

CHAPTER 218, Laws of 1975

AN ACT to amend various provisions of the statutes for the purpose of correcting errors, clarifying language and eliminating distinctions based upon sex as authorized by section 13.93 (1) (m) of the statutes (Revisor's Correction Bill).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: Section 13.93 (1) (m) of the statutes, created by chapter 94, laws of 1975, directs the revisor of statutes to replace personal pronouns, words of male or female gender and other terminology which discriminates on the basis of sex, except where the statute clearly applies to one sex only, whenever any statute is affected by any act of the legislature. The revisor also may make these changes in statutes which are not affected by new acts. According to s. 13.93 (1) (m), these changes have no substantive effect. This bill removes language which discriminates on the basis of sex from statutes created or affected by Supreme Court order under the authority of s. 251.18 of the statutes, relating to rules of pleading and practice. The statutes covered in this bill were those affected by Supreme Court order adopted February 17, 1975, promulgating rules of civil procedure, modifications to the rules adopted September 30, 1975 and rules of videotape procedure adopted the same date, all effective January 1, 1976. Rules of pleading and practice adopted by the court under s. 251.18 are specifically subject to amendment by the legislature. Those chapters of the statutes which were merely relocated by renumbering are not covered in this bill and neither are amendments to court rules which are designated "rule" in the statutes. Nearly all the changes in this bill relate to deleting pronouns, substituting nouns for pronouns or changing words to delete references to gender. A few errors also are corrected. This bill includes only those changes which the revisor believes have no question as to substantive effect. Those changes which appear to raise some question as to substantive effect will be presented in separate bills. Since the reason for the changes are similar for all sections, there are no notes to individual sections.

SECTION 1. 17.14 (4) of the statutes, as affected by Supreme Court order effective January 1, 1976 is amended by substituting "The clerk's" for "his".

SECTION 2. 18.13 (2) of the statutes, as affected by Supreme Court order effective January 1, 1976 is amended by substituting "the attorney general's office" for "his office" and "an assistant" for "his assistant".

SECTION 3. 19.03 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "sureties upon an official" for "his sureties upon his official".

SECTION 4. 32.05 (5) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "for reasonable" for "for his reasonable".

SECTION 5. 32.05 (11) (b) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 6. 32.10 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by deleting "if he desires" and "his".

SECTION 7. 51.02 (1) (a) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the patient's mental" for "his mental" in 2 places and "the patient" for "him".

SECTION 8. 52.35 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "in the party's behalf" for "in his behalf" and "may exclude" for "may in his discretion exclude".

SECTION 9. 59.456 (6) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the district attorney is" for "he may be", "the district attorney shall" for "he shall" and "the county" for "his county".

SECTION 10. 70.96 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the county" for "his county".

SECTION 11. 71.13 (3) (b) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the county" for "his county" and "the clerk shall" for "he shall".

SECTION 12. 71.19 (1) (L) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 13. 74.11 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the treasurer may file" for "he may file", "the county" for "his county", "the treasurer has demanded" for "he has demanded", "commanding the person to appear" for "commanding him to appear", "why the person" for "why he", "the person has failed" for "he has failed", "commanding the sheriff or constable to forthwith" for "commanding him forthwith" and "before the judge" for "before him".

SECTION 14. 113.11 (1) of the statutes, as renumbered from 269.53 (1) by supreme court order effective January 1, 1976, is amended by substituting "the person and the" for "himself and the", "procure the" for "procure his", "which the debtor" for "which he", "the debtor and co-debtors" for "himself and co-debtors", "surety the person's" for "surety his" and "by the person" for "by him".

SECTION 15. 113.11 (2) of the statutes, as renumbered from 269.53 (2) by supreme court order effective January 1, 1976, is amended by substituting "the principal debtor's" for "his".

SECTION 16. 126.63 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the owner's application" for "his application".

SECTION 17. 139.12 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "if paid" for "if he pays".

SECTION 18. 170.05 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "its return" for "its return to him", "the finder's charges" for "his charges" and "the finder shall pay" for "he shall pay".

