

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

SUSAN SINGER,

Petitioner,

v.

Case No. 84CV6081

WISCONSIN PERSONNEL COMMISSION,

Respondent.

ORDER OF DISMISSAL

The motion of the respondent to dismiss the proceedings attempted to be instituted and to vacate the Order of Stay entered ex parte, November 1, 1984, staying all proceedings in the administrative appeal of Susan Singer v. Department of Health and Social Services, No. 84-0066-PC, pending before the State Personnel Commission, on grounds that the October 29, 1984, order on which review was sought is not a final order subject to ch. 227, Stats., judicial review at this time and that mandamus does not lie to control acts of an administrative agency with respect to a pending proceeding where the duty is not clear and ministerial in nature, having come on for hearing before the Court, at 9:00 a.m. on the 30th day of November, 1984, at the City-County Building, Madison, Wisconsin; petitioner Susan Singer, appearing in person and by C. William Foust of Smoler, Albert & Rostad, S.C.; respondent appearing by Robert J. Vergeront, Assistant Attorney General; and the Court, having considered the pleadings filed and arguments of the parties and having issued its oral decision from the bench granting the motion to vacate and dismiss;

IT IS ORDERED that the order of this Court, dated November 1, 1984, staying all proceedings in the administrative appeal in Susan

Singer v. Department of Health and Social Services, No. 84-0066-PC,
pending before the State Personnel Commission until further order
of this Court, be, and hereby is, vacated.

IT IS FURTHER ORDERED that this action be, and hereby is, dis-
missed without costs to either party.

Dated at Madison, Wisconsin, this 12TH day of December, 1984.

BY THE COURT:

s William Eich
William Eich, Circuit Judge

FILED: 12/12/84