

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

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH NO. IV

BROWN COUNTY

VOS ELECTRIC, INC.,

Plaintiff,

v.

Case No. 18-CV-902

Case Classification Code: 30301

GLENARBOR PARTNERS, INC.,

Defendant.

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

The Defendant, GlenArbor Partners, Inc. ("GlenArbor Partners"), by and through its attorneys, Davis & Kuelthau, s.c., and Plaintiff, Vos Electric, Inc. ("Vos Electric"), by and through its attorneys, Janssen Law LLC, hereby stipulate as follows:

1. GlenArbor Partners withdraws Affirmative Defenses # 2, 3, 4, and 5 from its Amended Answer to Plaintiff's Complaint, Affirmative Defenses, and Counterclaims, Docket No. 18, reproduced as follows:

"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 of these specific affirmative defenses has no effect on any of GlenArbor Partners’ remaining affirmative defenses. GlenArbor Partners reserves the right to assert additional affirmative defenses, as discovery is on-going.

2. Vos Electric withdraws its Motion to Strike Affirmative Defenses, Docket No. 21.
3. Because the stipulated withdrawals resolve the pending Motion, the balance of the Motion Hearing scheduled for August 26, 2019, at 8:30 am is moot and can be removed from the Court’s calendar.
4. Because the previous trial dates were removed, the Court should schedule a telephonic scheduling conference to set a new scheduling order.
5. The parties hereby request that the Court enter an order removing the August 26 hearing from the calendar and setting a telephonic scheduling order to set a new scheduling order.

Dated: August 23, 2019

DAVIS & KUELTHAU, S.C.

By: Electronically signed by Sherry D. Coley

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Dated: August 23, 2019

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By: Electronically signed by Robert J. Janssen

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