

To: Plaintiffs in Small Claims Actions (Not represented by attorneys)

You have just commenced a small claims action in the Circuit Court of Kewaunee County under Chapter 799 of the Wisconsin Statutes. The defendant is entitled to not less than 8 days notice or more than 30 days, except for Eviction Actions which require not less than 5 days notice or more than 25 days. If the defendant resides in Kewaunee County, service is made by mail by the Clerk of Courts Office. If the defendant resides out of the County, personal service is needed and problems may arise depending on the nature of the action. Any proof of service must be on file on the original appearance date.

Your complaint should fully inform the defendant of the nature of your claim, including dates. **An itemized bill or estimate should be attached to both the original and the copy of the complaint which will be sent to the defendant.** You are expected to furnish the Clerk of Courts Office with all necessary information including the proper names and addresses of defendant.

You are not allowed to include in your claim charges for telephone calls, mileage and inconvenience. In most cases you will not be allowed to charge for interest prior to judgment unless you have a written invoice, contract or note indicating interest. Once a judgment is obtained, the present legal rate of interest is prime plus 1%.

The return date has been given you and **you are required to be here at that time.** If the defendant appears at that time and you do not appear, your claim may be dismissed.

The return date is not the trial date. If the defendant contests your claim, a pre-trial conference will be scheduled.

You are entitled to a one week **adjournment** of the return date, but your request must be made in writing to the Clerk of Courts Office prior to the return date.

In the event the defendant contests your claim and a trial is scheduled, you do not need an attorney to represent you. If you wish one at your own expense, you are entitled to do so.

If no settlement is reached and a trial is necessary, at that time you are expected to bring all your documents and witnesses. You will be required to have witnesses present at the trial.

To: Defendants in Small Claims Actions

You have just been made a defendant in a small claims action filed in the Circuit Court of Kewaunee County. Read the complaint over very carefully. You are expected to be here on the return date.

If you do not appear on the return date, a judgment will probably be entered against you and in favor of the plaintiff. If the plaintiff obtains a judgment against you and docket the judgment, it will become a lien on any real estate you own or may own. If a substantial reason exists, you have the right to a one week adjournment of the return date, except in Eviction Actions, but your request must be made in writing to the Clerk of Courts Office prior to the return date.

If you are contesting this claim, the return date is not the trial date. However, you should immediately prepare a written statement listing all your reasons why you feel you do not owe all or part of this claim. If you feel the plaintiff owes you monies which should be deducted from this claim, set them forth in your written statement with full explanations, including dates.

You may appear on the return date by filing a written answer provided such answer is received by the Clerk of Court and the plaintiff no later than 4:30 p.m. on the Friday preceding the return date. **If your answer is on file with the court prior to the scheduled return date, you do not need to appear. If you appear in person, bring your original statement and two copies to the court on the return date, one for the plaintiff and one of which you will retain.** If you have a receipt for any of the items listed in the complaint, attach copies to your answers.

In the event of a trial, you do not need an attorney to represent you, but you may have one at your own expense. **If the plaintiff is represented by an attorney, you may wish to consult one.**

If no settlement is reached and a trial is necessary, on the trial date **you are expected to bring all your documents and witnesses.**

If you will be a judgment debtor in a Small Claims matter you will be ordered to accurately complete a Financial Disclosure of Assets and to mail it to the judgment creditor (not the court) at the address given in the Summons and Complaint within 15 days after entry of judgment, or pay the judgment in full.

Failure to comply with the court order may be contempt of court and subject you to the following penalties:

- A. Imprisonment for up to six months.
- B. Forfeitures of not more than \$2,000 per day.
- C. Any other order necessary to ensure your compliance.
- D. Punitive (criminal) sanctions under Chapter 785, Wis. Stats.

To: Attorneys

The above rules also apply to attorneys, except counsel may enter an appearance at the return date by letter filed with the Clerk of Courts prior to said return date. Judgment will be entered in the event the defendant does not appear.

If an agreement is reached with the defendant and default judgment is not to be entered, please contact the Clerk of Courts office prior to the scheduled appearance time.

If any of the parties have any questions they may call the Clerk of Courts Office (920-388-7146). **However, said personnel are not authorized to give legal advice.**

BY THE COURT;
KEITH A. MEHN
CIRCUIT JUDGE

CIRCUIT COURT
FOR
KEWAUNEE COUNTY

COURTHOUSE
KEWAUNEE, WISCONSIN 54216

SMALL CLAIMS

COURT RULES

PLEASE READ IMMEDIATELY
10/19