

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MADISON TEACHERS INCORPORATED	:	
	:	
Complainant,	:	Case CXIII
	:	No. 27081 MP-1170
vs.	:	Decision No. 18295-A
	:	
MADISON METROPOLITAN SCHOOL DISTRICT,	:	
THE BOARD OF EDUCATION OF MADISON	:	
METROPOLITAN SCHOOL DISTRICT, and	:	
WALTER S. DAVIS,	:	
	:	
Respondents.	:	

ORDER DENYING MOTIONS TO DISMISS COMPLAINT, TO DISMISS CERTAIN PERSONS AS RESPONDENTS, TO STRIKE A PORTION OF THE PRAYER FOR RELIEF AND FOR POSTPONEMENT OF THE DATE FOR HEARING, AND GRANTING MOTION FOR POSTPONEMENT OF THE DUE DATE FOR RESPONDENTS' ANSWER

Madison Teachers Incorporated, herein Complainant, having on November 19, 1980, filed a Complaint with the Wisconsin Employment Relations Commission alleging that Madison Metropolitan School District, the Board of Education of Madison Metropolitan School District, and Walter S. Davis, herein Respondents, have committed and are committing prohibited practices within the meaning of Section 111.70, Wis. Stats.; and the Commission having, on December 4, 1980, appointed Christopher Honeyman as Examiner in this matter; and the Examiner having, on December 4, 1980, issued a Notice scheduling hearing in this matter for January 5, 1981 and setting the due date for Respondents' Answer for December 29, 1980; and Respondents having, on December 23, 1980, filed Motions to dismiss the Complaint, to have Respondents Board of Education and Walter S. Davis dismissed as Respondents, to strike a portion of Complainant's Prayer for Relief, and for postponement of the due date for the Respondents' Answer and of the hearing; and Complainant's counsel having, on December 24, 1980, by telephone, advised the Examiner that Complainant declined to reply to Respondents' Motions and that Complainant opposes Respondents' request for postponement of the hearing; and Respondents' counsel having, on December 26, 1980, advised the Examiner that there are no conflicts of scheduling that would prevent the hearing being held on January 5, 1981; and the Examiner having considered the Motions;

NOW, THEREFORE, it is

ORDERED

1. That the due date for Respondents' Answer to Complaint be and the same hereby is, rescheduled to December 31, 1980.
2. That the remainder of Respondents' Motions described above be, and the same hereby are, denied.

Dated at Madison, Wisconsin this 26th day of December, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Christopher Honeyman, Examiner

MADISON METROPOLITAN SCHOOL DISTRICT, Case CXIII, Decision No. 18295-A

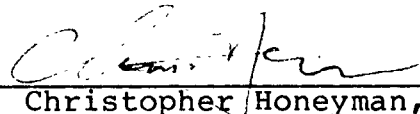
MEMORANDUM ACCOMPANYING ORDER DENYING MOTIONS TO DISMISS COMPLAINT,
TO DISMISS CERTAIN PERSONS AS RESPONDENTS, TO STRIKE A PORTION OF
THE PRAYER FOR RELIEF AND FOR POSTPONEMENT OF THE DATE FOR
HEARING AND GRANTING MOTION FOR POSTPONEMENT OF THE DUE DATE FOR
RESPONDENTS' ANSWER

Respondents' Motions, insofar as they relate to the merits of this matter, raise questions of fact and law which are best resolved by an evidentiary hearing; accordingly, they are denied at this time.

Dated at Madison, Wisconsin this 26th day of December, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Christopher Honeyman, Examiner