

Enter the name of place and county where the ticket was received.

STATE OF WISCONSIN VILLAGE/CITY/TOWN OF _____
_____ COUNTY

MUNICIPAL COURT

Enter the name of the court that issued the judgment and your case number(s). If you have more than one ticket, only include only tickets that are in the village/city/town you entered above.

NAME OF COURT

Plaintiff,

vs.

Case Number(s): _____

You are the defendant. Enter your name and address

Defendant.

**NOTICE OF MOTION AND MOTION TO VACATE
DEFAULT JUDGMENT AND REOPEN CASE**

Enter the court's address from the place you got the citation. This should be on the citation/ticket.
Enter your name on the line below

TO: City/Municipal Attorney

Enter your name.

PLEASE TAKE NOTICE that _____, moves the Court to vacate the default judgment(s) and reopen the above- referenced case(s). Wisconsin Statute § 800.115(1) provides that municipal court defendants may move for relief from a judgment within six months of the judgment or at any time if it is in the interests of justice. Wis. Stats. §§ 800.115(1)-(2), 806.07(1)(h).

The decision to vacate a default judgment is a discretionary one. However, as Wisconsin courts have repeatedly observed, the law prefers to provide litigants, when reasonably possible, with a day in court. See, e.g., Quinn Distributors, Inc. v. Miller, 43 Wis. 2d 291, 296, 168 N.W.2d 552 (1969). Reflecting that preference, our courts have viewed default judgments with "particular disfavor." Dugenske v. Dugenske, 80 Wis.2d 64, 68, 257 N.W.2d 865 (1977).

List the reason(s) you did not attend the court hearing.

I was not represented in these cases, and I did not understand my

options or the potential consequences of the charges. I was unable to attend the hearing because _____.

It is in the interests of justice to grant this motion, vacate the conviction in the above-captioned cases, and set the matter for a pre-trial conference. Wis. Stat. § 806.07(1).

WHEREFORE, I move this Court to vacate the default judgment(s), reopen the cases, submit a “not guilty” plea, and set the matters for Pre-Trial in approximately 60 days.

Dated this _____ day of _____, 20____.

Submitted by:

Sign and print your name, address and phone number. Enter the date on which you signed your name.

Note: This signature does not need to be notarized.

Sign Name

Print Name

Address

Telephone number

[You must file this motion in the town/city where you received the ticket(s). You must send a copy of this motion to the prosecutor’s office that you filled in above. Keep a copy for yourself.]