SECTION 19. 172.06 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "return" for "return to him", "the finder's charges" for "his charges" and "the finder shall pay" for "he shall pay".

SECTION 20. 174.01 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the person knows" for "he knows" and "the person while peacefully" for "him while he is peacefully".

SECTION 21. 180.825 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "with the secretary" for "with him", "the secretary's office" for "his office" and "the secretary shall" for "he shall".

SECTION 22. 180.847 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the secretary's office" for "his office".

SECTION 23. 180.92 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the secretary's office" for "his office", "the secretary shall" for "he shall", "after receipt of the document" for "after the delivery thereof to him", "the secretary's decision" for "his decision" and "direct the secretary" for "direct him".

SECTION 24. 180.92 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "direct the secretary" for "direct him".

SECTION 25. 181.73 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the secretary's office" for "his office", "the secretary shall" for "he shall", "after receipt of the document" for "after the delivery thereof to him", "the secretary's decision" for "his decision" and "direct the secretary" for "direct him".

SECTION 26. 247.06 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the defendant's" for "his".

SECTION 27. 247.062 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the defendant's" for "his".

SECTION 28. 252.076 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the judge or justice" for "he" and "his or her" for "his".

SECTION 29. 253.142 (1) (a) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the judge shall" for "he shall".

SECTION 30. 255.025 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person is" for "he is".

SECTION 31. 255.096 (2) of the statutes, as renumbered from 270.15 (2) by supreme court order effective January 1, 1976, is amended by substituting "the clerk" for "he".

SECTION 32. 256.283 (6) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "findings" for "his findings", "recommendations" for "his recommendations", "counsel has" for "he has" and "the referee deems" for "he may deem".

SECTION 33. 285.01 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the claimant" for "he" in 2 places.

SECTION 34. 287.05 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the deceased person's" for "his".

SECTION 35. 289.09 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the person may" for "he may".

SECTION 36. 289.155 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "against the contractor" for "against him" and "his or her" for "his".

SECTION 37. 290.05 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff shall" for "he shall", "the

defendant's behalf" for "his behalf", "he or she has" for "he has", "the plaintiff would" for "he would" and "the plaintiff's claim" for "his claim".

SECTION 38. 290.06 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the officer's county" for "his county".

SECTION 39. 292.19 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the imprisonment" for "his imprisonment", "the prisoner is" for "he is", "a discharge" for "his discharge" and "by oath" for "by his oath".

SECTION 40. 293.10 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "by the party" for "by him".

SECTION 41. 294.07 of the statutes, as amended by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff or relator may amend the complaint within 24 hours" for "the plaintiff or relator shall amend his complaint, if he desire to amend, within 24 hours", "an answer" for "his answer", "the defendant shall" for "he shall" and "the defendant expects" for "he expects".

SECTION 42. 299.16 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "defendant's person" for "his person".

SECTION 43. 299.30 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "or attorney" for "or his attorney" and "the appellant's appeal" for "his appeal".

SECTION 44. 299.41 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "or attorney" for "or his attorney" and "the property" for "his property".

SECTION 45. 299.43 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the answer" for "his answer".

SECTION 46. 344.17 (3) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "his or her own use and benefit and at the judgment creditor's sole expense bring an action to foreclose the lien in the name of the state" for "his own use and benefit and at his sole expense bring an action to foreclose such lien in the name of the state for his use and benefit under this section".

SECTION 47. 344.36 (3) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "his or her own use and benefit and at the judgment creditor's sole expense" for "his own use and benefit and at his sole expense".

SECTION 48. 345.421 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the defendant" for "he".

SECTION 49. 425.207 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the creditor's" for "his".

SECTION 50. 601.63 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the commissioner" for "he".

SECTION 51. 601.64 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the person" for "him" and "the commissioner" for "he".

SECTION 52. 701.09 (4) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "designation" for "his designation".

SECTION 53. 702.17 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "can" for "he can" and "the creditor could" for "he could".

SECTION 54. 801.02 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "him" and "upon the defendant" for "upon him".

