
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

SANDRA LEE BENEDICT,

Plaintiff,

v.

WISCONSIN EDUCATION ASSOCIATION
COUNCIL, EAU CLAIRE ASSOCIATION
OF EDUCATORS, EAU CLAIRE AREA
SCHOOL DISTRICT, LABOR AND
INDUSTRY REVIEW COMMISSION and
WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,

Defendants.

JUDGMENT IN A CIVIL CASE

DOCKET # 23.

U.S. DISTRICT COURT

WEST. DIST. OF WISCONSIN

OCT 12 2000

FILED

JOSEPH W. SKUPNIEWITZ CLERK

CASE #

Case No.: 00-C-520-S

[WERC is using the following electronic file name: 00-C-520-SF1.doc]

[NOTE: This document was re-keyed by WERC. Original pagination has been retained.]

This action came for consideration before the court with DISTRICT JUDGE JOHN C. SHABAZ presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

THAT JUDGEMENT IS ENTERED IN FAVOR OF THE DEFENDANTS AGAINST PLAINTIFF
DISMISSING HER COMPLAINT AND ALL CLAIMS CONTAINED THEREIN WITH PREJUDICE AND
COSTS.

Approved as to form this 12th day of October, 2000.

John C. Shabaz /s/

JOHN C. SHABAZ

DISTRICT JUDGE

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Alberg, Rice.

this 12th day of Oct 2000

By L. Kampen.

Deputy Clerk

Joseph W. Skupniewitz /s/

Joseph W. Skupniewitz, Clerk

by Deputy Clerk

OCT 12 2000

Date

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

SANDRA LEE BENEDICT,

Plaintiff,

v.

ORDER

00-C-520-S

WISCONSIN EDUCATION ASSOCIATION COUNCIL,
EAU CLAIRE ASSOCIATION OF EDUCATORS,
EAU CLAIRE AREA SCHOOL DISTRICT, LABOR
AND INDUSTRY REVIEW COMMISSION and
WISCONSIN EMPLOYMENT RELATIONS COMMISSION,

Defendants.

Plaintiff Sandra Lea Benedict commenced this civil action against the Wisconsin Education Association (WEAC), the Eau Claire Association of Educators (ECAE), Eau Claire Area School District, Wisconsin Labor and Industry Review Commission (LIRC) and Wisconsin Employment Relations Commission (WERC). Three defendants moved to dismiss the plaintiff's complaint and defendants WEAC and ECAE joined these motions which have now been fully briefed and are ready for decision.

A complaint should be dismissed for failure to state a claim only if it appears beyond a reasonable doubt that the plaintiff can prove no set of facts in support of the claim which would entitle

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Mailed to the following: Plaintiff
& all counsel .
this 12th day of October, ~~19~~ 2000
By J. McNeal .
Secretary to Judge John C. Shabaz

her to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). In order to survive a challenge under Rule 12(b)(6) a complaint “must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory.” Carriers, Inc. v. Ford Motor Co., 745 F. 2d 1101, 1106 (7th Cir. 1984).

FACTS

For purposes of deciding defendants’ motions to dismiss the facts alleged in plaintiff’s complaint together with attachments are taken to be true.

Plaintiff Sandra Benedict is an adult resident of Wisconsin. Defendants Wisconsin Labor and Industry Review Commission (LIRC) and the Wisconsin Employment Relations Commission (WERC) are state of Wisconsin agencies. Defendants Wisconsin Education Association Council (WEAC) and the Eau Claire Association of Educators (ECAE) are private organizations. Defendant Eau Claire Area School District is a Wisconsin school District.

On April 19, 2000 the WERC entered a decision and order dismissing plaintiff’s complaints under the Wisconsin Municipal Employment Relations Act against ECAE, WEAC and the District. On August 30, 2000 the Circuit Court for Eau Claire County entered an order affirming the WERC decision. Case No. 00-CV-0308. Plaintiff appealed this order to the Wisconsin Court of Appeals.

On May 30, 2000 the LIRC entered an order dismissing the plaintiff's complaint under the Wisconsin Fair Employment Act against WEAC and ECAE. On June 15, 2000 plaintiff commenced a proceeding in Eau Claire County Circuit Court for judicial review of the LIRC decision. This state action is pending.

MEMORANDUM

Plaintiff seeks to challenge the state administrative decisions of this Court. Her remedy lies in the state court. Under the Rooker-Feldman doctrine, federal district courts cannot exercise appellate jurisdiction to review the validity of state court decision. See Rooker v. Fidelity Trust Co., 263 U.S. 213, 415-416 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482 (1983). This Court lacks jurisdiction to review state administrative decisions.

In addition, the Eleventh Amendment bars suits against state agencies. See Gleason v. Board of Education of City of Chicago, 792 F. 2d 76, 79 (7th Cir. 1986). Plaintiff's suit against the WERC and the LIRC is barred by the Eleventh Amendment.

In her complaint plaintiff does not allege any facts that support a claim for relief under federal law against WEAC, ECAE or the District. Accordingly, her complaint and all claims contained therein must be dismissed with prejudice and costs.

Plaintiff is advised that in any future proceedings in this matter she must offer argument not cumulative of that already provided to undermine this Court's conclusion that her claim must be dismissed. See Newlin v. Helman, 123 F. 3d 429, 433 (7th Cir. 1997).

ORDER

IT IS ORDERED that defendant's motions to dismiss the plaintiff's complaint are GRANTED.

IT IS FURTHER ORDERED that judgment be entered in favor of defendants against plaintiff DISMISSING her complaint with prejudice and costs.

Entered this 12th day of October, 2000.

BY THE COURT:

John C. Shabaz /s/

JOHN C. SHABAZ

District Judge