

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE EX REL AREA VOCATIONAL,
TECHNICAL AND ADULT EDUCATION
DISTRICT No. 4, by its District
Board,

Petitioner,

vs.

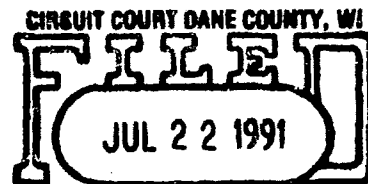
EQUAL OPPORTUNITIES COMMISSION
OF THE CITY OF MADISON, and
CLIFFORD E. BLACKWELL,
HEARING EXAMINER,

Respondents.

STIPULATION

9

Case No. 91-CV-1537



The Petitioner, Area Vocational, Technical and Adult Education District No. 4, by its District Board (MATC), by its attorney James K. Ruhly, Melli, Walker, Pease & Ruhly, S.C., and the Respondents, Equal Opportunities Commission of the City of Madison and Clifford E. Blackwell, Hearing Examiner, by their attorneys, Helen E. Gibson, City Attorney, and James L. Martin, Assistant City Attorney, hereby stipulate and agree as follows that:

1. Pursuant to § 111.32(6)(a), Wis. Stats., Petitioner, MATC, is an agency of the state for purposes of allegations of employment discrimination, and as a result Respondents are without authority to exercise jurisdiction over MATC in alleged employment discrimination matters and will not attempt to assert jurisdiction unless and until there is a change in Wisconsin statutes specifically conferring jurisdiction to cities over the area of alleged employment discrimination by a VTAE district, and

a change in Madison General Ordinance § 3.23 exercising such authority.

2. Pursuant to § 101.22(lm)(bp), Stats., and § 3.23(2)(e), Madison General Ordinances, MATC, in its educational sphere, is not a public place of accommodation, and as a result Respondent, Equal Opportunities Commission of the City of Madison, agrees Respondents are without authority to exercise jurisdiction over MATC in alleged student/education status discrimination matters and will not attempt to assert jurisdiction over MATC in student/education status discrimination matters unless and until there is a change in Wisconsin statutes specifically conferring jurisdiction to cities over the area of alleged public accommodation discrimination by a VTAE district, and a change in Madison Ordinances exercising such authority.

3. The Respondents agree not to exercise future jurisdiction over MATC in employment and public accommodation pursuant to paragraphs 1 and 2 above unless there are statutory and ordinance changes granting authority or precedential Wisconsin appellate court authority granting cities jurisdiction over Area Vocational, Technical and Adult Education districts in the area of employment discrimination and/or public accommodation. It is agreed that MATC does not waive any defense, jurisdictional or otherwise, to any subsequent attempt by MEOC to exercise jurisdiction.

4. The parties agree that, based on this Stipulation, they will, and hereby do, jointly request that the Court enter an Order granting Absolute Writ of Prohibition, without further

notice or costs to either party. A copy of the proposed Order is attached. In the event the court does not sign such Order and a modified proposed Order cannot be agreed upon, the parties jointly request that this Stipulation be withdrawn and the matter proceed as scheduled with the filing of Respondents' brief.

5. Upon receipt of the Absolute Writ of Prohibition, the Madison Equal Opportunities Commission will dismiss the following pending cases: Cluever v. MATC, 21186; Olson-Sutton v. MATC, 21162; Eldridge v. MATC, 21260; Eldridge v. MATC, 21374; Gardner v. MATC, 21008; Duarte-Vestar v. MATC and Harris, 3212; Duarte-Vestar v. MATC, 3275; Ward v. MATC, 21084; Ellis v. MATC, 3278; and Sprecher v. MATC, 21466. MEOC will make specific reference to, or incorporate, the terms of the Absolute Writ of Prohibition in MEOC's order of dismissal.

6. This Stipulation is entered into by the parties in good faith, and is designed to resolve the jurisdictional questions which exist between the Petitioner and the Respondents.