SECTION 55. 801.02 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defendant" for "him".

SECTION 56. 801.03 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "an agent" for "his agent" and "the agent's authority" for "his authority".

SECTION 57. 801.05 (5) (d) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defendant's order" for "his order".

SECTION 58. 801.05 (7) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "predecessor" for "his predecessor".

SECTION 59. 801.06 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "upon a person" for "upon him", "the person has" for "he has" and "his or her person" for "his person".

SECTION 60. 801.09 (2) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "defendant" for "him".

SECTION 61. 801.09 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "or attorney" for "or his attorney", "of the" for "of his" and "on the plaintiff" for "on him".

SECTION 62. 801.09 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "or counsel" for "or his counsel" and "a filing" for "his filing".

SECTION 63. 801.10 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "sign the summons" for "sign his name thereto", "the server's official title shall be stated" for "he shall add his official title" and "fees" for "his fees".

SECTION 64. 801.10 (4) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "upon the defendant" for "upon him".

SECTION 65. 801.10 (4) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the server knew" for "he knew", "the server delivered" for "he delivered", "with the defendant" for "with him" and "the affidavit" for "his affidavit".

SECTION 66. 801.10 (4) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his".

SECTION 67. 801.11 (2) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "after appointment under" for "after he has been appointed pursuant to".

SECTION 68. 801.11 (2) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the guardian" for "his guardian", "the person's affairs" for "his affairs" and "after appointment under" for "after he has been appointed pursuant to".

SECTION 69. 801.11 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "at the attorney general's" for "at his" and "with an" for "with his".

SECTION 70. 801.12 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "defendant" for "he".

SECTION 71. 801.12 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "attorney" for "his attorney", "upon request" for "upon his request" and "the defendant shall" for "he shall".

SECTION 72. 801.14 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "party in person" for "party himself", "a copy or by mailing it to the last known" for "a copy to him or by mailing it to him at his last known", "his or her office" for "his office", "a clerk" for "his clerk" and "his or her dwelling" for "his dwelling".

SECTION 73. 801.14 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the judge" for "him" and for "he".

SECTION 74. 801.15 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "paper upon the party" for "paper upon him" and "served" for "served upon him".

SECTION 75. 801.53 of the statutes, as renumbered by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff has" for "he have" and "the demand" for "his demand".

SECTION 76. 801.56 of the statutes, as renumbered by supreme court order effective January 1, 1976, is amended by substituting "the judge's court" for "his court" and "the judge" for "him".

SECTION 77. 801.61 of the statutes, as renumbered by supreme court order effective January 1, 1976, is amended by substituting "by such clerk" for "by him", "of fees" for "of his fees" and "the right" for "his right".

SECTION 78. 801.62 of the statutes, as renumbered by supreme court order effective January 1, 1976, is amended by substituting "a party may renew" for "the party who filed his affidavit of prejudice may renew", "the application" for "his application" and by deleting "on such affidavit".

SECTION 79. 801.63 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "consent" for "his consent" and "right" for "his right".

SECTION 80. 802.02 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the pleader deems to be entitled" for "he deems himself entitled".

SECTION 81. 802.02 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defenses" for "his defenses", "the party is" for "he is", "the party shall so" for "he shall so", "the denials" for "his denials" and "the pleader shall specify" for "he shall specify".

SECTION 82. 802.03 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party shall" for "he shall".

SECTION 83. 802.03 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "his or her part" for "his part".

SECTION 84. 802.03 (7) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the complaint" for "his complaint", "the plaintiff's claim and" for "his claim and" in 2 places, "the answer"

for "his answer", "defendant disputes" for "he disputes" and "the claim, the plaintiff shall" for "his claim, he shall".

SECTION 85. 802.04 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "supposes to be entitled upon the counterclaim" for "supposes himself entitled upon his counterclaim".

SECTION 86. 802.05 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the attorney's law" for "his law", "the individual's" for "his individual", "the pleading" for "his pleading", "the party's handwritten" for "his handwritten", "his or her address" for "his address", "certificate that the attorney" for "certificate by him that he" and "the attorney's knowledge" for "his knowledge".

