

2. That the motion to dismiss in regard to the "B. Walloch grievance - March 25, 1976" be, and the same hereby is, denied.

3. That the motion to strike the "particulars" filed by the Complainants on February 21, 1977 be, and the same hereby is, denied.

4. That Complainants make their complaint more definite and certain with respect to allegations made in the complaint in this action, as amended by the "particulars" filed with the Commission on February 21, 1977, by stating a clear and concise statement of the facts constituting the alleged prohibited practices in conformance with the motion to make complaint more definite and certain filed by the Respondent on February 24, 1977, paragraphs 1 through 15.

And furthermore, that Complainants file the above information with the Commission and serve a copy of same upon Respondent on or before April 14, 1977; and that the date for filing an Answer is hereby extended to April 28, 1977; and that hearing in the matter is hereby rescheduled to Monday, May 16, 1977, commencing at 10:00 a.m. at the Waukesha County Courthouse, Waukesha, Wisconsin.

Dated at Madison, Wisconsin this 29th day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Dennis P. McGilligan, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING IN PART AND DENYING
IN PART MOTION TO DISMISS, DENYING MOTION TO STRIKE,
GRANTING MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN,
EXTENDING DATE FOR ANSWER AND SETTING NEW HEARING DATE

Complainants amended their complaint by filing "particulars" in the matter on February 21, 1977 as directed by the Examiner's Order dated February 4, 1977. 1/ Thereafter on February 24, 1977 Respondent timely filed motions to dismiss, to strike and to make the complaint more definite and certain.

The Examiner has granted Respondent's motion to dismiss in part herein on the basis that the activity alleged to have constituted a prohibited practice occurred more than one year prior to the date upon which the complaint was filed, therefore precluding the Commission from finding such activity a prohibited practice. 2/ The Examiner has denied Respondent's motion to dismiss in part herein on the grounds that it is premature, and because the matter is in the nature of a contested case, 3/ requiring a full hearing on the pleadings. 4/

The Examiner has denied Respondent's motion to strike, and instead granted Respondent's motion to make the complaint as amended by the "particulars" filed with the Commission on February 21, 1977 more definite and certain pursuant to the purpose and intent of ERB rules 12.02(2) and 12.03(3).

The Examiner has extended date for Answer and set a new hearing date in the matter in order to facilitate the direction of the above Order.

Dated at Madison, Wisconsin this 29th day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Dennis P. McGilligan, Examiner

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- 1/ School District of Kettle Moraine, 15188-A, 2/77.
 - 2/ City of Milwaukee (13093), 10/74; City of Sheboygan (12134-A,B), 11/74.
 - 3/ Wisconsin Statutes, Section 111.07(2) (a), Section 111.07(4), Section 27.
 - 4/ Mutual Fed. Savings & Loan Assoc. v. Savings & Loan Adv. Comm.; (1968) 38 Wis. 2d 381; State ex rel. City of LaCrosse v. Rothwell, (1964) 25 Wis. 2d 228, rehearing denied; Town of Ashwaubenon v. Public Service Commission (1964) 22 Wis. 2d 38, rehearing denied; State ex rel. Ball v. McPhee (1959) 6 Wis. 2d 190; General Electric Co. v. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.