

appeal from Baxter v. DHSS, 82-85-PC, 8/31/83

X

STATE OF WISCONSIN

CIRCUIT COURT

FOND DU LAC COUNTY

RECEIVED

Scott Baxter,
Petitioner
vs
State Personnel Commission and
Linda Reivitz, Secy of the
Dept of Health & Social Services

JUL 5 1985

Personnel
Commission

ORDER OF DISMISSAL

Case No. 83-CV-566

WHEREAS, the above-captioned matter was filed on September 30, 1983

WHEREAS, it appears from the file herein that:

No service of an authenticated copy of the Summons and Complaint upon the defendant(s) within 60 days after filing as required by Sec. 801.02(1), Stats.

X

The above-captioned matter has not been diligently prosecuted.

X

There has been a failure to obey this Court's order to file briefs

NOW, THEREFORE, ON THE COURT'S OWN MOTION:

IT IS HEREBY ORDERED that the above-captioned matter be and the same is hereby dismissed, without costs to any party; said order shall become effective twenty (20) days after rendition thereof, unless prior to the effective date any party through counsel or personally shows good cause in writing why such order should not be entered. Pursuant to Sec. 805.03 Stats., a dismissal for lack of service is not on the merits and is without prejudice because the action is dismissed for lack of service of the Summons and Complaint upon the defendant(s) within 60 days after filing as required by Sec. 801.02(1), Stats.

IT IS FURTHER ORDERED that any issue as to what constitutes good cause, shall be resolved upon formal hearing.

DATED: April 19, 1985

Copies to:

Attorney Steven Parrish
Attorney Robert J. Vergeront
Clerk of Courts

BY THE COURT:

Raymond M. [Signature]
Circuit Judge,