SECTION 87. 802.06 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "an answer" for "his answer", "defendant unless" for "him unless", "appointment" for "his appointment", "against the party" for "against him", "service upon the party" for "service upon him" and "a reply" for "his reply".

SECTION 88. 802.06 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the adverse party may" for "he may".

SECTION 89. 802.06 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party may" for "he may" and "a responsive" for "his responsive".

SECTION 90. 802.06 (6) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "upon the party" for "upon him".

SECTION 91. 802.06 (7) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "him" in 2 places and for "he" in one.

SECTION 92. 802.07 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defendant" for "he".

SECTION 93. 802.07 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the pleading" for "his pleading".

SECTION 94. 802.08 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party's" for "his" and "the party" for "he" and for "him".

SECTION 95. 802.08 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the pleadings" for "his pleadings", "the adverse party's response" for "his response", "the adverse party does" for "he does" and "against such party" for "against him".

SECTION 96. 802.08 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party cannot" for "he cannot" and "the party's opposition" for "his opposition".

SECTION 97. 802.08 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the other party" for "him".

SECTION 98. 802.08 (6) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "he".

SECTION 99. 802.09 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the party’s pleading once” for “his pleading once” and “the pleading only” for “his pleading only”.

SECTION 100. 802.09 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “such party” for “him” and “the” for “his”.

SECTION 101. 802.09 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “against such party” for “against him” in 2 places, “he or she will” for “he will” and “a defense” for “his defense”.

SECTION 102. 802.09 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “permit the party” for “permit him”.

SECTION 103. 802.10 (1) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the judge determines that it is not reasonable to meet” for “the judge shall determine that he cannot reasonably meet”, “the judge may” for “he may” and “the judge’s” for “his own”.

SECTION 104. 802.10 (2) (a) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “before the judge” for “before him”.

SECTION 105. 802.10 (2) (e) 1 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the attorney” for “he”.

SECTION 106. 803.01 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the party’s” for the first “his own”, “joining” for “joining with him”, “the partner’s” for the second “his own”, “the partner shall” for “he shall” and “the pleading” for “his pleading”.

SECTION 107. 803.01 (3) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the party’s affairs” for “his affairs”, “the party shall” for “he shall”, “the party’s property” for the first “his property”, “property” for the second “his property”, “on behalf of the ward or incompetent” for “on his behalf” and “the interests of the general guardian” for “his interests”.

SECTION 108. 803.01 (3) (b) 2 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the plaintiff’s application” for “his application”, “the plaintiff’s guardian or” for “his guardian or”, “to the guardian” for “to his guardian”, “the plaintiff has” for “he has” in 2 places and “the minor or mentally incompetent” for “him”.

SECTION 109. 803.01 (3) (b) 3 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the defendant’s application” for “his application” and “the defendant’s guardian” for “his guardian”.

SECTION 110. 803.01 (3) (b) 5 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “such person’s” for “his own”.

SECTION 111. 803.01 (3) (c) 1 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “his or her affairs” for “his affairs” and “the guardian ad litem and the ward” for “he and his ward”.

SECTION 112. 803.01 (3) (c) 2. a of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the” for “his”.

SECTION 113. 803.02 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting “the party” for “he”.

SECTION 114. 803.02 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff" for "him".

SECTION 115. 803.03 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person's absence" for "his absence" in 2 places, "the person claims" for "he claims", "the person's ability" for "his ability" and "his or her claimed" for "his claimed".

SECTION 116. 803.03 (2) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "he" wherever it appears and "his or her" for "his" in 2 places.

