

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,
Plaintiff

vs.

Case No. 18CV3122

JAMES FETZER,
MIKE PALECEK,
WRONGS WITHOUT WREMEDIES, LLC,
Defendants.

MOTION TO CORRECT AFFIDAVIT

Due to a clerical error, one sentence was inadvertently deleted from the Affidavit of Jacob Zimmerman in Support of Plaintiff's Motion for Summary Judgment. Plaintiff respectfully requests leave to file a replacement affidavit.

Background

During final preparation of affidavits in support of its motion for summary judgment, one sentence was inadvertently deleted from the Affidavit of Jacob Zimmerman. That sentence was: "2. I make the following statements of my own personal knowledge."

Argument

The statements in the Zimmerman Summary Judgment Affidavit were made of Mr. Zimmerman's own personal knowledge. *See Zimmerman Affidavit in Support of Motion to Correct at Ex. A, ¶ 2 (corrected Affidavit of Jacob Zimmerman in Support of Plaintiff's Motion for Summary Judgment).*

The Court has discretion to allow this minor correction. *See Glendenning's Limestone & Ready-Mix Co. v. Reimer*, 295 Wis. 2d 556, 568–69, 721 N.W.2d 704, 710 (Ct. App. 2001). The correction does not change the substance of the affidavit. The only change Plaintiff seeks is the reinsertion of that single statement. There is no prejudice to defendants in allowing this correction, particularly in light of the recent extension of the deadline to respond.

CONCLUSION

For the reasons set forth herein, Plaintiff respectfully requests that the Court allow Plaintiff to file a corrected Affidavit of Jacob Zimmerman in Support of Plaintiff's Motion for Summary Judgment.

Dated: May 8, 2019

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