

**Office of the Clerk
SUPREME COURT
110 E. MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688**

**TELEPHONE (608) 266-1880
FACSIMILE (608) 267-0640**

November 23, 1999

To:

Hon. C. William Foust
Dane County Circuit Court
210 Martin Luther King, Jr. Blvd.
Madison, WI 53709

Judith A. Coleman
Dane County Clerk of Courts
Rm. GR-10, City-County Bldg.
210 Martin Luther King, Jr. Blvd.
Madison, WI 53709

Larry W. O'Brien
Assistant City Attorney
City County Bldg., #401
210 Martin Luther King, Jr. Blvd.
Madison, WI 53709

David C. Rice
Assistant Attorney General
P.O. Box 7857
Madison, WI 53707-7857

John C. Talis
Shneidman & Myers
P.O. Box 2155
Madison, WI 53701-2155

Scott N. Herrick
Herrick, Kasdorf, Dymzarov & Vetzner
P.O. Box 169
Madison, WI 53701-0169

Curtis A. Witynski
League of Wisconsin Municipalities
202 State Street, #300
Madison, WI 53703-2215

[Decision No. 28920-D]

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

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

No. 99-0500 City of Madison v. WERC and IAFF Local 311 L.C.#98CV1397

A petition to bypass the court of appeals pursuant to sec. 808.05, Stats., having been filed on behalf of the petitioner-appellant, City of Madison, and considered by the court, and the court noting that all briefs on appeal have not yet been filed;

IT IS ORDERED the petition to bypass is dismissed as premature. Petitions to bypass are not considered until all briefing, including that of any intervenors, has been completed in the court of appeals. Sec. (Rule) 809.60(1), Stats. Under the circumstances of this case, that cannot occur until the review sought by the intervenor in this court is completed. The case having been stayed in the court of

November 23, 1999

appeals with briefing and the final identity of parties incomplete, bypass is not procedurally possible. Upon the resolution of the intervenor's petition, which will occur in due course, followed by the completion of briefing below, the petition to bypass may be resubmitted.

Marilyn L. Graves
Clerk of Supreme Court