SECTION 117. 803.03 (2) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended to read:

803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may 1. participate in the prosecution of the action, 2. agree to have his or her interest represented by the party who caused ~~his~~ the joinder, or 3. move for dismissal with or without prejudice. If the party joined chooses to participate in the prosecution of the action, ~~he~~ the party joined shall have an equal voice with other claimants in such prosecution. If ~~he~~ the party joined chooses to have his or her interest represented by the party who caused ~~his~~ the joinder, ~~he~~ the party joined shall sign a written waiver of ~~his~~ the right to participate which shall express ~~his~~ consent to be bound by the judgment in the action. Such waiver shall become binding when filed with the court, but a party may withdraw ~~his~~ the waiver upon timely motion to the judge to whom the case has been assigned with notice to the other parties. A party who represents the interest of another party and who obtains a judgment favorable to such other party may be awarded reasonable attorneys fees by the court. If the party joined moves for dismissal without prejudice as to his or her claim, ~~he~~ the party shall demonstrate to the court that it would be unjust to require ~~him~~ the party to prosecute ~~his~~ the claim with the principal claim. In determining whether to grant the motion to dismiss, the court shall weigh the possible prejudice to the movant against the state's interest in economy of judicial effort.

SECTION 118. 803.03 (3) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "he" wherever it appears.

SECTION 119. 803.03 (3) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "him".

SECTION 120. 803.04 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "he" and "him".

SECTION 121. 803.05 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defending party for all" for "to him for all", "against the defending party" for "against him", "he or she serves" for "he serves", "the third-party plaintiff must" for "he must", "defenses" for "his defenses" in 2 places and "counterclaims" for "his counterclaims" in 2 places.

SECTION 122. 803.05 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff" for "he".

SECTION 123. 803.07 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the plaintiff" for "he".

SECTION 124. 803.09 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the movant" for "he" and "the movant's" for "his".

SECTION 125. 803.10 (4) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "an official" for "his official", "dies" for "he dies" and "the successor" for "his successor".

SECTION 126. 803.10 (4) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended to read:

803.10 (4) (b) When a public officer sues or is sued in ~~his~~ an official capacity, ~~he~~ the public officer may be described as a party by ~~his~~ the official title rather than by name; but the court may require ~~his~~ the officer's name to be added.

SECTION 127. 804.01 (2) (c) 1 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "an attorney" for "his attorney", "the case" for "his case" and "the party seeking discovery is" for "he is".

SECTION 128. 804.01 (5) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the response" for "his response".

SECTION 129. 804.01 (5) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "he" wherever it appears.

SECTION 130. 804.02 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "personal" for "his own", "the petitioner's interest" for "his interest", "the petitioner desires" for "he desires", "the petitioner's reasons" for "his reasons" and "the petitioner expects" for "he expects" in 2 places.

SECTION 131. 804.03 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the commission" for "his commission".

SECTION 132. 804.05 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "to the named person or attorney" for "to him or his attorney".

SECTION 133. 804.05 (2) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "him" and "he".

SECTION 134. 804.05 (2) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party's" for "his own".

SECTION 135. 804.05 (2) (e) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the notice" for "his notice", "employment" for "his employment" and "the person will" for "he will".

SECTION 136. 804.05 (3) (b) 1, 2, 3 and 4 of the statutes, as created by supreme court order effective January 1, 1976, is amended to read:

804.05 (3) (b) 1. Any party who is a resident of this state may be compelled by notice as provided in sub. (2) to give ~~his~~ a deposition at any place within the county of ~~his~~ residence, or within 30 miles of ~~his~~ the party's residence, or at such other place as is fixed by order of the court. A plaintiff who is a resident of this state may also be compelled by like notice to give ~~his~~ a deposition at any place within the county where the action is commenced or is pending.

2. A plaintiff who is not a resident of this state may be compelled by notice under sub. (2) to attend at ~~his own~~ the plaintiff's expense an examination in the county of this state where the action is commenced or is pending or at any place within 30 miles of ~~his~~ the plaintiff's residence or within the county of ~~his~~ residence or in such other place as is fixed by order of the court.

3. A defendant who is not a resident of this state may be compelled:

a. By subpoena to give ~~his~~ a deposition in any county in this state in which ~~he is~~ personally served, or

b. By notice under sub. (2) to give ~~his~~ a deposition at any place within 30 miles of ~~his~~ the defendant's residence or within the county of ~~his~~ residence or at such other place as is fixed by order of the court.

