

JUN 11 2020

Small Claims Procedures During COVID-19

Updated 6/11/2020

LISA M. ROTH
CLERK OF CIRCUIT COURT

The Wisconsin Supreme Court has ordered all local courts to develop a plan for court operations during the COVID-19 pandemic. As part of this process the Court has developed a COVID-19 Circuit Court Safety Plan. The Safety Plan is designed to allow court functions to continue while keeping court personnel and litigants safe.

The COVID-19 Circuit Court Safety Plan for Portage County has been approved by the Chief Judge of the 9th Judicial Circuit. This small claims procedures order complies with the Safety Plan.

In general, for small claims litigants, this means:

1. All individuals attending in-person hearings will need to comply with the court's general order regarding courthouse safety. This order among other things requires all individuals entering the courthouse to observe social distancing protocols and wear facial coverings (masks).
2. Hearings will be conducted remotely by WebEx in certain types of cases.
3. Hearings conducted in person will be staggered to avoid large groups having to be present in the courtroom at one time.

To accomplish this, the Portage County small claims schedule will be revised as follows:

1. Return dates on non-eviction matters will be at 7:30, 7:45, 8:00, 8:15, 8:30, and 8:45 AM. We will schedule a maximum of 15 return dates at each time slot until the small claims date is filled. Additional matters will be set for a return date at the next available small claims date. These return dates will be conducted **by WebEx Conference (video or phone) only**. Hearing notices will include WebEx call-in information.
2. In addition to all other required forms, the Landlord in Eviction matters must complete the **CARES Act Landlord Verification** form (available on the Clerk of Courts website) until further order of the court or expiration of the applicable federal statute.
3. Return dates on eviction matters will be set at 9:00 and 9:30 AM. A maximum of five return dates at each time slot will be scheduled (10 per small claims date). Any additional filings will be set for a return date on the next available small claims date. Litigants who have already received hearing notices for a June 16, 2020 return date may appear in person or by WebEx. **All litigants in subsequent eviction matters must appear in person.**
4. Any contested eviction matters from that morning's return dates will be heard between 9:30 and 10:30 in the reserve courtroom or as otherwise scheduled by the court. These hearings will be held one at a time and **in-person**. As occupancy and social distancing in the Reserve Courtroom is limited, Litigants may asked to remain in the hallway until called by the bailiff.
5. Pretrial conferences on contested non-eviction matters (including rent and damages hearings) will be held at 10:00, 10:15, 10:30, and 10:45 AM. Both sides will need to be prepared to provide all documents that they intend to present to the court to the other side at or before this hearing. Parties are encouraged to file their exhibits at least 48 in advance of the hearing. A maximum of five hearings at each time slot will be scheduled until the date is filled. Any additional contested matters will be set for a return date on the next available small claims date.

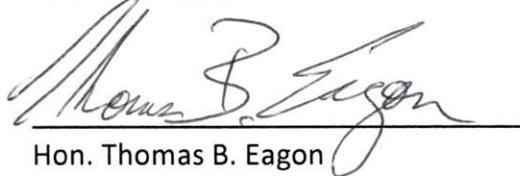
These pretrial conferences will be **by WebEx (phone or video) only**. Hearing notices will include WebEx call-in information.

6. Matters that cannot be resolved at the pretrial conference will be set for contested hearings at a later date. All contested hearings will be **in person**.
7. Motions (including motions to reopen, garnishments, and contempt hearings) will be held at 11:00 and 11:30 AM **by WebEx Conference (video or phone) only**. Hearing notices will include WebEx call-in information.
8. When serving the summons and complaint in eviction matters, landlords must also serve tenants with the Wisconsin Rental Assistance Program (WRAP) program information. The court will attach this information to the e-filed summons and complaint.

This procedure will remain in place until further order of the court.

Dated and signed this 11th day of June, 2020, in Stevens Point, Wisconsin.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Thomas B. Eagon", is written over a horizontal line.

Hon. Thomas B. Eagon
Circuit Judge – Branch 1