

FILED
08-23-2019
Clerk of Circuit Court
Brown County, WI
2018CV000902

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH IV

BROWN COUNTY

VOS ELECTRIC, INC.,

Plaintiff,

v.

Case No. 18-CV-902

Case Classification Code: 30301

GLENARBOR PARTNERS, INC.,

Defendant.

**ORDER ON STIPULATED WITHDRAWAL OF VOS ELECTRIC, INC.'S MOTION TO
STRIKE AFFIRMATIVE DEFENSES AND GLENARBOR PARTNERS, INC.'S
AFFIRMATIVE DEFENSES 2, 3, 4, & 5**

Based upon the Stipulation of the parties dated August 23, 2019,

IT IS HEREBY ORDERED THAT:

1. The following GlenArbor Partners, Inc.'s Affirmative Defenses (# 2, 3, 4, and 5) from its Amended Answer to Plaintiff's Complaint, Affirmative Defenses, and Counterclaims, Docket No. 18, are **WITHDRAWN**:

“2. Plaintiff failed to serve Defendant pursuant to the requirements of Wisconsin Statute § 801.11.”

“3. Plaintiff’s alleged service of summons by publication was insufficient pursuant to Wisconsin Statute Chapter 985.”

“4. Plaintiff has, to date, failed to timely serve Defendant in person and cannot timely serve Plaintiff via publication because Plaintiff is required to serve the authenticated summons and complaint by October 23, 2018, and, pursuant to Wisconsin Statute §§ 801.11(1)(c) and 985.07(3), service by publication requires the summons to be published for three consecutive weeks.”

“5. The Court lacks personal jurisdiction over Defendant.”

The withdrawal is limited to the identified affirmative defenses and has no effect on GlenArbor Partner, Inc.’s remaining affirmative defenses. GlenArbor Partners reserves the right to assert additional affirmative defenses, as discovery is on-going.

2. Vos Electric, Inc.’s Motion to Strike Affirmative Defenses, Docket No. 21, is **WITHDRAWN**.
3. The balance of the Motion Hearing scheduled for August 26, 2019, at 8:30 am is **REMOVED** from the Court’s Calendar as moot.
4. The Clerk shall schedule a telephonic scheduling conference with parties to order a new scheduling order.