R. Borsche suffered severe personal injuries, causing him pain

and suffering and his ultimate death, resulting in the Estate of Cody R. Borsche becoming liable for medical, burial and funeral expenses.

17. That as a direct and proximate result of the negligence of the driving of Ryan M. Swadner and the resulting collision and the death of Tyler D. Welch, Timothy Welch has suffered past medical expenses, as well as the loss of society and companionship of his son, Tyler D. Welch, and other incidental damages.
18. That as a direct and proximate result of the negligence of the driving of Ryan M. Swadner and the resulting collision and the death of Tyler D. Welch, Janie Welch has suffered past medical expenses, as well as the loss of society and companionship of her son, Tyler D. Welch, and other incidental damages.
19. That as a direct and proximate result of the negligence of the driving of Ryan M. Swadner and the resulting collision and the death of Cody R. Borsche, Wayne W. Borsche, Jr. has suffered past medical expenses, as well as the loss of society and companionship of his son, Cody R. Borsche, and other incidental damages.
20. That as a direct and proximate result of the negligence of the driving of Ryan M. Swadner and the resulting collision and the death of Cody R. Borsche, Wanda M. Borsche has suffered past medical expenses, as well as the loss of society and companionship of her son, Cody R. Borsche, and other incidental damages.

WHEREFORE, judgment is demanded against the defendants, jointly and severally, for damages in an amount to be determined by a jury to be fair and equitable, plus statutory costs, disbursements and attorney's fees and whatever other relief the Court deems just and equitable.

Dated this 3rd day of August, 2017.

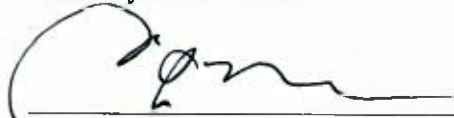
HERRLING CLARK LAW FIRM LTD.
Attorneys for Plaintiffs



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Dated this 9 day of Aug, 2017.

MARES, LTD.
Attorneys for Plaintiffs

A handwritten signature in black ink, appearing to read 'Craig P. Mares', is written over a horizontal line.

CRAIG P. MARES
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A TWELVE (12) PERSON JURY TRIAL IS DEMANDED