



Office of the Clerk  
**COURT OF APPEALS**  
 OF WISCONSIN

**RECEIVED**

DEC 12 1979

WISCONSIN EMPLOYMENT  
RELATIONS COMMISSIONMarilyn L. Graves  
Clerk

Madison, December 4, 1979

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| To: | Donald J. Cairns<br>757 N. Broadway<br>Milwaukee, WI 53202   | David C. Rice<br>Asst. Atty. General<br>Lorraine      | Hon. Ralph G. Gorenstein<br>901 N. Ninth<br>Milwaukee, WI 53233 |
|     | John K. Brendel<br>6324 W. North Ave.<br>Wauwatosa, WI 53213 | Clerk of Court<br>901 N. Ninth<br>Milwaukee, WI 53233 |   |

You are hereby notified that the Court entered the following order:

Decision No. 15917

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79-1689-LV City of Wauwatosa v. Wisconsin Employment Relations  
Commission

Before Decker, C.J., Moser, P.J., and Cannon, J.

The Wisconsin Employment Relations Commission, by counsel, has filed a notice of appeal from the document entitled Decision which was entered on October 17, 1979, in the circuit court for Milwaukee county, the Honorable Ralph G. Gorenstein presiding, in case no. 459-866. The Commission has alternatively petitioned this court for discretionary leave to appeal from the decision, pursuant to sec. 808.03(1).

The court has concluded that the decision sought to be appealed is not appealable of right. Section 227.21 provides that any party, including an agency, may secure a review of a final judgment of the circuit court by appeal to the court of appeals. The statute further provides that the time for appeal is limited to 30 days from the notice of entry of the judgment. The record before us does not reflect entry of a final judgment or notice of entry of the judgment. The document sought to be appealed is a decision and does not purport to be a judgment.

Because the court has further concluded that an appeal can be taken of right from a judgment upon entry of a final judgment and notice of entry pursuant to sec. 227.21, exigent circumstances do not exist which warrant granting leave to appeal pursuant to Rule 809.50.

Upon the foregoing reasons,

IT IS ORDERED that the appeal taken by the notice of appeal is dismissed.

IT IS FURTHER ORDERED that the petition for leave to appeal is denied.

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*Marilyn L. Graves*  
*Clerk of Court of Appeals*