

**STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION**

In the Matter of:

UNIVERSITY OF MICHIGAN,  
Public Employer,

Case No. R11 D-034

-and-

GRADUATE EMPLOYEES ORGANIZATION/AFT,  
Petitioner-Labor Organization,

-and-

MICHIGAN ATTORNEY GENERAL,  
Proposed Intervenor.

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APPEARANCES:

Fink + Associates Law, by David H. Fink and Daryl Bressack; and Suellyn Scarnecchia, Vice President and General Counsel, and Christine M. Gerdes, Associate General Counsel, for the Public Employer

Mark H. Cousens, for the Labor Organization

Bill Schuette, Michigan Attorney General; Richard A. Bandstra, Chief Legal Counsel; and Kevin J. Cox and Dan V. Artaev, Assistant Attorneys General for Proposed Intervenor Michigan Attorney General

**DECISION AND ORDER DENYING MOTION FOR STAY**

On December 16, 2011, the Commission issued its Decision and Order on Motions to Intervene and Motion for Reconsideration of Order Dismissing Petition in the above-entitled matter, which: granted the motion for reconsideration filed by the Graduate Employees Organization/AFT (Petitioner); denied the motions to intervene filed by the Michigan Attorney General and Students Against GSRA Unionization; and referred the matter to an administrative law judge for an evidentiary hearing. On January 6, 2012, the Michigan Attorney General filed his Emergency Motion to Stay Administrative Proceedings. The motion asserted that, on the same day, the Attorney General filed an appeal to the Court of Appeals from our denial of his motion to intervene in this matter. The motion requested that we stay the proceedings in this

matter while that appeal was pending. Petitioner and the University of Michigan filed responses opposing the Attorney General's motion for stay on January 9, 2012.

On January 25, 2012, the Michigan Court of Appeals issued its order in *University of Michigan v Graduate Employees Organization/AFT*, unpublished order of the Court of Appeals, (Docket No. 307959). The Court dismissed the Michigan Attorney General's application for leave to appeal in this matter explaining:

This Court lacks jurisdiction to entertain an appeal from an interlocutory order of the MERC. MCL 24.301 does not confer jurisdiction on this Court because the current proceeding before the MERC is not a contested case. (Citations omitted.)

Subsequently, the Attorney General filed an application for leave to appeal to the Michigan Supreme Court. On February 3, 2012, the Supreme Court denied the application for leave, (Docket No. 144535) because the Court was "not persuaded that the question presented should be reviewed." In light of the Supreme Court's order dismissing the Attorney General's application for leave to appeal, we find the motion to stay proceedings is moot and, therefore, must be denied.

### **ORDER**

The Michigan Attorney General's Emergency Motion to Stay Administrative Proceedings is denied.

#### MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Edward D. Callaghan, Commission Chair

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Nino E. Green, Commission Member

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Christine A. Derdarian, Commission Member

Dated: \_\_\_\_\_