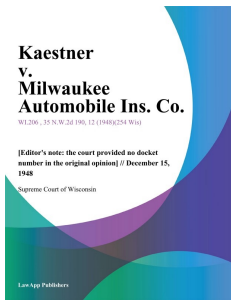


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KAESTNER V MILWAUKEE AUTOMOBILE INS CO EBOOKS 2019



Author: Supreme Court of Wisconsin

Realese Date: Expected @@expectedReleaseDate@@

Action commenced on June 26, 1945, by Elmer Kaestner against Milwaukee Automobile Insurance Company, Limited Mutual, and Orville, Yanke to recover damages for injuries sustained in an automobile accident. Judgment in favor of defendants was entered on May 31, 1947. Plaintiff appeals. The accident occurred about seven-thirty in the evening of January 19, 1945, on highway 19 in the village of Okauchee, Waukesha county. Plaintiff, accompanied by Elmer Robson, was driving a hearse, owned by Edward Kaestner. He was returning to Milwaukee from Markeson, Wisconsin, and traveling in an easterly direction. Defendant, Yanke, was driving his truck in a westerly direction returning to his home in Waterloo from Milwaukee. It was dark and misting. Because of wartime regulations there were no lights in the village. There was some ice, snow, and slush on the highway. Highway 19 curves as it enters the village about 300 feet east of the point of impact. After defendant came around that curve, he saw two boys some distance ahead and later turned out to avoid them. They were standing on the edge of the road between the curve and the place the accident occurred. There is a conflict of evidence as to whether defendant invaded the south side of the road and failed to get back to his own side before colliding with plaintiff's hearse. There is also conflict of evidence as to which side of the road the accident occurred on. The left side of the hearse and the left side of the truck were both badly damaged. Both Kaestner and Robson and the occupants of the truck were injured.

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