

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALEKSANDRA CICHOWSKI and
CEZARY CICHOWSKI,

ORDER

Plaintiffs,

05-C-262-C

v.

FRED D. HOLLENBECK; TOM CASEY; DEBBIE KING;
SAUK COUNTY; JUDGES GUY REYNOLDS
AND EVENSON; DONNA MUELLER;
CARRIE WASTLICK; PEGGY; GENE WIEGAND;
BRANT BAILEY; CURAN HOLLENBECK AND ORTON, S.C.;
WAYNE MAFFEI; JENKS CROSS MERCER and MAFFEI LAW
FIRM; M&I BANK; DAVE GUTTER; KETTY W. BAUER;
DEBRA KING; MARK L. KRUEGER; WILLIAM
GREENHALGH; GREENHALGH and KRUEGER, S.C.;
THE BANK OF MAUSTON; ROBERT FAIT;
TOM SCHMIDT; KELLY HONNOLD;
SCOTT SCHMIDT; ADELA LUCARZ; and JOSEPH
LUCARZ;

Defendants.

In an order dated May 18, 2005, I dismissed plaintiff's original complaint for plaintiffs' failure to submit a pleading that complied with Fed. R. Civ. P. 8. I told plaintiffs Aleksandra and Cezary Cichowski that they could have until May 31, 2005, in which to file an amended complaint that contained short and plain statements of the facts forming the

basis for their claims that the named defendants violated their constitutional rights. Later, at plaintiffs' request, I moved the deadline to June 6, 2005. Now plaintiffs have filed an amended complaint that is marginally better than their first. However, although the allegations are still lengthy, I cannot say that defendants will be unable to understand with any certainty what actions or inactions they are accused of taking and for what purpose. If any one of the defendants cannot understand the charges against them, he or she may move for a more definite statement pursuant to Fed. R. Civ. P. 12(e).

The next step is for plaintiffs to serve their amended complaint on the defendants as though it were their first complaint. In other words, plaintiffs must obtain waivers of service of a summons from each defendant pursuant to Fed. R. Civ. P. 4(d) or serve the defendants personally pursuant to Fed. R. Civ. P. 4(e), (h) or (j), which govern service of process on individuals, corporations and local governments, respectively. Plaintiffs are to submit proof of service of their amended complaint upon the defendants no later than July 29, 2005. If, by July 29, 2005, plaintiffs fail to submit proof of service of their amended complaint on the defendants or show cause for their failure to do so, I will dismiss any defendant who has not been served unless plaintiffs can show that they are likely to locate the unserved defendants within the time allowed under Fed. R. Civ. P. 4(m).

Assuming that defendant Judges Reynolds and Evenson are properly served with plaintiffs' amended complaint, they may submit an answer or a motion to dismiss pursuant

to Fed. R. Civ. P. 12 or they may advise the court that they intend to stand on the motion to dismiss they filed in response to the original complaint. If defendants Reynolds and Evenson advise the court that they will stand on their previously submitted motion, I will schedule briefing on the motion.

As plaintiffs are now fully aware, the Federal Rules of Civil Procedure govern their proceedings in federal court. If plaintiffs do not have a copy of the rules, they may find them in any public law library or on the Internet at www.law.cornell.edu/rules/frcp.

ORDER

IT IS ORDERED that plaintiff's complaint dated June 2, 2005, is accepted as the operative pleading in this case. Plaintiffs are to submit proof of service of their amended complaint upon the defendants no later than July 29, 2005. If, by July 29, 2005, plaintiffs fail to submit proof of service of their amended complaint on the defendants or show cause for their failure to do so, I will dismiss any defendant who has not been served unless plaintiffs can show that they are likely to locate the unserved defendants within the time allowed under Fed. R. Civ. P. 4(m).

Further, IT IS ORDERED if defendant Judges Reynolds and Evenson are properly served with plaintiffs' amended complaint, they may submit an answer or a motion to dismiss pursuant to Fed. R. Civ. P. 12 or they may advise the court that they intend to stand

on the motion to dismiss they filed in response to the original complaint.

Entered this 10th day of June, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge