

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

FILED

SEP 17 2010

Public Employees Relations
Board

International Association of Fire Fighters,)
Local 2551,)
)
Complainant,)
)
v.) Case 2009-ULPC-481
)
City of Broken Arrow,)
)
Respondent.)

**ORDER DENYING CITY OF BROKEN ARROW'S MOTION FOR SUMMARY
JUDGMENT AND FINAL ORDER DISMISSING DAVE WOODEN AS RESPONDENT**

This matter was heard on Respondent's Motion for Summary Judgment on May 13, 2010. Complainant was present through its attorney, Steven R. Hickman; Respondent was present through its attorney, Sharolyn C. Whiting-Ralston. The Public Employees Relations Board (PERB) heard arguments of counsel at the hearing. Complainant agreed to the dismissal of the unfair labor practice charge against City Manager Dave Wooden.

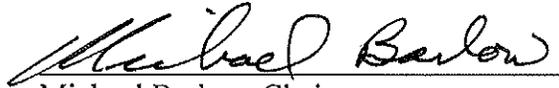
The legal standard to be applied is that "Summary judgment is appropriate only where there is no substantial controversy as to any material fact and one party is entitled to judgment as a matter of law." *Post Oak Oil Co. v. Stack & Barnes, P. C.*, 1996 OK 23, 15, 913 P.2d 1311,1313.

Here there exists substantial controversy as to material facts. It is therefore ORDERED that Respondent's Motion for Summary Judgment is DENIED; it is further ORDERED that Respondent City Manager Dave Wooden is dismissed from 2009-ULPC-

481; and it is further

ORDERED that the PERB Administrator shall enter a Scheduling Order for the remainder of this action.

Dated: 9-17-10

A handwritten signature in cursive script that reads "Michael Barlow". The signature is written in black ink and is positioned above a horizontal line.

Michael Barlow, Chair
Public Employees Relations Board