

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MOTION PICTURE PROJECTIONISTS' UNION  
LOCAL NO. 164, AFL-CIO,

Complainant,

vs.

KOHLBERG THEATRES, INC., BROWN PORT  
CINEMA, INC., RACK ENTERPRISES, INC.  
and VICTORY DRIVE-IN THEATRES, INC.,

Respondents.

Case IV  
No. 18293 Ce-1563  
Decision No. 13009-A

Appearances:

Mr. Joseph J. Shutkin, Attorney at Law, appearing on behalf of  
Complainant.

Respondent did not appear in person or otherwise at the hearing  
herein.

ORDER PURSUANT TO STIPULATION

The above-noted Complainant having filed with the Wisconsin Employment Relations Commission a Complaint alleging that the above-noted Respondents committed unfair labor practices within the meaning of Sec. 111.06 of the Wisconsin Employment Peace Act (WEPA); and said Commission having appointed Marshall L. Gratz, a member of its staff, to act as Examiner and to make and issue findings of fact, conclusions of law and order as provided in Sec. 111.07(5) of WEPA; and the Examiner having duly notified the parties of the scheduled date for hearing in the matter and of Respondents' right to file an Answer to the allegations in the Complaint; and no Answer having been filed on behalf of Respondents; and, pursuant to notice, hearing having been conducted in the matter on October 10, 1974 at which hearing Respondents did not appear; and the Examiner, after opening the hearing and noting the non-appearance of Respondents, having contacted Respondents and their local counsel, Attorney Sidney Usow; and at Attorney Usow's request, with the concurrence of Complainant, the hearing having been adjourned in order to permit the parties to discuss a possible stipulated settlement; and without further hearing having been conducted in the matter, a stipulation having been filed with the Examiner under a cover letter signed by

No. 13009-A

Complainant's counsel (copies of said stipulation and of said letter are appended hereto as Appendices A and B, respectively); and the Examiner being satisfied that, under the circumstances here present, an Order should be entered pursuant to said stipulation of the parties;

NOW, THEREFORE, it is

ORDERED

That Respondents, Kohlberg Theatres, Inc., Brown Port Cinema, Inc., Rack Enterprises, Inc. and Victory Drive-In Theatres, Inc., abide by the terms of their respective supplementary collective bargaining agreements for the term of October 1, 1973 through September 30, 1976, covering all employees represented by Motion Picture Projectionists' Union, Local No. 164, AFL-CIO, employed at Brown Port Theatre, Point Theatre and Victory Drive-In Theatre, in the Greater Milwaukee Area, and cease and desist from violating terms of said collective bargaining agreements.

Dated at Milwaukee, Wisconsin, this 24th day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Marshall L. Gratz  
Marshall L. Gratz, Examiner

MEMORANDUM ACCOMPANYING  
ORDER PURSUANT TO STIPULATION

Complainant in its Complaint filed on September 3, 1974, alleged that Respondents had violated Secs. 111.06(1)(d) and (1)(f) of WEPA. By letters to the Commission's Chairman filed on September 9 and September 12, 1974 Complainant indicated that intervening events made further consideration of the alleged violation of Sec. 111.06(1)(d) unnecessary. Complainant's allegation under Sec. 111.06(1)(f) was that Respondents had failed and refused to comply with the parties' supplementary collective bargaining agreement covering the term of October 1, 1973 through September 30, 1976.

Pursuant to notice, hearing in the matter was convened on October 10, 1974. Respondents had not, theretofore, filed an Answer, though their opportunity to do so was clearly set forth in the Examiner's original Notice of Hearing, which had been mailed to the parties on September 17, 1973. No appearance was entered on behalf of Respondents at the October 10 hearing. For that reason, the Examiner took a short adjournment in the hearing for the purpose of attempting to contact Respondents to determine the cause, if any, of their failure to appear. The Examiner spoke both with Mr. John Bischoff of Kohlberg Theatres, Inc., at its Chicago office, and with Respondents' local counsel, Mr. Sidney Usow of Milwaukee. At Mr. Usow's request and with the concurrence of Complainant, the hearing was adjourned in order to permit the parties to discuss the possibilities of resolving it by way of stipulation.

