

**STATE OF WISCONSIN
CIRCUIT COURT: BR.
DANE COUNTY**

MADISON TEACHERS, INC.,

Petitioner,

v.

**WISCONSIN EMPLOYMENT RELATIONS
COMMISSION,**

Respondent.

Case No. 93-CV-3974

Civil Actions: Admin. Agency

Review – 30607

Decision No. 27612-A

[NOTE: This document was re-keyed by WERC. Original pagination has been retained.]

STIPULATION AND ORDER OF DISMISSAL

The undersigned parties, by their respective counsel, do hereby stipulate and agree as follows with respect to the above proceeding:

1. Madison Teachers, Inc. (“MTI”) has petitioned for review of the decision of the Wisconsin Employment Relations Commission (“WERC” or “Commission”) dated September 21, 1993 in which the Commission withdrew from Arbitrator John C. Oestreicher jurisdiction over final offers submitted by MTI and the Madison Metropolitan School District (“District”) in interest arbitration Case 215 No. 48323 INT/ARB-6664.

2. The WERC has moved for an order dismissing this petition on the ground that the letter sought to be reviewed is not a final decision which is subject to judicial review under sec. 227.52, Stats.

3. The District, a party-in-interest in this matter, also alleged that this court lacks jurisdiction in that the letter sought to be reviewed was not a final decision from which a petition for review can be taken.

4. The parties to this Stipulation hereby move to dismiss this proceeding, pursuant to sec. 805.04(1), Stats., without prejudice and without further cost to any party.

5. The parties to this Stipulation hereby agree that this dismissal is not on the merits of MTI's claims set forth in its Petition for Review, and is without prejudice to MTI's right to refile its Petition and to seek review of the WERC's actions set forth in its letter dated September 21, 1993 within 30 days after service upon MTI of the WERC's final decision in this proceeding.

6. The parties to this Stipulation hereby agree that when the WERC issues its final decision in this proceeding, this final decision will be reviewable under sec. 227.52, Stats.

7. The WERC and the District hereby agree that, in the event that MTI properly seeks review of such decision of the WERC, neither the WERC nor the District shall in such proceeding object to the reviewability of the September 21, 1993 decision as part of a review of the final decision.

8. Except for the claims of reviewability described above in paragraphs 6 and 7, the WERC and the District reserve their right to assert any other defenses or claims in response to any such Petition for Review.

1/12/93

Date

Lee Cullen /s/

Lee Cullen
Attorney for Madison Teachers, Inc.

1/14/93

Date

David C. Rice /s/

David C. Rice
Attorney for Wisconsin Employment Relations Commission

1/17/94

Date

Michael J. Lawton /s/

Michael J. Lawton
Attorney for Madison Metropolitan School District

ORDER

The above Stipulation in its entirety is hereby made an Order of the Court and the above proceeding is hereby dismissed without prejudice and without further cost to any party, under the terms and conditions set forth in the above Stipulation.

Dated this 21 day of January, 1994

BY THE COURT:

Robert A. DeChambeau /s/

Judge Robert A. DeChambeau