

**STATE OF WISCONSIN, DEPARTMENT OF REVENUE, LOTTERY DIVISION
("WISCONSIN LOTTERY")
MULTIPLE WINNER INFORMATION PAGE**

I. INTRODUCTION

This packet was developed to assist multiple winners on a single lottery ticket to obtain a court order confirming the shared ownership of the prize.

The Lottery cannot pay a prize to a person other than the holder without a court order, as provided in section 565.30(1), Wis. Stats. Groups of friends, families, co-workers and others that play the Wisconsin Lottery together must secure a court order setting forth the individual holder and the other persons who are sharing the prize. Generally, all persons sharing a winning lottery ticket will be referred to as "plaintiffs" in the forms and instructions.

DO NOT attach the claims form to the Complaint. The claims form and the original winning ticket should be submitted to the Wisconsin Lottery at its office at 2135 Rimrock Rd, Madison, Wisconsin. Winners must also complete IRS Form 5754. Forms are available from the Wisconsin Lottery and IRS websites. Any winner is allowed to sign the winning ticket.

II. CONTENTS OF PACKET

The packet contains:

1. Instruction Sheet for Summons.
2. Illustration Summons Form.
3. Instruction Sheet for Complaint.
4. Illustration Complaint Form.
5. Admission of Service Form.

The Instruction Sheets provide a line-by-line guide with an explanation of the entries to be made to complete the Summons and Complaint. The Illustration Forms illustrate the entries. The Summons and Complaint may be altered as necessary to fulfill the needs of the plaintiffs.

III. OPPORTUNITY TO CHOOSE LUMP SUM PAYMENT INSTEAD OF INSTALLMENTS

The law gives winners sixty (60) days to choose to receive a lump sum payment for any Wisconsin Lottery prize payable in installments, as provided in section 565.28(1), Wis. Stats.

Multiple winners can do this two ways:

1. Include language in the Complaint (see Illustration Complaint Form at paragraph 7);
or
2. Fill out paperwork at the Wisconsin Lottery within sixty (60) days after the Court issues its order determining the plaintiffs to be prize claimants.

THIS CHOICE IS ONLY AVAILABLE WITHIN 60 DAYS OF THE COURT ORDER AND CANNOT BE MADE AFTER THAT DATE.

IF YOU HAVE QUESTIONS ABOUT WHETHER CHOOSING A LUMP SUM IS A GOOD OR BAD IDEA FOR YOU, YOU SHOULD CONSULT AN ACCOUNTANT, TAX ADVISOR OR ATTORNEY. THE WISCONSIN LOTTERY CANNOT HELP YOU WITH THIS DECISION.

IV. HOW TO FILE

The method listed has been selected for its simplicity. (For other methods, the plaintiffs should contact their attorney.)

1. Prepare Summons and Complaint.
2. Prepare copies.
 - a. The original is filed with the court (may vary by court).
 - b. 2 copies for service on the Wisconsin Lottery.
 - c. 1 copy for each plaintiff.
3. File original Summons and Complaint with the Clerk of Court.
 - a. Obtain docket number.
 - b. Pay filing fee.
 - c. Have copies for service on the Wisconsin Lottery authenticated by the Clerk of Court.
4. Serve copies of Summons and Complaint on the Wisconsin Lottery. Service may be completed in two (2) ways:
 - a. 1st Option - deliver a copy of the Summons and Complaint, in person, to the Attorney General. The person serving the Summons and Complaint should bring 2 copies. Service can be done by any adult Wisconsin resident who is NOT A PLAINTIFF, or one can pay either a Sheriff's Department or a private process server to do it.
 - b. 2nd Option – the Wisconsin Lottery may waive service. Plaintiffs should complete an Admission of Service form (included in the packet) and deliver copies of the Summons, Complaint and Waiver of Service to the Wisconsin Lottery's offices at 2135 Rimrock Road, Madison, Wisconsin. Plaintiffs must file a copy of the signed Admission of Service with the court.
5. The court will schedule an appearance, if needed, and notify the plaintiffs and the Wisconsin Lottery. It is the opinion of the Wisconsin Lottery that all plaintiffs must appear at all scheduled court appearances.
6. Typically, upon service, the Wisconsin Lottery will file a Notice of Appearance, Statement of Position and proposed Order to facilitate the court ordering the Wisconsin Lottery to distribute the lottery prize in equal shares to the plaintiffs.

