

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

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WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION,

Petitioner,

NOTICE OF ENTRY OF  
ORDER AND JUDGMENT

v.

Case No. 413-499

SEBASTIANO FUGARINO  
d/b/a FUGARINO EXCAVATING,

Respondent.

Decision No. 11846-B

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TO: Sebastiano Fugarino  
Fugarino Excavating  
3350 East Bottsford  
Cudahy, Wisconsin

PLEASE TAKE NOTICE that an order and judgment, of which a true and correct copy is hereto attached, was duly entered in the above action in the Circuit Court for Milwaukee, Wisconsin, on the 17th day of January, 1974.

Dated at Madison, Wisconsin, this 21st day of January, 1974.

ROBERT W. WARREN  
Attorney General

CHARLES D. HOORNSTRA  
Assistant Attorney General

Attorneys for Petitioner,  
Wisconsin Employment Relations  
Commission.

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The above entitled matter having come on for hearing on the 14th day of January, 1974, before the court without a jury, upon the petition of the Wisconsin Employment Relations Commission for enforcement of a certain order pursuant to sec. 111.07 (7), Stats., and upon the record before this court and the affidavit of default annexed hereto, and the court being fully advised in the premises,

Now, therefore, upon motion of Charles D. Hoornstra, Assistant Attorney General,

IT IS ORDERED, ADJUDGED AND DECREED that the order of the Wisconsin Employment Relations Commission entered on the 7th day of August, 1973, in the matter of "International Union of Operating Engineers Local Union No. 139, Complainant, vs. Fugarino Excavating, Respondent, Case II, No. 16770 Ce-1485, Decision No. 11846-B," be, and the same hereby is, confirmed and enforced, the court reserving jurisdiction to make such further order or judgment in the premises as may be necessary to give full force and effect to the order of the Commission and the enforcement thereof on the evidence in the record or on the taking of such further evidence as appears to the court to be necessary, the present judgment and decree of the court to be deemed interlocutory as to those matters that may call for or require further action on the part of the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the respondent, Sebastiano Fugarino, d/b/a Fugarino Excavating, and his agent, shall:

(a) Immediately pay to the person certified by International Union of Operating Engineers Local Union No. 139, as the first qualified engineer on the referral list the sum of \$360.80;

(b) Notify the Wisconsin Employment Relations Commission in writing within twenty (20) days of receipt of notice of entry of this Order and Judgment as to what steps he has taken to comply herewith.

Dated this 17th day of January, 1974.

BY THE COURT:

/s/ Robert C. Cannon  
Robert C. Cannon  
Circuit Judge

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WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION,

Petitioner,

AFFIDAVIT OF DEFAULT

v.

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Respondent.

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STATE OF WISCONSIN )  
 ) SS  
DANE COUNTY )

CHARLES D. HOORNSTRA, being first duly sworn, on oath deposes  
and says:

1. That he is one of the attorneys for the petitioner Wisconsin  
Employment Relations Commission.

2. That the initial pleading in this matter is the commission's  
petition for enforcement and it was served on the respondent on  
August 31, 1973, and was filed with this court on about September 13,  
1973.

3. That time in which issue could be joined in this matter,  
pursuant to secs. 111.07 (3) and 227.16 (1), Stats., expired  
September 7, 1973.

4. That respondent has not answered or otherwise pleaded to  
said petition, nor has he entered any kind of notice of appearance.

5. That a notice of hearing on this petition was served on  
respondent on December 3, 1973, which advised respondent that a  
hearing would be held on January 14, 1974, before this court.

6. That respondent failed to appear in person or otherwise on  
January 14, 1974.

7. That no accounting is necessary for the reason that in the  
proceeding before the commission the amount in question was stipulated  
to.

Charles D. Hoornstra /s/  
Charles D. Hoornstra

Subscribed and sworn to before  
me this 16th day of January, 1974.

Stephen M. Sobota /s/  
Notary Public, State of Wisconsin.  
My Commission is Permanent.