STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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EDNA C. JOHNSON,	:	
	:	
Complainant,	, :	
	:	Case 2
VS.	:	No. 33662 PP(S)-113
	:	Decision No. 21980-A
AFSCME, COUNCIL 24, WISCONSIN	:	
STATE EMPLOYEES UNION, Respondent.	:	
	:	
	:	
	:	

ORDER DENYING COMPLAINANT'S MOTION TO TAKE DISCOVERY DEPOSITIONS

Complainant, having filed on April 21, 1987, a Motion to Allow Discovery Depositions; and Respondent, having filed a response in opposition to said motion on April 30, 1987, on the grounds of time and expense which would be incurred; and the Complainant having addressed said opposition on May 5, 1987; and the undersigned Examiner having considered the arguments of the parties, hereby denies said motion to take discovery depositions on the grounds that no good cause has been shown as to why a deposition is appropriate in this matter pursuant to ERB 20.15;

NOW, THEREFORE, it is

<u>Ordered</u>

That said Motion to Take Discovery Depositions be and hereby is denied.

Dated at Madison, Wisconsin this 9th day of June, 1987.

WISCONSIN EMPLOYMENT RELATIONS

COMMISSION

By <u>Mary Jo Schiavoni /s/</u>

Mary Jo Schiavoni, Examiner

MEMORANDUMACCOMPANYINGORDERDENYINGMOTIONTOTAKEDISCOVERYDEPOSITIONS

Although the Commission has the discretion to allow for the taking of depositions in unfair labor practice proceedings as set out in Section 111.07(2)(b), Stats., and ERB 20.15; generally, it will not ordinarily grant such requests except for good cause shown. 1/ In view of the time and expense involved, the undersigned is of the opinion that good cause has not been demonstrated so as to warrant the taking of such depositions.

Complainant has not demonstrated that the witnesses she wishes to depose or the documents in their possession are unavailable to appear or be produced at hearing in this matter. It has not been demonstrated to the satisfaction of this Examiner that either the documents or the witnesses are beyond the reach of a subpoena.

Moreover, Complainant may subpoen the requisite documents prior to the resumption of the hearing in this matter in order to avoid a protracted hearing. Complainant's Motion To Take Discovery Depositions is accordingly denied. A resumed hearing will be scheduled in due course.

Dated at Madison, Wisconsin this 9th day of June, 1987.

WISCONSIN EMPLOYMENT RELATIONS

COMMISSION

By: <u>Mary Jo Schiavoni /s/</u> Mary Jo Schiavoni, Examiner

1/ Browne et. al. v. Milwaukee Board of School Directors, et. al., Dec. No. 18408-A (WERC, 10/81); School District of West Allis - West Milwaukee, Dec. No. 20922-C (Schiavoni, 2/84).