V. SECURING THE COURT ORDER

The purpose of this packet is to help multiple winners get a court order determining those entitled to share the lottery prize. This is usually uncontested. The plaintiffs and Wisconsin Lottery both have an interest in the determination of who is entitled to the prize so that it may be promptly paid. The court order should keep others from asserting an interest in the winning lottery ticket, except those with a lawful interest. This would include, but is not limited to, various claims of state, local and federal government. After the court order is delivered to the Wisconsin Lottery, the plaintiffs must fill out the other forms accompanying this packet to complete the prize payment procedure.

IT IS UNDERSTOOD THAT THE USE OF THIS PACKET DOES NOT ASSURE THE APPROVAL OF THE COURT. FURTHER, THE USE OF THIS PACKET IS NOT A WAIVER OF THE WISCONSIN LOTTERY'S RIGHT TO OBJECT TO THE REQUESTED RELIEF OR OTHERWISE OBJECT TO ANY OR ALL OF THE PROCEEDINGS OR THE COMPLAINT.

INSTRUCTIONS FOR SUMMONS

The summons is the document that informs the Wisconsin Lottery that it is being called to the court for a determination of those who claim to be winners of the lottery prize (the prize "claimants"). The Illustration Summons Form set forth in this packet is the form in § 801.095(1), Wis. Stats. It is the form for personal service on the Wisconsin Lottery with the complaint attached. This means that all the documents needed will be able to be prepared at one time and filed with the court and served on the Wisconsin Lottery at the same time. There are various changes to facilitate easy use by prize claimants. (There is one substantive change which will be explained below.) The prize claimants may use any summons form set forth in § 801.095, Wis. Stats. This particular form has been selected because it provides a simple procedure for filing claims. The prize claimants are designated the "plaintiffs" in the summons and shall be referred to as "plaintiffs" in these instructions.

Filling Out the Summons Form (Page 1)

- A. County: Enter name of county that plaintiff is filing in.
- B. Plaintiffs: Insert the full name and address of each plaintiff claiming to be a prize claimant of the winning ticket. (SEE: "B" on Illustration Summons.)
- C. Case No.: Leave this space empty. The case number will be assigned by the Court. (SEE: "C" on Illustration Summons.)

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- D. Court Address: Address of appropriate Clerk of Circuit Court.
- E. Plaintiff Address: Insert the name and address of each plaintiff. (SEE: "E" on Illustration Summons.)
- F. Date: Insert date signed. (SEE: "F" on Illustration Summons.)
- G. Signature: Each plaintiff must sign the summons. If an attorney has been retained, only the attorney need sign the summons with his or her state bar number. (SEE: "G" on Illustration Summons.)
- H. Attorney Address Block: If an attorney has been retained, the attorney must include name, address, and telephone number in this space. (SEE: "H" on Illustration Summons.)

ILLUSTRATION SUMMONS

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ___

(A) DANE COUNTY

(B)

Joseph J. Jones
123 Short St.
Madison, WI 53706

William W. Brown
321 Beeker St.
Madison, WI 53706

Thomas T. Smith
231 Badger St.
Madison, WI 53706,

Plaintiffs,

Case No. **(C)**_____

v.

Declaratory Judgment
Case Code (30701)

STATE OF WISCONSIN,
DEPARTMENT OF REVENUE,
LOTTERY DIVISION
2135 Rimrock Road
Madison, WI 53708,

Defendant.

SUMMONS

THE STATE OF WISCONSIN, TO EACH PERSON NAMED ABOVE AS DEFENDANTS:

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the Statutes. The answer must be filed with the Court, whose address is:

(D) Clerk of Circuit Court
Dane County Courthouse
215 S. Hamilton St.
Madison, WI 53703

with copies sent or delivered to the Plaintiffs or Plaintiffs' attorney:

(E) Joseph J. Jones
123 Short St.
Madison, WI 53706

William W. Brown
321 Beeker St.
Madison, WI 53706

Thomas T. Smith
231 Badger St.
Madison, WI 53706

You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

(F) Dated this ____ day of _____, _____.

