

STATE OF WISCONSIN
CIRCUIT COURT
ROCK COUNTY

MARK J. BENZING,
Petitioner,

vs.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION,
Respondents.

Case No. 93-CV-163
Decision No. 27140-E

NOTICE OF ENTRY OF ORDER

To: Mark J. Benzing
2022 Dewey Avenue
Beloit, Wisconsin 53511

Bruce Meredith
Wisconsin Education Association Council
33 Nob Hill Drive
Post Office Box 8003
Madison, Wisconsin 53708-8003

Jon E. Anderson
Godfrey & Kahn, S.C.
131 West Wilson Street
Post Office Box 1110
Madison, Wisconsin 53701-1110

PLEASE TAKE NOTICE that an order dismissing this action, of which a true and correct copy is hereto attached, was signed by the court on the 12th day of August, 1993, and duly entered in the Circuit Court for Rock County, Wisconsin, on the 12th day of August, 1993.

Notice of entry of this order is being given pursuant to secs. 806.06(5) and 808.04(1), Stats.

Dated this 16th day of August, 1993.

JAMES E. DOYLE
Attorney General

/s/ David C. Rice
David C. Rice

Assistant Attorney General
State Bar 1014323
Attorneys for respondent LIRC
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-6823

STATE OF WISCONSIN
CIRCUIT COURT
ROCK COUNTY

MARK J. BENZING,
Petitioner,

vs.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION,
Respondent.

Case No. 93-CV-163
Decision No. 27140-E

ORDER

The above-entitled proceeding having been commenced on April 19, 1993, to review a decision of the Wisconsin Employment Relations Commission under the Municipal Employment Relations Act; and

The Commission having moved to dismiss the proceeding on the ground that the court lacks subject matter jurisdiction or competency to proceed because petitioner Mark Benzing failed to serve a copy of his petition for review upon the Wisconsin Education Association Council (WEAC), a party to the proceedings before the Commission on Benzing's prohibited practices complaint, within thirty days after this review proceeding was commenced; and The Commission's motion having been heard by the court, the Honorable James E. Welker, presiding, on August 10, 1993; and

Benzing having appeared pro se, the Commission having appeared by Assistant Attorney General Stephen Sobota, and WEAC having appeared by Mary Pitassi, Associate Counsel; and

Benzing having conceded that he did not serve a copy of his petition for review upon WEAC; and

The court having determined that it is without subject matter jurisdiction or competency to proceed,

Now Therefore, IT IS ORDERED that the Commission's motion is granted and this proceeding is dismissed.

Dated at Beloit, Wisconsin, this 12th day of August, 1993.

BY THE COURT:

/s/ James E. Welker
Honorable James E. Welker
Circuit Judge