

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMES VANDEN BOOGART,
BARBARA VANDEN BOOGART,
JON MOREHOUSE, AND
LORI MOREHOUSE,

CASE No.: 12-C-491

PLAINTIFFS,

v.

TODD CHRISTENSEN,
MARK ROBERTS, AND
TOWN OF MORRISON,

DEFENDANTS

INTERVENING COMPLAINT FOR DECLARATORY JUDGMENT

NOW COMES the above Intervening Plaintiff, Selective Insurance Company, by its Counsel, Deutch & Weiss, LLC, and as and for a Complaint for declaratory judgment against the Defendants, Todd Christensen, Mark Roberts and Town of Morrison, hereby alleges and shows to the Court as follows:

1. That Selective Insurance Company of America is a foreign insurance corporation with a presence at 40 Wantage Avenue, Branchville, NJ 07890.
2. That at all times material hereto, the Intervening Plaintiff, Selective Insurance Company of America, had issued a policy of insurance to the Town of Morrison. That said policy is subject to all of the terms, conditions, provisions, definitions, exclusions and limits of liability contained therein.

3. That the Defendant, Todd Christensen, upon information and belief, is a resident of the State of Wisconsin, residing at 3792 Park Road, Greenleaf, Wisconsin 54126. That upon information and belief, Todd Christensen, was at all times material hereto, the Supervisor of the Town Board and Town Chairman of the Town of Morrison.
4. That the Defendant, Mark Roberts, is an adult male resident of the State of Wisconsin with a presence at 3792 Park Road, Greenleaf, Wisconsin 54126 and, at all times material hereto, was the Code Enforcer for the Town of Morrison.
5. That the Defendant, Town of Morrison, is an unincorporated Wisconsin municipality operating under Chapter 60 of the Wisconsin Statutes maintaining a place of business at 3792 Park Road in Greenleaf, Wisconsin 54126.
6. That in the United States District Court for the Eastern District of Wisconsin, Case No. 12-CV-491, the following individuals, James Vanden Boogart, Barbara Vanden Boogart, Jon Morehouse and Lori Morehouse, of 7463 Holly-Mor Road, Greenleaf, Wisconsin 54126, and 4432 Mill Road, Denmark, Wisconsin 54208, respectively, commenced a lawsuit in the United States District Court for the Eastern District of Wisconsin against the Defendants, Todd Christensen, Mark Roberts and Town of Morrison, alleging, inter alia, certain unconstitutional actions taken by the Defendants.

7. It is anticipated that that Defendants, Todd Christensen, Mark Roberts and Town of Morrison, have denied or will deny the allegations contained in the Complaint of the Plaintiffs.
8. That it is the belief of the Intervening Plaintiff, Selective Insurance Company of America, that there is a justiciable controversy as to whether or not the insurance policy so issued provides coverage for the allegations contained in the Complaint of the Plaintiffs.
9. It is further the belief of the Intervening Plaintiff that the Defendants, Todd Christensen, Mark Roberts and Town of Morrison, believe that there is or may be insurance coverage available under the aforementioned policy of insurance for the allegations contained in the Complaint of the Plaintiffs.
10. That as a result of the aforementioned circumstances, a justiciable controversy exists between the proposed Intervening Plaintiff, Selective Insurance Company of America, and the Defendants, Todd Christensen, Mark Roberts and Town of Morrison, entitling these parties to Declaratory Judgment pursuant to Federal Rule of Civil Procedure, Rule 57, and 28 U.S.C., Section 2201.

WHEREFORE, for the foregoing reasons, the Intervening Plaintiff, Selective Insurance Company of America, hereby demands judgment:

1. Declaring that this is no insurance coverage available under the policy of insurance issued to the Defendants, Todd Christensen, Mark Roberts and Town of Morrison, for any of the claims and causes of action asserted by the

Plaintiffs, James Vanden Boogart, Barbara Vanden Boogart, Jon Morehouse and Lori Morehouse, in the Complaint on file with this Court; and

2. And for such other and further relief as this Court deems just and equitable, including, but not limited to, costs, disbursements and / or attorney's fees.

Dated this 6th day of August 2012.

DEUTCH & WEISS, LLC
Attorneys for Intervening Plaintiff
Selective Insurance Company of America

____/s/_____
Monte E. Weiss
State Bar No. 1003816

P.O. ADDRESS:

DEUTCH & WEISS, LLC
7670 North Port Washington Road, Ste. 200
Fox Point, WI 53217
(414) 247-9958 (Telephone)
(414) 247-9959 (Facsimile)
monte.weiss@mweisslaw.net - email