(G) Signed _____
Joseph J. Jones
123 Short St.
Madison, WI 53706

William W. Brown
321 Beeker St.
Madison, WI 53706

Thomas T. Smith
231 Badger St.
Madison, WI 53706

(H) Attorney's Address:

INSTRUCTIONS FOR COMPLAINT

The complaint is the document that tells the Wisconsin Lottery and the court that the plaintiffs are the prize claimants of the winning lottery ticket. Further, this document asks the court to enter an order confirming that and ordering the Wisconsin Lottery to recognize and pay the plaintiffs. The complaint should set out all the relevant facts in short paragraphs.

There is no set format for a complaint. The Wisconsin Lottery has set forth a form of the complaint modeled after the complaints frequently utilized in multiple claimant situations. Plaintiffs may alter the form as may be necessary. The forms in this packet are for convenience.

UTILIZATION OF THESE FORMS IS NOT AN ASSURANCE THAT THE COURT WILL GRANT THE RELIEF REQUESTED. FURTHER, UTILIZATION OF THE FORM IS NOT A WAIVER OF THE WISCONSIN LOTTERY'S RIGHT TO OBJECT TO THE REQUESTED RELIEF IN WHOLE OR PART.

Filling Out the Complaint Form (Page 1)

- A. County: See instructions for Summons. County must appear on both the summons and the complaint. (SEE: "A" on Illustration Complaint.)
- B. Plaintiffs: Insert the full name and address of each plaintiff claiming to be a holder of the winning ticket. (SEE: "B" on Illustration Complaint.)
- C. Case No.: Leave this space empty. The case number will be assigned by the Court. (SEE: "C" on Illustration Complaint.)
- D. Introductory Sentence: The plaintiffs should strike the phrase, "by their attorneys" if there is no attorney retained. (SEE: "D" on Illustration Complaint.)
- E. Parties: Set forth the name and address of each person who is a plaintiff. Create a new paragraph number or subparagraph number for each plaintiff and continue to number paragraphs sequentially throughout the complaint. (SEE: "E" on Illustration Complaint.)

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- F. Factual Background: Set forth with specificity the facts of the case. For example, set forth if the plaintiffs are family members. If the plaintiffs are a work group, set forth the place of work and the relationship of the plaintiffs to each other.
 - Example 1: Plaintiffs are members of a family.
 - Example 2: The plaintiffs are employees at John's Supply, Inc.
(SEE: "F" on Illustration Complaint setting for the work group at paragraph 6.)
- G. Prize Amount: Set forth the amount of the prize. Some prizes are paid in installments unless an election is made to have the prize paid in a lump sum. If the prize is an installment prize, this should be

included in describing the prize. (SEE: "G" on Illustration Complaint.)

H. Election for

If the prize is an installment prize, the Plaintiffs may elect to have Lump Sum Payout: the prize paid as a lump sum. The lump sum prize is an amount less than the installment. It is the present value of the installment based upon the interest rate. The Plaintiffs should investigate and understand the calculation of the lump sum from an installment prize. The Wisconsin Lottery will provide the lump sum amount for any installment prize. If the plaintiffs desire to have the prize paid out over the years as set forth in paragraph 6, delete paragraphs 7 and 8. If the plaintiffs desire to elect a lump sum under § 565.28(1), Wis. Stats., include the lump sum language under paragraphs 7 and 8 as provided in the Illustration Complaint Form. (SEE: "H" on Illustration Complaint.)

I. Signature

Each plaintiff must sign the complaint. If an attorney signed the summons on behalf of the plaintiffs, the attorney is the only one who needs to sign the complaint. [According to Wis. Stat. § 802.05(1) "Every pleading ... shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party."]

J. Ticket

A copy of the winning ticket should be attached to the Complaint.

