

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
5/10/2022
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT
JJ

In the Matter of the Complaint of KYLE UNTERSEIHR and CLAIRE UNTERSEHER, Owners of the 1992 30' Rinker Fiesta Vee 300 With Hull Identification No. RNK368938292, for Exoneration From or Limitation of Liability' Plaintiffs.

Case No – 21-cv-06179

I received the Notice of Filing of Action for Exoneration from or Limitation of Liability in regards to the boat fire on July 6, 2021 sent by Marwedel, Minichello & Reeb, PC. I have reviewed the notice and am quite disappointed. My boat shared the slip and was directly impacted by the fire that started on the plaintiffs, Kyle and Claire Unterseher's, boat and was deemed a total loss due the damages incurred. While I do have insurance on my boat, the insurance was in place to only cover the cost of my boat. Unfortunately, the insurance does not cover the extra expenses for towing, hauling and disposal or taxes associated with purchasing a replacement vessel of similar value. The estimates I received for the disposal services range from \$10 - 12k which is a significant amount for an ordinary individual with a family. Additionally, taxes are 6.25% of the purchase price for a replacement vessel which comes out to be approximately \$2,200. Other losses include the increased boat valuation due to pandemic prices, additional personal items, loss of slip usage for remainder of the season and personal hardship.

While the fire investigation came up inconclusive this should not mean that impacted parties bear the cost. It was mentioned to me by other boat owners that the owner had been performing electrical work on his boat the day of the fire. I did not witness this activity myself. The boat fire occurrence has been a financial hardship and an emotional time for me and my family. We not only lost our boat on which we formed many family memories, we lost half of the season last year. This incident and my personal loss was at no fault of my own and the ask for full exoneration seems quite unfair. I am requesting that the Unterseher's insurance company, Geico, cover the extra costs beyond the losses covered by my insurance company. I believe this to be fair and the right thing to do.

Wherefore, I, the defendant, demand the following relief:

- A judgment in the amount of \$25,800 to be awarded to the defendant
- Court costs to be awarded to defendant
- Attorney's fees to be awarded to defendant
- Such further relief as the court deems just and proper

Respectfully,

/s/ Diane Peterson

Dated on this 10th day of May, 2022

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Item Loss	Loss Description	Estimated Value	Insurance Coverage	Amount in excess of insurance	
Boat	ACV of boat from surveyor	\$ 37,017.00	\$ 33,000.00	\$ 4,017.00	
Towing and Hauling	Moving vessel from current location to salvage location. Lifting vessel to dry dock.	\$ 9,000.00	\$ -	\$ 9,000.00	Estimate provided by US Towboat \$8 - 10K
Salvage	Labor costs to dismantle boat, removing metal, wood, batteries, engine, and wiring and cutting up the fiberglass for disposal	\$ 4,000.00	\$ -	\$ 4,000.00	Estimate provided by Crowley's Yacht Yard
Personal Items	Burned and/or smoke/water damage or loss of personal items including water mat, life jackets, foul weather gear, extra customized sails specific for this boat including spinnaker, main and jib, customized cushions for this boat, food and beverages, boating accessories	\$ 5,500.00	\$ 1,500.00	\$ 4,000.00	
Taxes	Taxes (6.25% of purchase price) paid for boat purchase that would need to be paid for any replacement boat of similar cost	\$ 2,313.56	\$ -	\$ 2,313.56	
Loss of slip and boat usage	Pro-rated days of slip usage loss for 2021 season	\$ 2,518.46	\$ -	\$ 2,518.46	
		\$ 60,349.02	\$ 34,500.00	\$ 25,849.02	