

STATE OF WISCONSIN

CIRCUIT COURT  
Branch 10

DANE (A1A) 277-0189

251-2883

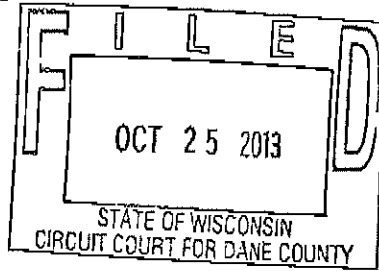
(A1A) 271-8442

7-8906

Madison Teachers, Inc. *et al.*,  
Plaintiffs,

v.

Scott Walker, *et al.*,  
Defendants.



Case No. 11CV3774

**ORDER GRANTING MOTION TO HOLD DEFENDANTS  
JAMES R. SCOTT AND RODNEY G. PASCH  
IN CONTEMPT OF COURT AND FOR REMEDIAL SANCTIONS**

This matter came on for a hearing on October 21, 2013, on the motion made by the Wisconsin Education Association Council; AFT-Wisconsin, AFL-CIO; SEIU Healthcare Wisconsin, CTW, CLC; Wisconsin Federation of Nurses and Health Care Professionals, AFT, AFL-CIO; District Council 40, AFSCME, AFL-CIO; and Kenosha Education Association, pursuant to Wis. Stat. Ch. 785, to hold Defendants James R. Scott and Rodney G. Pasch in contempt of court and for remedial sanctions. The parties appeared by their respective counsel and their representatives and the record reflects that James R. Scott and Rodney G. Pasch were personally served with the motion.

The Court considered the parties' written submissions and those of amici, heard the parties' oral arguments and, thereafter, rendered its decision in open court on October 21, 2013.

**NOW, THEREFORE, FOR THE REASONS STATED ON THE RECORD, IT IS  
HEREBY ADJUDGED AND ORDERED:**

1. Defendants Scott and Pasch are in contempt of Court by their refusal to comply with this Court's order dated September 14, 2012;

2. Defendants Scott and Pasch must cease enforcement of those parts of 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32 which the Court declared in its September 14, 2012 decision and order to be unconstitutional. To purge the contempt, Defendants Scott and Pasch must cease implementing any provision of the law found unconstitutional by this Court in its September 14, 2012 decision and order;

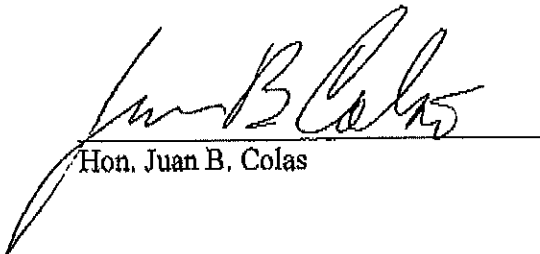
3. Specifically, Defendants Scott and Pasch must immediately:

- Cease and desist from their refusal to comply with this Court's Decision and Order of September 14, 2012;
- Cease and desist from implementing the emergency rules for administration of annual certification elections, set forth in Wis. Stat. §111.70(4)(d)3.;
- Inform the public and all interested parties by posting on the WERC website that Wis. Adm. Code ECR 70.03 was enacted without lawful authority and was therefore void when enacted, has no legal effect and will not be implemented or enforced so long as the Decision and Order of this Court dated September 14, 2012 remains in effect. Further, that labor organizations are to be accorded the same status with respect to municipal employers that they would have had if ECR 70.03 had not been adopted;
- Immediately inform the Kenosha Unified School District (KUSD) that the prior communications from the Chief Legal Counsel of the WERC to KUSD with respect to the status of the Kenosha Education Association were in error and are withdrawn and affirmatively inform the KUSD that the Kenosha Education Association has the same status it would have had had ECR 70.03 not been enacted and had the withdrawn communications not been sent;

- Take no further steps of any kind to implement ECR 70.03;
- Direct that all fees assessed and received by the Wisconsin Employment Relations Commission since July 3, 2013 from any entity as payment for any annual certification election petitions submitted pursuant to ERC 70.03 and its election fees schedule, be refunded within 60 days from the date of this Order;
- The court will schedule further proceedings on the issue of attorney fees and costs.

Dated this 25th day of October, 2013.

**BY THE COURT**



Hon. Juan B. Colas