

This is to advise that Waukesha County Civil Rule 5.4 has been modified. The order approving was signed by Chief Judge Davis on 2/23/09.

#### **5.4 SUMMARY JUDGMENT AND DISMISSAL MOTIONS:**

(a) A motion for summary judgment under §802.08, Wis. Stats., or a motion for dismissal under §802.06, Wis. Stats., shall be filed in the office of the Clerk of Circuit Court together with any brief, affidavit(s), or other supporting documents. If movant does not desire to file a brief, affidavit(s), or other supporting documents, movant shall file a statement waiving the right to file such brief, affidavit(s), or other supporting documents. Prior to service and filing, movant shall obtain from the clerk a hearing date, and movant shall send notice of the hearing date to all attorneys of record and/or parties not appearing by an attorney of record.

(b) Responding party shall serve and file a brief, affidavit(s), or other supporting documents, or a waiver in writing on the right to do so. If responding party fails to file any brief, affidavit(s), or other supporting documents, or a waiver thereof, within the time limit set for response, it shall be presumed that the responding party has waived the right to do so.

(c) Movant shall serve and file a brief limited to matters in reply. Failure to timely file a reply brief shall be a waiver of the right to do so.

(d) A court order may prescribe a procedure different from this rule. Refer to Scheduling Order for deadlines related to the hearing of said motions and filing of supporting and opposing documents.