

appeal of Jorsch v. DMA, 76-148, 6/16/78

The State of Wisconsin  
Department of Justice



Charles R. Larsen  
Assistant Attorney General  
(608) 268-1785

123 West Washington Avenue  
Mailing Address: P.O. Box 7857  
Madison, Wisconsin 53707

March 4, 1982

Bronson C. La Follette  
Attorney General

F. Joseph Sensenbrenner, Jr.  
Deputy Attorney General

Mr. William Smoler  
Smoler, Albert and Rostad  
119 Monona Avenue  
Suite 520  
Madison, Wisconsin 53703

Mr. Jon P. Axelrod  
DeWitt, Sundby, Huggett and Schumacher  
Post Office Box 2509  
121 South Pinckney Street  
Madison, Wisconsin 53701

Mr. Richard V. Graylow  
Lawton and Cates  
110 East Main Street  
Madison, Wisconsin 53703

RE: Jorsch v. State of Wisconsin  
Case No. 164-065

Gentlemen:

The Court has advised me that the order dismissing this case, pursuant to our stipulation, was signed by Judge Pekowsky on March 3, 1982. I am, therefore, now closing my file on this matter.

Thank you for your consideration on this matter.

Very truly yours,

Charles R. Larsen  
Assistant Attorney General

CRL/tkm

cc: Mr. Terrance N. Yeazel  
Department of Military Affairs  
3020 Wright Street  
Madison, Wisconsin 53702

RECEIVED  
MAR 8 - 1982

DeWITT, SUNDBY,  
HUGGETT & SCHUMACHER, S.C

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MAR 17 1982

Personnel  
Commission

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

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LARRY JORSCH,

Petitioner,

and

ADJUTANT GENERAL,  
Department of Military Affairs,

Cross-Petitioner,

v.

Case No. 164-065

STATE OF WISCONSIN  
PERSONNEL BOARD,

Respondent,

and

WISCONSIN STATE EMPLOYEES UNION (WSEU, AFCME)  
COUNCIL 24, AFL-CIO,

Intervening Respondent.

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STIPULATION AND ORDER

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The above-entitled action having been commenced against the respondent with the filing and service of a petition for review in June, 1978, and

Cross-petitioner having filed and served notice of appearance, statement of position and cross-petition for review, and

The court having permitted intervention by intervening respondent, and

The matter involving the termination of a probationary employe, and

The parties having agreed to delay briefing and other further activity with respect to this matter until action by the Court of Appeals in other cases involving termination of probationary employes pending at the time, and

The Court of Appeals, Board of Regents v. Wisconsin Personnel Commission, 103 Wis. 2d 545 (Ct. App. 1981) having decided that the Personnel Commission is without jurisdiction to hear appeals concerning dismissal of probationary employes, and

The Supreme Court of Wisconsin having denied petition for review on September 1, 1981, and having dismissed a motion to reconsider its denial of petition for review on October 19, 1981, and

The parties to this action having agreed that said decision of the Court of Appeals renders the instant action moot,

NOW, THEREFORE, it is hereby stipulated and agreed, by and between the parties to this action, by their respective counsel, that the court may enter an order dismissing this action as moot, without costs to any party.

Date: Feb 12, 1982

SMOLER, ALBERT & ROSTAD  
Attorneys for Petitioner

By:

William Smoler  
William Smoler

Date: June 27, 1982

BRONSON C. LA FOLLETTE  
Attorney General  
Attorney for Cross-Petitioner

By:

Charles R. Larsen  
Charles R. Larsen  
Assistant Attorney General

Date: FEB 15, 1982

DE WITT, SUNDBY, HUGGETT AND  
SCHUMACHER S.C.  
Attorneys for Respondent

By: [Signature]

Jon P. Axelrod

Date: \_\_\_\_\_, 1982

LAWTON & CATES  
Attorneys for Intervening  
Respondent

By: \_\_\_\_\_

Richard V. Graylow

O R D E R

The court having read and considered the above and foregoing stipulation, and being fully advised in the premises,

IT IS ORDERED, in accordance with the terms of said stipulation, that the above-entitled action be, and the same hereby is, DISMISSED as moot, without costs to any party.

Dated this \_\_\_ day of \_\_\_\_\_, 1982.

BY THE COURT:

\_\_\_\_\_  
Circuit Judge