AREA VOCATIONAL, TECHNICAL AND
ADULT EDUCATION DISTRICT NO. 4

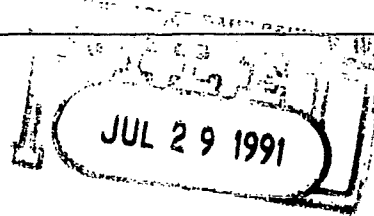
James K. Ruhly 7-16-91
By: James K. Ruhly Date
Melli, Walker, Pease
& Ruhly, S.C.
Attorneys for Petitioner

RESPONDENTS EQUAL OPPORTUNITIES
COMMISSION OF THE CITY OF MADISON
and CLIFFORD E. BLACKWELL,
HEARING EXAMINER, BY:

Helen E. Gibson
Helen E. Gibson, Date
City Attorney

James L. Martin 7-11-91
James L. Martin Date
Assistant City Attorney

STATE EX REL AREA VOCATIONAL,
TECHNICAL AND ADULT EDUCATION
DISTRICT NO. 4, by its District
Board,



Petitioner,

v.

Case No. 91-CV-1537

EQUAL OPPORTUNITIES COMMISSION
OF THE CITY OF MADISON, and
CLIFFORD E. BLACKWELL,
Hearing Examiner,

Respondents.

ORDER GRANTING ABSOLUTE WRIT OF PROHIBITION

THE STATE OF WISCONSIN TO SAID RESPONDENTS:

1. On April 19, 1991, the Petitioner herein petitioned this court for an alternative writ of prohibition to be issued against the Respondents. The petition was accompanied by supporting affidavits and brief.

2. On April 22, 1991, this court issued an alternative writ of prohibition commanding that Respondents desist and refrain from any further proceedings in the matters specified in said alternative writ and in all matters not specified therein but that may pend before the Respondents against the Petitioner, its District Board, Madison Area Technical College, and any agents of the District or its District Board, until further order of the Court.

3. A hearing to determine if Respondents should be absolutely prohibited from further proceedings in the matters

therein specified and in all matters not specified but that may pend before Respondents was scheduled for June 26, 1991, and later postponed to August 30, 1991.

4. On July 2, 1991, Respondents contacted Petitioner's attorney to discuss resolution and settlement of this matter.

5. A Stipulation has been entered into between Petitioner and Respondents, a copy of which is attached to this Order and the terms of which are herein incorporated in their entirety.

6. Respondents are without jurisdiction to hear complaints against Petitioner in matters of alleged employment discrimination or alleged public accommodation discrimination.

7. No further proceedings against Petitioner in either pending or future cases before the Respondents will be entertained unless and until there are relevant, specific changes in Wisconsin Statutes and in Madison ordinances.

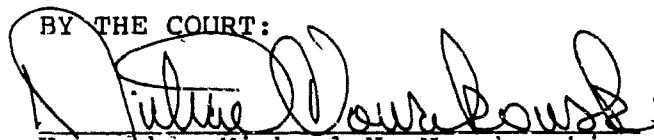
8. Presently pending cases Cluever v. MATC, 21186; Olson-Sutton v. MATC, 21162; Eldridge v. MATC, 21260; Eldridge v. MATC, 21374; Gardner v. MATC, 21008; Duarte-Vestar v. MATC and Harris, 3212; Duarte-Vestar v. MATC, 3275; Ward v. MATC, 21084; Ellis v. MATC, 3278; and Sprecher v. MATC, 21466 are hereby remanded to Respondent MEOC with directions that each case be dismissed forthwith in accordance with the terms of paragraph 5 of the Stipulation.

NOW THEREFORE, based upon the Stipulation and all the records and papers in this matter, it is ORDERED that the Respondents are absolutely prohibited, and ordered to desist and

refrain, from exercising jurisdiction to hear claims against
Petitioner in pending actions or in actions that pend or may pend
before Respondents. All pending cases against MATC are to be
dismissed by Respondents. No costs to either party.

Dated this 29th day of July, 1991.

BY THE COURT:


Honorabie Michael N. Nowakowski
Circuit Court Judge, Branch 13

*Copies sent to
Atty Martin & Rubby
7/29/91/pm*