4. A nonparty deponent may be compelled by subpoena served within this state to give ~~his~~ a deposition at a place within the county of ~~his~~ residence or within 30 miles of ~~his~~ the nonparty deponent's residence or at such other place as is fixed by order of the court.

SECTION 137. 804.05 (4) (a) of the statutes, as created by supreme court order dated February 17, 1975 and as amended by supreme court order dated September 30, 1975 is amended by substituting "the officer's" for "his".

SECTION 138. 804.05 (4) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the-party shall" for "he shall".

SECTION 139. 804.05 (6) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the deponent" for "him" in 2 places.

SECTION 140. 804.05 (7) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "by the person" for "by him" and "The person shall" for "He shall".

SECTION 141. 804.05 (7) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "he".

SECTION 142. 804.06 (1) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the person" for "him" and "he".

SECTION 143. 804.06 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the officer's direction" for "his direction" and "by the officer" for "by him".

SECTION 144. 804.07 (1) (d) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party to" for "him to".

SECTION 145. 804.08 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 146. 804.09 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party's behalf" for "his behalf".

SECTION 147. 804.10 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his" in 2 places.

SECTION 148. 804.10 (3) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 149. 804.10 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the personal" for "his personal", "the person's life" for "his life" and "the party's right" for "his right".

SECTION 150. 804.11 (1) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "or attorney" for "or by his attorney", "upon the defendant" for "upon him", "an answer" for "his answer", "the party shall" for "he shall", "the party states" for "he states", "he or she had" for "he had", "by the party" for "by him", "enable the party" for "enable him", "the party may" for "he may" and "why the party" for "why he".

SECTION 151. 804.11 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "prejudice the party" for "prejudice him", "the action" for "his action", "admission" for "admission by him" and "against the party" for "against him".

SECTION 152. 804.12 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the proponent applies" for "he applies".

SECTION 153. 804.12 (2) (a) 2 of the statutes, created by supreme court order effective January 1, 1976, is amended by substituting "the disobedient party" for "him".

SECTION 154. 804.12 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the requesting party may" for "he may", "the requesting party" for "him" and "he or she might" for "he might".

SECTION 155. 804.12 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party's deposition" for "his deposition" and "the party" for "him".

SECTION 156. 805.01 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "he is".

SECTION 157. 805.01 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "he is" and "by him".

SECTION 158. 805.06 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the referee's report" for "his report" and "compensation" for "his compensation".

SECTION 159. 805.06 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the referee's powers" for "his powers", "direct the referee" for "direct him", "before the referee" for "before him", "of duties" for "of his duties", "The referee may" for "He may" in 2 places, "production of" for "production before him of" and "personally" for "himself".

SECTION 160. 805.06 (4) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the report" for "his report" and "or may adjourn" for "or, in his direction, adjourn".

SECTION 161. 805.06 (4) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the witness" for "he".

SECTION 162. 805.06 (4) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "in issue, the referee may" for "in issue before the referee, he may" and "the referee directs" for "he directs".

SECTION 163. 805.06 (5) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "to him" and by substituting "the referee shall" for "he shall" and "The referee shall" for "He shall".

SECTION 164. 805.06 (5) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "The referee's" for "His" and by deleting "to him".

SECTION 165. 805.08 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the juror" for "he" in 2 places and by deleting "his".

SECTION 166. 805.08 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the regular juror's place" for "his place".

SECTION 167. 805.10 of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his" and by substituting "the adverse party" for "he".

SECTION 168. 805.11 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party predicates the" for "he predicates his".

SECTION 169. 805.12 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his".

SECTION 170. 805.13 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 171. 805.14 (5) (d) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his".

SECTION 172. 805.15 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party" for "him".

SECTION 173. 806.01 (1) (b) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 174. 806.01 (1) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his" in 2 places.

SECTION 175. 806.04 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party holds" for "he holds".

SECTION 176. 806.05 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the answer" for "his answer".