Thereafter, and without further hearing having been conducted in the matter, a "STIPULATION AND ORDER" (Appendix A) was filed with the Examiner under a cover letter from Complainant's Counsel (Appendix B).

In the Examiner's view, execution of the appended Stipulation constituted a mutual waiver of further hearing in the instant matter. Under such circumstances, the attached Order is properly issued without further hearing.

Dated at Milwaukee, Wisconsin, this 24th day of October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Marshall L. Gratz  
Marshall L. Gratz, Examiner

APPENDIX A

OCT 22 1974

STATE OF WISCONSIN

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION MILWAUKEE

MOTION PICTURE PROJECTIONISTS' UNION,  
LOCAL No. 164, AFL-CIO,

Complainant,

-VS-

KOHLBERG THEATRES, INC., BROWN PORT  
CINEMA, INC., RACK ENTERPRISES, INC.  
and VICTORY DRIVE-IN THEATRES, INC.,

Respondents.

STIPULATION

AND

ORDER

Case IV  
No. 18293 Ce-1563

IT IS HEREBY STIPULATED by and between the parties hereto,  
upon settlement of the dispute, that the above entitled matter be  
dismissed forthwith upon entry of the following order by Wisconsin  
Employment Relations Commission.

Dated this 21st day of October, 1974.

KOHLBERG THEATRES, INC.,  
BROWN PORT CINEMA, INC.,  
RACK ENTERPRISES, INC., and  
VICTORY DRIVE-IN THEATRES, INC.,  
Respondents

By [Signature]

MOTION PICTURE PROJECTIONISTS'  
UNION, LOCAL NO. 164, AFL-CIO,  
Complainant,

By [Signature]

Business Manager

Upon the above and foregoing stipulation,

IT IS ORDERED, that respondents, KOHLBERG THEATRES, INC.,  
BROWN PORT CINEMA, INC., RACK ENTERPRISES, INC. and VICTORY DRIVE-IN  
THEATRES, INC., abide by the terms of their respective supplementary  
collective bargaining agreements for the term of October 1, 1973  
through September 30, 1976, covering all employees represented by

JOSEPH J. SHUTKIN

APPENDIX B

*Attorney at Law*

October 21, 1974

509 BRUMDER BLDG.  
135 WEST WELLS STREET  
MILWAUKEE, WI 53203  
AREA CODE 414  
273-6800

Wisconsin Employment Relations Commission  
Room 560 - State Office Building  
819 North Sixth Street  
Milwaukee, Wisconsin 53203

**RECEIVED**  
OCT 22 1974

Attention Examiner Marshall L. Gratz

**WISCONSIN EMPLOYMENT  
RELATIONS COMMISSION**  
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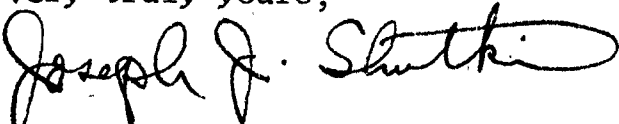
Re: Motion Picture Projectionists' Union, Local #164  
vs. Kohlberg Theatres, Inc., et al.  
Case IV No. 18293 Ce-1563

Dear Mr. Gratz:

Enclosed please find original Stipulation for proposed Order  
executed on behalf of the respondents and complainant, in the  
above entitled matter.

Accordingly, please advise as soon as the cease and desist  
order is entered in accordance with the stipulation.

Very truly yours,



JOSEPH J. SHUTKIN

JJS:rn

cc. Mr. Harold Eifert,  
Business Agent - Local #164

Sidney Usow, Esq.  
Attorney for Respondents

Kohlberg Theatres, Inc.

MOTION PICTURE PROJECTIONISTS' UNION, LOCAL NO. 164, AFL-CIO,  
employed at BROWN PORT THEATRE, POINT THEATRE and VICTORY DRIVE-IN  
THEATRE, in the Greater Milwaukee Area, and cease and desist from  
violating terms of said collective bargaining agreements.

Dated at Milwaukee, Wisconsin, this \_\_\_\_\_ day of  
October, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By \_\_\_\_\_

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