ILLUSTRATION COMPLAINT

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ___

(A) DANE COUNTY

(B)

Joseph J. Jones
123 Short St.
Madison, WI 53706

William W. Brown
321 Beeker St.
Madison, WI 53706

Thomas T. Smith
231 Badger St.
Madison, WI 53706

Plaintiffs,

Case No. **(C)** _____

v.

Declaratory Judgment
Case Code (30701)

STATE OF WISCONSIN,
DEPARTMENT OF REVENUE,
LOTTERY DIVISION
2135 Rimrock Road, M/S 231
Madison, WI 53708,

Defendant.

COMPLAINT

(D) The Plaintiffs, by their attorneys, as and for their Complaint against the Defendant, allege as follows:

PARTIES

- (E)** 1. a. Joseph J. Jones is an adult individual residing at 123 Short St., Madison, WI 53706.
- b. William W. Brown is an adult individual residing at 321 Beeker St., Madison, WI 53706.
- c. Thomas T. Smith is an adult individual residing at 231 Badger St., Madison, WI 53706.

2. The State of Wisconsin, Department of Revenue with offices at 2135 Rimrock Road, Madison, Wisconsin by its Lottery Division is responsible for administering lotteries in the State of Wisconsin and is the successor to the Gaming Commission of the State of Wisconsin.

JURISDICTION

3. This is an action, pursuant to Wisconsin Statutes Section 565.30(1), for an order directing payment of a lottery prize. Jurisdiction is proper under Wisconsin Statutes Section 806.04.

VENUE

4. Venue in the above-captioned County is proper under Wisconsin Statutes Section 801.50(3).

FACTUAL BACKGROUND

(F) 5. The Plaintiffs are employees at John's Supply, Inc.

(G) 6. The Plaintiffs contributed toward the purchase of the lottery ticket no. _____ . The prize for the winning lottery ticket is \$20,000,000 paid in installments over 25 years.

(H) 7. Plaintiffs elect to have the prize paid as (a lump sum pursuant to § 565.28(1), Stats.)

ELECTION TO RECEIVE THE PRIZE AS A LUMP SUM IS NOT REVOCABLE.

8. The Plaintiffs have sought to have the Administrator pay off the lottery prize.

9. Under Wisconsin Statutes Section 565.30(1), the Administrator is directed to pay any lottery prize to the holder of the winning ticket, except that "a prize may be paid to another person under a court order." Thus, this Court may order the Administrator to pay the prize equally among the plaintiffs.

CLAIM FOR RELIEF

WHEREFORE, Plaintiffs request that the Court enter an Order as follows:

(1) Declaring that the Plaintiffs each have a present undivided equal interest in the lottery prize, and that each is entitled to receive an equal share of each payment of the lottery prize;

(2) Directing the Defendant to pay an equal share of the lottery prize to each of the plaintiffs;

(3) Granting such further relief as the Court may determine to be just and equitable.

Dated this ____ day of _____, _____.

(I)

PLAINTIFFS

By _____
Joseph J. Jones

By _____
William W. Brown

By _____
Thomas T. Smith

ILLUSTRATION ADMISSION OF SERVICE

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ___

(A) DANE COUNTY

(B)

Joseph J. Jones
123 Short St.
Madison, WI 53706

William W. Brown
321 Beeker St.
Madison, WI 53706

Thomas T. Smith
231 Badger St.
Madison, WI 53706

Plaintiffs,

Case No. **(C)** _____

v.

Declaratory Judgment

STATE OF WISCONSIN,
DEPARTMENT OF REVENUE,
LOTTERY DIVISION
2135 Rimrock Road
Madison, WI 53708,

Defendant.

ADMISSION OF SERVICE

IT IS HEREBY DEEMED ADMITTED, by the undersigned, that authenticated copies of the Summons and Complaint in the above-referenced case have been received this ___ day of

_____, _____.

STATE OF WISCONSIN, DEPARTMENT OF
REVENUE, LOTTERY DIVISION

By _____
Adam Y. Ben-Zikri, Attorney
State Bar No.: 1079312

James W. McNeilly, Jr., Attorney
State Bar No.: 1002948