SECTION 177. 806.06 (4) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party shall" for "he shall", "the judgment" for "his judgment", "the right" for "his right" in 2 places and "entitlement" for "his entitlement".

SECTION 178. 806.07 (1) (intro.) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "legal" for "his legal".

SECTION 179. 806.09 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the officer's fees" for "his fees".

SECTION 180. 806.10 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 181. 806.11 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 182. 806.12 of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "to him" and by substituting "the county" for "his county", "the surety's property" for "his property", "the surety's principal" for "his principal" and "the debtor's surety" for "his surety".

SECTION 183. 806.17 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the clerk's office" for "his office".

SECTION 184. 806.18 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "is filed, the clerk shall" for "is filed with the clerk he shall".

SECTION 185. 806.19 (1) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the owner's attorney" for "his attorney".

SECTION 186. 806.19 (1) (c) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "satisfaction, the clerk shall enter" for "satisfaction with the clerk he shall enter".

SECTION 187. 806.19 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "of liability" for "of his liability", "the owner's attorney" for "his attorney" and "the last" for "his last".

SECTION 188. 806.20 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "reasonable" for "his reasonable", "the owner shall" for "he shall" and "the party's heirs" for "his heirs".

SECTION 189. 806.22 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "official" for "his official", "such clerk shall" for "he shall" and "the clerk's docket" for "his docket".

SECTION 190. 806.24 (3) (a) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 191. 806.24 (5) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his".

SECTION 192. 806.25 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the creditor's" for "his".

SECTION 193. 807.01 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "against the defendant" for "against him", "the plaintiff may" for "he may" and "the plaintiff shall" for "he shall".

SECTION 194. 807.01 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defendant fails in the" for "he fails in his".

SECTION 195. 807.01 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the defendant may" for "he may" and "the plaintiff shall" for "he shall".

SECTION 196. 807.05 of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the party's" for "his".

SECTION 197. 807.07 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the respondent moves" for "he moves".

SECTION 198. 807.09 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "referred by the judge and in" for "referred to him by the judge, in" and "referred for such" for "referred to him for such".

SECTION 199. 807.10 (1) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the general" for "his general", "the guardian is" for "he is" and "the guardian" for "his guardian".

SECTION 200. 807.10 (2) of the statutes, as created by supreme court order effective January 1, 1976, is amended by substituting "the" for "his" in 2 places.

SECTION 201. 807.10 (3) of the statutes, as created by supreme court order effective January 1, 1976, is amended by deleting "to him".

SECTION 202. 879.07 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by deleting "he is" and by substituting "the person's name" for "his name".

SECTION 203. 880.08 (2) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the proposed ward may" for "he may" and "the proposed ward's" for "his".

SECTION 204. 885.42 (1) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by substituting "the party's" for "his own".

SECTION 205. 885.44 (2) (a) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by substituting "The operator's" for "His".

SECTION 206. 885.44 (2) (b) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by substituting "the operator's" for "his".

SECTION 207. 885.44 (2) (f) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by inserting "or herself" after "himself".

SECTION 208. 885.44 (7) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by substituting "the right" for "his right" and "the official shall" for "he shall".

SECTION 209. 885.47 (1) of the statutes, as created by supreme court order issued September 30, 1975 and effective January 1, 1976, is amended by substituting "the party's" for "his".

SECTION 210. 887.26 (6) (a) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "if residing" for "thereof, when he resides", "the place" for "his place", "such commissioner must" for "he must" and "the return" for "his return".

SECTION 211. 891.29 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "in pleadings" for "in his pleadings", "the opposite party's behalf" for "his behalf" and "the opposite party's pleading" for "his pleading".

SECTION 212. 891.32 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the complaint" for "his complaint", "appointment" for "his due appointment", "the appointment" for "his appointment" and "the answer" for "his answer".

SECTION 213. 893.39 of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "the" for "him as".

SECTION 214. 895.43 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by deleting "his".

SECTION 215. 898.14 (1) of the statutes, as affected by supreme court order effective January 1, 1976, is amended by substituting "agent" for "his agent" and "the prisoner may" for "he may".
