

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

JOHN C. KRAEMER,

Plaintiff,

v.

HERMAN E. HOFFMAN, JR.,

Defendant.

ORDER

13-cv-860-wmc

Upon review of the entire file in this case, the court hereby finds:

1. Pursuant to this court's Opinion and Order dated October 6, 2014 (dkt. #60), defendant Herman E. Hoffman, Jr. is entitled to the excess proceeds from the sale of his cattle currently being held by the Clerk of Court after satisfying the default judgment in favor of plaintiff John C. Kraemer.
2. By virtue of an April 9, 2014, judgment entered in favor of non-party Trans Ova Genetics, L.C., and against defendant Hoffman by the District Court for Sioux County, Iowa, in the amount of \$275,068.32, Trans Ova sought to lay claim to these excess funds after the court had entered final judgment in this case, initially by an oddly-styled "Stipulation" with the plaintiff and then by a formal motion to intervene, which this court found untimely. (Dkt. #68)
3. While Trans Ova's attempts to intervene directly in this case were denied as untimely, the court directed: "the Clerk to hold the remainder of funds in escrow" should Trans Ova domesticate its foreign judgment "on or before the close of business Wednesday, October 22, 2014, . . . at least until [the court] has heard from Hoffman." (Dkt. #68.)

4. Because Trans Ova did domesticate the Sioux County District Court judgment on October 21, 2014, in an action in the Circuit Court for Dane County, Wisconsin, which named Hoffman as “Defendant debtor,” the court then ordered:

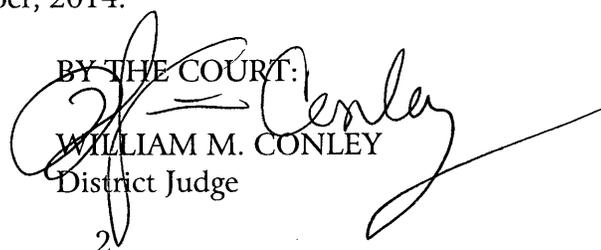
the clerk of court to retain remaining funds held in escrow in this matter pursuant to its October 17, 2014, opinion and order (dkt. #68), pending further direction of the court. Defendant Herman Hoffman may have until October 31, 2014, to file any opposition to this court's continued retention of these funds. Trans Ova's counsel may have until November 7, 2014, to take such steps as necessary to lay claim to the remaining escrowed funds by executing on its judgment.

(Dkt. #71.)

5. Trans Ova subsequently obtained a “Writ of Execution” directing the Sheriff of Dane County, Wisconsin, to execute that judgment by obtaining the remaining excess funds held by the clerk.
6. Despite being given ample opportunity to challenge the domestication and execution of the foreign judgment in Dane County Circuit Court and/or to object to this court holding the escrowed funds until Trans Ova could execute on them, defendant has failed to object or otherwise claim an interest in the excess funds superior to Trans Ova's judgment.

NOW THEREFORE, IT IS ORDERED that the Clerk of Court shall (1) promptly return to the Dane County Sheriff upon receipt of the original Writ, a check in the amount of \$36,685.57 payable to the “Dane County Sheriff's Office” and (2) close this case.

Entered this 7th day of November, 2014.

BY THE COURT:

WILLIAM M. CONLEY
District Judge