

STATE OF WISCONSIN

CIRCUIT COURT
SMALL CLAIMS

BROWN COUNTY

EUNICE RODRIGUEZ,

Plaintiff,

v.

JUSTIN THAYSE

Defendant.

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Case No. 2008-SC-1745

31001 – Small claims
Claim under dollar limit

NOTICE OF MOTION AND MOTION FOR SANCTIONS

PLEASE TAKE NOTICE THAT, Plaintiff Eunice Rodriguez, by her attorney, hereby moves the Court for Sanctions pursuant to Wis. Stats. § 802.05(2) et seq.

In support of this motion, Plaintiff states as follows:

1. The Answer To Amended Complaint, Affirmative Defenses, and Counterclaim served on Plaintiff's counsel on June 4, 2008 contain patently disingenuous and contradictory averments made in violation of Wis. Stats. §§ 802.05(2)(b), (c) and (d).

2. In violation of §§ 802.05(2)(c) and(d), Defendant's Answer To Amended Complaint, Paragraph 4, alleging that Defendant lacks information or knowledge sufficient to admit or deny the allegations contained in Paragraph 8 of the Amended Complaint does not have and is not likely to have evidentiary support, and is not warranted and is not reasonably based on lack of information, as Defendant's Answer To Amended Complaint, Paragraph 3, specifically admits the allegations of Paragraph 8 of the Amended Complaint.

3. In violation of § 802.05(2)(d), Defendant's Answer To Amended Complaint, Paragraph 2, alleging that Defendant lacks information or knowledge sufficient to admit or deny the allegations contained in Paragraph 6 of the Amended Complaint is not warranted and is not reasonably based on lack of information, as the allegation contained in Paragraph 6 of the Amended Complaint relates specifically to the Defendant's actions.

4. In violation of §§ 802.05(2)(c) and (d), Defendant's Answer To Amended Complaint, Paragraph 2, alleging that Defendant lacks information or knowledge sufficient to admit or deny the allegations contained in Paragraph 7 of the Amended Complaint does not have and is not likely to have evidentiary support, and is not warranted and is not reasonably based on lack of information, as Defendant's Counterclaim, Paragraphs 9-11 confirm for the record Defendant's participation in the Agreement and knowledge of the specific allegations that are the subject of Paragraph 7 of the Amended Complaint.

5. In violation of §§ 802.05(2)(c) and(d), Defendant's Answer To Amended Complaint, Paragraph 4, alleging that Defendant lacks information or knowledge sufficient to admit or deny the allegations contained in Paragraphs 9, 10, 13 and 14 of the Amended Complaint does not have and is not likely to have evidentiary support, and is not warranted and is not reasonably based on lack of information, as Defendant's Counterclaim, Paragraphs 9-11, confirm for the record Defendant's participation in the Agreement and knowledge of the specific allegations that are the subject of Paragraphs 9 and 10 of the Amended Complaint.

6. In violation of § 802.05(2)(d), Defendant's Answer To Amended Complaint, Paragraph 4, alleging that Defendant lacks information or knowledge sufficient to admit or

deny the allegations contained in Paragraphs 16 and 18 of the Amended Complaint is not warranted and is not reasonably based on lack of information, as the allegation contained in Paragraphs 16 and 18 of the Amended Complaint relates specifically to the Defendant's actions.

7. In violation of § 802.05(2)(b), Defendant's Affirmative Defenses, Paragraph 3, alleging that Plaintiff's Amended Complaint is barred by the statute of limitations is not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law.

Wherefore, Plaintiff Eunice Rodriguez respectfully requests the court enter an order imposing sanctions as the court deems appropriate, and an award of reasonable attorneys fees and costs.

Dated this 20th day of June, 2008.

Kevin W. Davidson
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Wis. State Bar. No 1045344

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