

PRETRIAL CONFERENCE:

If the defendant contests the claim on or before the initial return date, the judge may elect to schedule a pretrial conference. This is a short discussion about the case with a possibility of settlement. No testimony will be taken and no witnesses will appear.

Appearances are mandatory for pretrial conferences. Failure of either party to appear may result in a default judgment or a dismissal. If you have an attorney, you may be able to appear at the pretrial conference by telephone. Call 715-627-6221 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, **NOT THE COURT'S**. 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

LANGLADE COUNTY SMALL CLAIMS COURT

General Information and Instructions

**JOHN B. RHODE
CIRCUIT COURT JUDGE**

**MARILYN BARANIAK
CLERK OF COURT**

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

GENERAL INFORMATION:

The limit on small claims actions is \$10,000, except for those cases involving Personal Injury, Tort, or Third Party Claims which the limit is \$5,000. Anything over those amounts must be filed in 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. As clerks are generally not equipped to 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 filing fee is \$94.50 plus \$2.00 mailing fee for each defendant or \$8.00 for certified mail. These mailing rates apply only if the defendants are residents of Langlade County. If defendants reside outside of Langlade County, or if the action is an Eviction or Tort/Personal Injury, the summons must be served personally. (EX: 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 9:00 a.m. The defendant must receive 8 to 30 days notice. Your case will generally be placed on the calendar 2-3 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 at the applicable rate.

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

BE SURE TO SIGN THE FORMS IN FRONT OF A NOTARY PUBLIC and 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 of plaintiff to appear may result in a dismissal of the claim. The defendant must also appear in person or by an attorney. Failure of defendant to appear may result in a default judgment being entered. Either party may, at least 72 hours prior to 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. If the claim is disputed, the matter will be scheduled for pretrial/trial.