

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN**

BOGUSLAW BOSAK and  
BARBARA BOSAK,  
Plaintiff,

v.

WEST BEND MUTUAL  
INSURANCE COMPANY,

Defendants.

Case No. 2:25-cv-02030

**WEST BEND MUTUAL INSURANCE COMPANY'S MOTION  
TO HAVE THE COURT APPOINT AN UMPIRE**

NOW COMES WEST BEND MUTUAL INSURANCE COMPANY, by its attorney, Maria M Pimentel Diaz of CHILTON YAMBERT PORTER, LLP, and hereby moves this Court to identify an umpire for the appraisal under the provisions of the insurance policy referred to in the Complaint and in support thereof states:

1. On or about January 9, 2024, the Defendants claim that their property at 39334 Bloomfield Rd, Burlington, Wisconsin, in Racine County, owned by the Defendants, was damaged.
2. The parties cannot agree as to the amount of an appraisal for the repair of the damage.
3. The policy provides:

**THE POLICY**

1. The Policy, No. HHD 8461062 00, states in pertinent part:

**“E. Appraisal**

If you and we fail to agree on the amount of loss, either may demand an appraisal of the loss. In this event, each party will choose a competent and impartial appraiser within 20 days after receiving a written request from the other. The two appraisers will choose an umpire. If they cannot agree upon an umpire within 15 days, you or we may request that the choice be made by a judge of a court of

record in the state where the “residence premises” is located. The appraisers will separately set the amount of loss. If the appraisers submit a written report of an agreement to us, the amount agreed upon will be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of loss.

4. The Parties’ respective appraisers have not reached an agreement for the selection of an effective umpire.

5. West Bend Mutual Insurance Company would nominate any of the following three individuals to serve as umpire according to the terms of the policy:

Charles Gasser; Arlo Gough, Jr.; Kurt Ehlers

(See group Exhibit “A” which are the curriculum vitae for each of these individuals.)

Based on the foregoing, West Bend Mutual Insurance Company moves this Court to appoint an umpire pursuant to the provisions of the policy.

Dated: February 4, 2026

Respectfully Submitted,

/s/ Maria M Pimentel Diaz

Maria M Pimentel Diaz, SBN 1126532  
Attorney for West Bend Mutual Insurance  
Company

CHILTON YAMBERT PORTER LLP  
103 North Hamilton Street  
Madison, WI 53703  
(608) 663-1887  
mpimentel@cyp-law.com