

STATE OF WISCONSIN  
CIRCUIT COURT  
JUNEAU COUNTY

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CITY OF NEW LISBON,

Plaintiff,

v.

WISCONSIN COUNCIL 40, AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO,

and

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Defendants.

CASE NO. 95 CV 247

[WERC is using the following electronic file name: 95-CV-269C2.doc]

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

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VILLAGE OF NECEDAH,

Plaintiff,

v.

WISCONSIN COUNCIL 40, AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO,

and

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Defendants.

CASE NO. 95 CV 269

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ORDER DENYING MOTIONS FOR  
TEMPORARY INJUNCTIONS AND  
GRANTING MOTIONS TO DISMISS  
AND JUDGMENTS FOR DEFENDANTS

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The above entitled proceedings each having been commenced by the filing and service of a Summons and Complaint by, respectively, the City of New Lisbon and Village of Necedah, and AFSCME District Council 40 and the Wisconsin Employment Relations Commission having served and filed their Answers to the same, the City and the Village

each having moved for temporary injunctions enjoining the Commission from processing applications for interest arbitration filed by City and Village employees pursuant to Sec. 111.70(4)(cm)6, Wis. Stats., for the reason that said employees clearly are not covered by said statutory provision, and AFSCME District Council 40 having opposed said motions and having moved to dismiss the Complaints filed in each of the above entitled proceedings, the City and Village appearing by their Attorneys, Curran, Hollenbeck & Orton, S.C. and Fred D. Hollenbeck, AFSCME District Council 40 appearing by its Attorneys, Shneidman, Myers, Dowling, Blumenfield, Ehlke, Hawks & Domer, and Bruce F. Ehlke, and the Commission appearing by the Attorney General and Assistant Attorney General David C. Rice, the parties having submitted briefs in support of their respective positions concerning said motions, and the Court, the Hon. John W. Brady, Circuit Court Judge presiding, having heard oral argument regarding the same on February 28, 1996 and, being fully advised in the premises, having determined that the statutory provision in question is not clear and unambiguous and that the legislative history relating to the same support the conclusion that the City and Village employees are covered by Sec. 111.70(4)(cm)6, Wis. Stats., that the motions filed by the City and Village should be denied and the motions to dismiss filed by District Council 40 granted, and having issued its Decision to the same effect on March 1, 1996, now, therefore,

IT IS ORDERED That The Motions for Temporary Injunction filed, respectively, by the City of New Lisbon and Village of Necedah

shall be, and the same hereby are, denied, and any preliminary injunctions or restraining orders heretofore entered in these proceedings against the Wisconsin Employment Relations Commission hereby is or are dissolved; and

IT FURTHER IS ORDERED That the Motions to Dismiss filed by AFSCME District Council 40 in each of the above entitled actions shall be granted and that the said proceedings shall be, and the same hereby are, dismissed, on their merits, and judgment for AFSCME District Council 40 and the Wisconsin Employment Relations Commission to the same effect hereby is granted in each of said actions.

Dated: March 18, 1996.

BY THE COURT

John W. Brady /s/

JOHN W. BRADY

Circuit Court