

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

INTERNATIONAL BROTHERHOOD OF FIREMEN  
& OILERS,

Complainant,

vs.

SISTER OF ST. FRANCIS-MARION HALL,

Respondent.

Case II  
No. 15349 Ce-1402  
Decision No. 10892

ORDER GRANTING MOTION TO MAKE MORE DEFINITE AND CERTAIN, GRANTING ADDITIONAL TIME FOR ANSWER TO AMENDED COMPLAINT, AND DENYING MOTION TO STRIKE PART OF THE COMPLAINT AND DENYING MOTION TO DISMISS COMPLAINT.

Complaint of unfair labor practice having been filed with the Wisconsin Employment Relations Commission in the above entitled matter and the Commission having appointed John T. Coughlin, a member of the Commission's staff, to act as Examiner and to make and issue Findings of Fact, Conclusions of Law and Orders, as provided in Section 111.07(5) of the Wisconsin Statutes; and the Examiner having set the complaint for hearing on March 30, 1972 at Milwaukee, Wisconsin; and Respondent, by its counsel, having filed with the Examiner an answer containing a Motion to make more definite and certain, a Motion that it be granted additional time to answer the complaint if amended, a Motion to strike part of the complaint and a Motion to dismiss the complaint; and the Complainant having stated in its opposition to said Motions; and the Examiner having considered said Motions and arguments and being fully advised in the premises makes and issues the following

ORDER

1. That the Respondent's Motion to make the complaint more definite and certain in the above entitled matter be, and the same hereby is, granted.
2. That the Respondent's Motion to be granted additional time to answer the amended complaint in the above entitled matter be, and the same hereby is, granted by extending the time for answer to said amended complaint to April 15, 1972.
3. That the Respondent's Motion to strike part of the complaint in the above entitled matter be, and the same hereby is, denied.
4. That the Respondent's Motion to dismiss the complaint in the above entitled matter be, and the same hereby is, denied.

Dated at Madison, Wisconsin, this 28th day of March, 1972.

By John T. Coughlin  
John T. Coughlin, Examiner

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Respondent.	:	

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MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO  
MAKE MORE DEFINITE AND CERTAIN, GRANTING ADDITIONAL TIME  
FOR ANSWER TO AMENDED COMPLAINT, AND DENYING MOTION TO STRIKE PART  
OF THE COMPLAINT AND DENYING MOTION TO DISMISS COMPLAINT.

In its answer Respondent moved that; (1) Complainant be ordered to make the second paragraph of the complaint more definite and certain, (2) the last sentence of the fourth paragraph of the complaint be stricken for failure to comply with ERB 2.02 and in the alternative that the Examiner issue an order requiring Complainant to comply with the provisions of ERB 2.02 1/ (3) additional time be granted Respondent to answer to the amended complaint and that the complaint be dismissed for failure of Complainant to comply with ERB 2.02 2/.

In order to comply with the attached order the Complainant should take the following actions: (1) amend paragraph 2 of the said complaint so as to indicate who precisely is the Respondent in the instant case, (2) amend the last sentence of paragraph 4 in the complaint to conform with ERB 2.02(c) which states that a complaint shall include "a clear and concise statement of the facts constituting the alleged unfair labor practice or practices, including the time and place of occurrence of particular acts and the names of persons involved." Finally, the amended complaint should be filed by Complainant with the Examiner with a copy to Respondent by April 5, 1972 and the answer to said amended complaint should be filed by Respondent with the Examiner by April 15, 1972 with a copy to the Complainant.

Dated at Madison, Wisconsin, this 28<sup>th</sup> day of March, 1972.

By John T. Coughlin  
John T. Coughlin, Examiner

1/ By amending its complaint the Complainant will conform with ERB 2.02 and therefore it is immaterial whether the sentence in question is actually stricken.

2/ The Examiner refuses to dismiss the complaint. See Wis. Stats., Section 111.07(2)(a), Section 111.07(4), Section 227.01(2) and Section 227.07.