

NAVIGATING SMALL CLAIMS COURT: *POST-JUDGMENT ISSUES*

Hon. Laura Gramling Perez
Comm'r Maria Dorsey
October 11, 2018

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Your Small Claims case
is complete

. . . . or is it?

POST-JUDGMENT EVENTS

- Financial disclosure forms and contempt hearings
- Motions to reopen
- De novo review
- Motions to seal
- Judgment collection (but not today)

Financial Disclosure Forms and Contempt Hearings

Financial Disclosure Form: Money Damages and Disclosure of Assets (Sec. 799.26)

Within 15 days of the entry of judgment, the judgment debtor must either:

- Pay the judgment in full or,
- Accurately complete the Financial Disclosure Statement form and mail or deliver it to the judgment creditor or attorney. (SC-506B form)

Failure to comply with the asset disclosure may result in contempt of court.....

Motion for Contempt

If the judgment debtor hasn't completed the financial disclosure form, the moving party may file a motion for contempt in Room 400.

If the judgment debtor appears, the commissioner will instruct the person to fill out the financial disclosure form.

If the judgment debtor does not complete the financial disclosure, or the judgment creditor is not satisfied that the information is complete, the commissioner will set the case before the Judge for a contempt hearing.

Contempt Hearings

Contested hearing before the small claims judge:

- Judgment debtor will be sworn.
- Judge will determine completeness of information provided on financial disclosure.
- Judge may impose sanctions for contempt of court if disclosures are determined to be incomplete.

Arrest warrant may be issued for failure to appear. To clear warrant, one of the following must occur:

- Financial disclosure is completed and mailed to plaintiff;
- Judgment is paid in full; or
- 20-year judgment period expires.

Motions to Reopen

Filing a Motion

Party may move to reopen default dismissal or judgment pursuant to Wis. Stats. 799.29.

Moving party comes to Room 400 to receive and fill out the motion to re-open paperwork.

- Commissioner will review the motion and give the party a motion hearing date before the judge.
- Moving party must notify the other party of motion and court date by regular and certified mail.
- If tenant in an eviction case seeks to reopen an un-executed eviction judgment, case will be transferred to the small claims judge immediately.

Motion Hearing

Moving party should bring certified mail receipt to hearing, along with any relevant documentation.

Motion to reopen will be granted if:

- Motion is filed within a year after judgment,
- Moving party demonstrates excusable neglect for missed court date, and
- Moving party demonstrates reasonable likelihood they will succeed on the merits if case is reopened.

Motion will be granted regardless of timing if judgment is void for lack of jurisdiction/improper service.

De Novo Review

Requests for De Novo Review

- Some motions to reopen are actually requests for de novo hearings.
- Parties can request immediate de novo review of a commissioner decision.

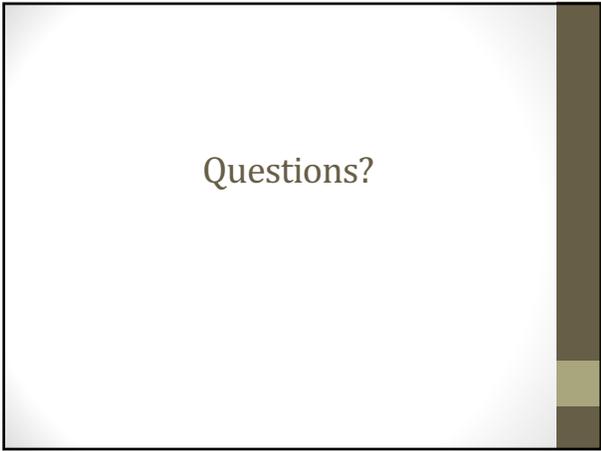
Motions to Seal

Motions to Seal Eviction Records

Moving party comes to Room 400 to receive and fill out the motion to seal paperwork.

- Commissioner reviews the motion and give the party a motion hearing date before the judge.
- The moving party must notify the other party of the motion and hearing date by regular and certified mail.
- If the case was dismissed that day in the commissioner court, and the parties are both present, the parties may be able to walk over to see the judge forthwith, regarding a motion to seal, if time permits.

Court will weigh countervailing public interests in determining whether to seal the court record.



Questions?
