

DEFENDANT'S PROCEDURE FOR SMALL CLAIMS

If you wish to be more informed on small claims procedures, there is a small claims guide available for **FREE** online at: <http://www.wicourts.gov/publications/guides/smallclaimsguide.htm>

For Money Judgments: You ARE NOT required to appear on the date and time shown on the Summons and Complaint. **This date is only a deadline to file a written answer if you wish to contest the claim.** There is no court activity or hearing on this date and time.

If you are **CONTESTING** the plaintiff's complaint, you must file an Answer and Counterclaim on or before date shown on the summons you were served.

- **File** the Original **Answer and Counterclaim** (form SC-5200) with the Clerk of Court's office prior to the date and time listed on the Summons.
- There is no fee to file a counterclaim unless the total amount requested in the counterclaim exceeds \$10,000.00. In which case, there would be a statutory fee to transfer the case out of Small Claims to Large Claims.
- Make sure the **Answer and Counterclaim** is signed, dated and includes your address, telephone number, the name on the case and the case number. **It must be filed prior to the date and time listed on the Summons.** Make copies for each party to the case and have them authenticated (file stamped by clerk) for service.
- Serve all parties with the **Answer and Counterclaim**.
- All contested (disputed) cases will be required to go through mediation. You will be notified of that date by mail.

If you **ARE NOT CONTESTING** the claim, no action prior to the date and time on the Summons and Complaint is required.

- A default judgment may be entered against you for the amount requested in the complaint, plus statutory costs which may include fees incurred for filing, service of the action, docketing the judgment for public records, statutory attorney fees, and enforcement of the judgment.
- You will receive a Notice of Entry of Judgment and an Order for Financial Disclosure Statement in the mail.
- **Fill out** the Order for Financial Disclosure Statement and mail/deliver it to the Plaintiff/Attorney address on the form.

For Evictions: You ARE required to appear on the date and time shown on the Summons and Complaint.

- A hearing to address the date to vacate will be held with the Court Commissioner on the date and time shown on the Summons and Complaint. Any monetary damages will be addressed after the property has been vacated.
- If you fail to appear on your court date a judgment of eviction may be entered against you. The Plaintiff will be given 30 days to amend the claim for any monetary damages resulting from past due rent, utilities, cleaning and damages to the property, plus statutory costs which may include fees incurred for filing, service of the action, docketing the judgment for public records, statutory attorney fees and enforcement of the judgment.
- If a resolution is reached prior to the hearing date and time, the Plaintiff shall notify the clerk in writing so the hearing may be removed from the court calendar.

For Replevins: You ARE required to appear on the date and time shown on the Summons and Complaint.

- A hearing with the Circuit Court Judge will be held on the date and time shown on the Summons and Complaint.
- If you fail to appear on your court date a judgment of replevin may be entered against you plus statutory costs which may include fees incurred for filing, service of the action, docketing the judgment for public records, statutory attorney fees and enforcement of the judgment.
- If a resolution is reached prior to the hearing date and time, the Plaintiff shall notify the clerk in writing so the hearing may be removed from the court calendar.

ADJOURNMENT OF YOUR RETURN DATE

- **Written and timely** requests must be filed with the Clerk of Courts Office and will be considered for claims with a mandatory appearance only. This request must be signed, dated and include the name on the case, case number, return date and your current address and telephone number.