

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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**NORTHLAND PINES EDUCATION ASSOCIATION**, Complainant,

vs.

**NORTHLAND PINES SCHOOL DISTRICT**, Respondent.

Case 54  
No. 62113  
MP-3899

**Decision No. 30602-B**

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**Appearances:**

**Steven M. Lucareli**, Attorney, Lucareli Law Office, P.O. Box 1357, Eagle River, Wisconsin 54521, appearing on behalf of the Complainant.

**Joel S. Aziere**, Attorney, Davis & Kuelthau, S.C., 111 East Kilbourn Avenue, Suite 1400, Milwaukee, Wisconsin 53202, appearing on behalf of the Respondent.

**ORDER DISMISSING INTERLOCUTORY APPEAL**

During proceedings before her in the above captioned matter, Examiner Lauri A. Millot made rulings on certain evidentiary matters including issuance of a September 10, 2003, Order Denying Respondent's Motion for a Protective Order to Quash the Subpoenas Issued to Members of the Northland Pines School District Board of Education and Motion to Suppress Testimony.

On September 29, 2003, Respondent filed an interlocutory appeal of the Examiner's September 10, 2003, Order.

On October 24, 2003, Complainant filed a response to the interlocutory appeal.

We have considered the matter and conclude that we will not exercise our discretionary authority to review the Examiner's Order.

NOW, THEREFORE, it is

**ORDERED**

The interlocutory appeal is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 4th day of November, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

Dec. No. 30602-B

**MEMORANDUM ACCOMPANYING ORDER**  
**DISMISSING INTERLOCUTORY APPEAL**

The Examiner's Order is not a "final" disposition of the complaint and thus it is discretionary as to whether we should review the merits of the interlocutory appeal. G & H PRODUCTS, INC., DEC. NO. 17630-B (WERC, 1/82); JEFFERSON BOARD OF EDUCATION, DEC. NO. 13648-B (WERC, 1/76). While we have reviewed the merits of an appeal of an interlocutory Examiner order where the legal issue involved was of general significance - CLINTON SCHOOLS, DEC. NO. 20081-C (WERC, 7/84) involving the statutory authority of an Examiner to grant interlocutory relief - we have generally declined to exercise our discretionary jurisdiction. STATE OF WISCONSIN, DEC. NO. 30124-B (WERC, 7/01); VILLAGE OF KIMBERLY, DEC. NO. 28759-B (WERC, 12/96); WAUKESHA COUNTY, DEC. NO. 28726-B (WERC, 11/96); BROWN COUNTY, DEC. NO. 27553-C (WERC, 1/94); CITY OF БЕЛОИТ, DEC. NO. 25917-C (WERC, 10/89). We decline to do so here as well because we are satisfied that the legal issue is not one of general significance. Thus, we have dismissed the appeal.

If the Examiner issues a final order in this matter that is adverse to Respondent, Respondent can then file a petition for review.

Dated at Madison, Wisconsin, this 4th day of November, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner