

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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RACINE EDUCATION ASSOCIATION,	:	
	:	
Complainant,	:	Case XXXIII
	:	No. 20115 MP-573
vs.	:	Decision No. 14308-B
	:	
RACINE UNIFIED SCHOOL DISTRICT NO. 1,	:	
	:	
Respondent.	:	

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RACINE UNIFIED SCHOOL DISTRICT NO. 1, OF RACINE COUNTY, WISCONSIN,	:	
	:	
Complainant,	:	Case XXXIV
	:	No. 20238 MP-588
vs.	:	Decision No. 14389-B
	:	
JAMES ENNIS, SUSAN GRIEGO, ALAN PIRK AND JAY NEWELL,	:	
	:	
Respondents.	:	

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RACINE UNIFIED SCHOOL DISTRICT NO. 1, OF RACINE COUNTY, WISCONSIN,	:	
	:	
Complainants,	:	Case XXXV
	:	No. 20239 MP-589
vs.	:	Decision No. 14390-B
	:	
RACINE EDUCATION ASSOCIATION,	:	
	:	
Respondent.	:	

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ORDER GRANTING IN PART AND DENYING IN PART MOTIONS TO MAKE MORE DEFINITE AND CERTAIN AND ORDER DENYING MOTIONS TO STRIKE

Racine Education Association, herein Association, having filed a prohibited practices complaint with the Wisconsin Employment Relations Commission, herein Commission, wherein it alleged that Racine Unified School District No. 1, herein the District, had committed certain prohibited practices; and the District having thereafter filed separate complaints against the Association and James Ennis, Susan Griego, Alan Pirk and Jay Newell; and the foregoing complaints having been consolidated for hearing; and the Commission having appointed Amedeo Greco, a member of the Commission's staff, to act as Hearing Examiner in the matter; and the Association and James Ennis, Susan Griego, Alan Pirk and Jay Newell having thereafter filed motions to make more definite and certain and motions to strike, and the District having opposed said motions; and the Examiner having considered the matter;

NOW, THEREFORE, it is

No. 14308-B  
No. 14389-B  
No. 14390-B

ORDERED

1. That the motions to make the complaints more definite and certain filed in the above-entitled matter be, and the same hereby are, granted in part, and that therefore said amended complaints specify: (1) the time of the alleged acts referred to in paragraphs 4(c) and (f) of the two complaints filed by the District, including the names of the individuals involved in said acts; and (2) the specific acts referred to by the phrase "other acts" which is contained in paragraphs 5 of said complaints, including the time and the perpetrators of said acts.

2. That the District need not furnish any further requested information.

3. That the motions to strike are denied in their entirety.

4. That the information noted in paragraph (1) supra should be filed by the District with the Commission, with a copy to Respondent, by April 21, 1976.

Dated at Madison, Wisconsin this 19th day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BY Amedeo Greco  
Amedeo Greco, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING IN PART AND DENYING IN PART  
MOTIONS TO MAKE MORE DEFINITE AND CERTAIN AND ORDER DENYING MOTIONS TO STRIKE

Inasmuch as District has failed to specify with sufficient clarity the acts and times referred to in paragraphs 4 (c) and (f) of its separate complaints, as well as the perpetrators of said acts, the District is required to provide said information, pursuant to ERB rules 12.02(2) and 12.03(3). Similarly, and for the same reasons, the District is required to specify what acts, if any, are included under the phrase "other acts" in paragraph 5 of the complaints, including the time and perpetrators of said acts. 1/

On the other hand, since the complaint does state with sufficient clarity the other allegations herein, the remaining requests to make more definite and certain are hereby denied. The motions to strike are also denied as the issues raised therein primarily go to the merits of the case and the legal conclusions to be drawn therefrom.

Additionally, the District has requested that "in the event the Examiner grants respondents' motions", that it be accorded by opportunity to take depositions and that the scheduled hearing be postponed. Such requests are hereby denied as the District has failed to show good cause as to why such depositions are needed.

Dated at Madison, Wisconsin this 19th day of April, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Amedeo Greco, Examiner

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1/ If such specificity is not now provided because of the District's lack of knowledge, the Racine Education Association and the other named individual respondents will be accorded an ample opportunity to respond to any new complaint allegations which may hereinafter be raised at the hearing.