

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MADISON INDEPENDENT WORKERS' UNION,
JAMES AUGUST, JAN GEHORSAM, IRA
ALTSHULER, DONNA TIETZ, PETER CRIST,
ANNE REYNOLDS, DEBORAH ROUSE, NINA
LEVITT, KATHRYN LEE TAYLOR, JOSEPH
PFIFFNER,

Complainants,

vs.

L'ETOILE, LIMITED, A WISCONSIN
CORPORATION, JAMES W. CASEY, KAREN
ODESSA PIPER,

Respondents.

Case I
No. 20757 Ce-1685
Decision No. 14882-A

ORDER DENYING MOTION TO DISMISS;
ORDER GRANTING IN PART AND DENYING
IN PART MOTIONS TO MAKE MORE DEFINITE AND
CERTAIN; AND ORDER GRANTING MOTION TO RESCHEDULE HEARING

Madison Independent Workers' Union, James August, Jan Gehorsam, Ira Altshuler, Donna Tietz, Peter Crist, Anne Reynolds, Deborah Rouse, Nina Levitt, Kathryn Lee Taylor, Joseph Pfifner, herein Complainants, having filed an unfair labor practices complaint with the Wisconsin Employment Relations Commission, herein Commission, wherein they alleged that L'Etoile, Limited, James W. Casey, Karen Odessa Piper, herein Respondents, had committed certain unfair labor practices; and the Commission having appointed Thomas L. Yaeger, a member of the Commission's staff, to act as Hearing Examiner in the matter; and thereafter Respondents, by counsel, having filed motions to dismiss, make more definite and certain and reschedule hearing; and the Complainants having opposed granting all but the motion to reschedule; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

1. That the motion to dismiss is denied.
2. That the motions to make more definite and certain filed in the above entitled matter be, and the same hereby are granted in part and, therefore, the amended complaint shall either specify the acts referred to by the phrase "and other conduct" appearing in paragraphs 19, 20 and 21 of the instant complaint as well as the time and perpetrators of said conduct or, delete the phrase "and other conduct".
3. That the Complainants need not furnish any further requested information.
4. That the hearing shall be rescheduled in the near future.

5. That the information to be supplied pursuant to paragraph (2) supra should be filed by Complainants with the Commission, with a copy to Respondents, by October 14, 1976.

Dated at Madison, Wisconsin this 7th day of October, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger
Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING MOTION TO
DISMISS; ORDER GRANTING IN PART AND DENYING IN PART
MOTIONS TO MAKE MORE DEFINITE AND CERTAIN; AND ORDER
GRANTING MOTION TO RESCHEDULE HEARING

Complainants attached to their brief in opposition to Respondents' motions an affidavit attesting to their understanding of and the veracity of said complaint and the undersigned finds that said affidavit brings Complainants into substantial compliance with ERB 2.0. Further, Respondents failed to establish any prejudice resulting from Complainants' previous failure to comply with ERB 2.01. Thus, the motion to dismiss has been denied.

The Complainants inclusion of the phrase "and other conduct" in paragraphs 19, 20 and 21 of said complaint does not specify with sufficient clarity the conduct and times thereof as well as the perpetrators of said conduct as required by ERB 2.02(c). Therefore, Complainants have been ordered to provide such specificity or delete the phrase.

Additionally, the factual allegations contained in paragraphs 13 and 14 of said complaint are sufficiently clear so as not to require further elaboration. Thus, Respondent's motion to make paragraphs 13 and 14 more definite and certain have been denied.

Dated at Madison, Wisconsin this 7th day of October, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger
Thomas L. Yaeger, Examiner