

Oriedo v. DPI, et al., 96-0124-PC-02

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 7

COUNTY OF DANE

MICAH ORIEDO,
Petitioner,

v.

DECISION AND ORDER

Case Number: 97 CV 754

DEPT. OF PUB. INST. et al,
Respondents.

RECEIVED

JUN 24 1997

PERSONNEL COMMISSION

DECISION

Petitioner has filed a "motion for continuance of proceedings in [sic] the Personnel Commission." Respondents have presented their written objection. For the following reasons, this motion is denied, as will be any similar motions from the petitioner:

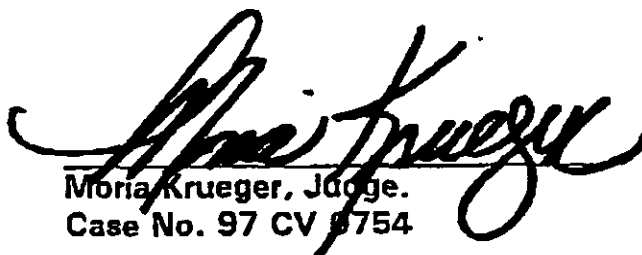
1. The June 26, 1997 commission proceeding, which is the subject of this motion, is simply a "prehearing process," a status conference, at which no evidence would be taken.
2. A similar motion has already been denied by Commission Murphy.
3. The situation created here by petitioner's application to Circuit Court, that of concurrent proceedings in two tribunals, is precisely why such "interlocutory appeals" are viewed with general disfavor by reviewing courts. It is a circumstance of petitioner's own creation, which he should not be able to utilize to justify delay in the underlying proceedings.
4. This Court is far from satisfied, at this point, that it even has jurisdiction to intervene on the limited issue addressed in the original petition. A motion to dismiss by respondents is pending completion of a briefing schedule by receipt of respondents' reply brief on July 15, 1997.
5. The petitioner's claim, if the Court does have jurisdiction, are not so clearly meritorious as to justify a delay in the proceedings before the commission.

ORDER

For the reasons stated above, the petitioner's motion for a continuance of proceedings in the Personnel Commission, IS HEREBY DENIED.

Dated this 20th day of June 1997 at Madison, Wisconsin.

BY THE COURT:



Maria Krueger, Judge.
Case No. 97 CV 8754

cc: by FAX and by Mail
Petitioner Oriedo
AAG John Niemisto