

GENERAL INFORMATION:

The limit on small claims actions is \$10,000.00, except for those cases involving Personal Injury, Tort, or Third Party Claims, which the limit is \$5,000.00. Any claim over those amounts must be filed in the Upper Branch civil court. It is recommended that you have an attorney to represent you in a small claims action, but it is not required.

- * Wisconsin Statutes 799.11 indicates in which county the claim may be filed.
- * Always use your case number when inquiring about your case.

The clerks who work in small claims court cannot give legal advice. They are not being impolite when they decline to answer your legal questions. Clerks may not answer legal questions. They have been instructed to refer you to your own judgment or that of an attorney, whichever you choose.

FEES:

Filing fees must be paid at the time of filing the action. Checks are to be made payable to the Clerk of Court. The current filing fee is \$94.50 plus \$2.00 mail fee or \$9.00 for certified mail fee (for each defendant). These mailing rates apply only if the defendants are residents of Langlade County. The state modifies these fees from time to time. If defendants reside outside of Langlade County, or if the action is an Eviction or Tort/Personal Injury, the summons must be served personally. (I.E.: by the sheriff's department in the respective county, a process server, etc.)

If service is made personally, an affidavit of service must be filed with the court. If there is no timely proof of service in the file, your case may be dismissed.

INSTRUCTIONS FOR COMPLETING SUMMONS AND COMPLAINT FORM:

You are the plaintiff; your name and address goes on the top lines.

Place the correct name and address of the person or persons you wish to bring this action against on the lines for "defendant."

The case will be called at the LANGLADE COUNTY COURTHOUSE (Courtroom 203 or 301) on a Tuesday at 8:30 a.m or a Thursday at 11:00 a.m. The defendant must receive 8 to 30 days notice. Your case will generally be placed on the calendar 2-4 weeks after filing.

Complete #1, "Plaintiff's Demand", with what you are asking for and why, and the amount you request the judge to grant you. **Do not include court costs.** If you need to itemize in order to make it clear, please do so under #2, "Brief Statement."

Fill in the total sum you are asking for and indicate whether you are asking for interest. Interest may normally be assessed at 5% from the date the amount was due until the date of judgment unless there is a contract which specifically states the amount of interest. Interest will accrue from the date of judgment until the amount is paid in full at the applicable rate.

The plaintiff must file a "Declaration of Nonmilitary Service," Form GF-175, before a judgment can be entered.

Return the original and a copy for each party to

CLERK OF CIRCUIT COURT
LANGLADE COUNTY COURTHOUSE
800 CLERMONT STREET
ANTIGO, WI 54409

If filing by mail, include a self-addressed, stamped envelope so your copy can be returned to you.

APPEARANCE IN COURT:

Plaintiff must be present at initial return date unless represented by an attorney. Failure by the plaintiff to appear may result in a dismissal of the claim. The defendant must also appear in person, by an attorney or file an Answer. Failure by the defendant to do one of these may result in a default judgment being entered against them.

Either party may, at least 72 hours prior to the return date, send a letter to the judge requesting that their appearance be waived, with a copy to the other party. The letter must contain the name, case number and telephone number of applicant for waiver and the reason for the request. Waivers are granted at the discretion of the judge or Court Commissioner. If the claim is disputed, the matter will be scheduled for pretrial/trial.

PRE-TRIAL CONFERENCE:

If the defendant contests the claim on or before the initial return date, the Judge or Court Commissioner may elect to schedule a pretrial conference. This is a short discussion about the case with a possibility of settlement. During the pretrial conference, testimony will not be taken nor will the witnesses appear.

Appearances are mandatory for pretrial conferences. Failure to appear, by either party, may result in a default judgment or dismissal. If you have an attorney, you may be able to appear at the pretrial conference by telephone. Call 715-627-6319 in advance to request a telephone appearance.

If the matter does not settle, it will be set for trial. If you settle the dispute at any time, please contact the clerk in writing to cancel your trial.

TRIAL:

Any witnesses or proof must be brought to the courtroom at the time of trial. They should not be brought to the initial return date or the pretrial conference. Any evidence or witness testimony not presented at the time of trial will not be considered.

BE PUNCTUAL. Failure to appear on time may result in a default judgment being rendered against you. Report to the scheduled courtroom immediately upon your arrival at the courthouse.

ENFORCING A JUDGMENT:

When a party has obtained a judgment, it is their responsibility to enforce collection. IT IS NOT THE COURT’S RESPONSIBILITY. The judgment can be docketed upon payment of \$5.00 to the Clerk of Court.

When judgment is entered, the defendant is sent a financial disclosure form to complete and mail to the other party (not to the court). Failure to mail this form within 15 days after entry of judgment is punishable by contempt.

After docketing the judgment, you may pursue various legal methods to collect payment which are described in Chapters 812 (Garnishment) and 815 (Execution) of the Wisconsin State Statutes.

Any legal questions should be referred to your attorney. **If you cannot find an attorney, you may call the State Bar Association’s Lawyer Referral Service at 1-800-362-9082.** They can provide you with the names of attorneys that may be able to assist you.

FOR GENERAL INFORMATION,
CONTACT:

CLERK OF COURT
800 CLERMONT STREET
ANTIGO, WI 54409
715-627-6215

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**LANGLADE COUNTY
SMALL CLAIMS
COURT**

**General Information
and
Instructions**

**JOHN B. RHODE
CIRCUIT COURT JUDGE**

**TINA M. WILD
CLERK OF COURT**

**Small Claims Clerks Are
Not Attorneys and
Cannot Give Legal Advice**

