

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

TESORO HAWAII, LLC,

Respondent.

CASE NO. OSH 2013-14

ORDER NO. 543

PRETRIAL ORDER

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

BERING SEA ENVIRONMENTAL, LLC,

Respondent.

CASE NO. OSH 2013-15

PRETRIAL ORDER

Pursuant to the status conference in this matter by the Hawaii Labor Relations Board (Board) on January 10, 2014, attended by Herbert B.K. Lau, Deputy Attorney General for Complainant, Patrick Jones, Esq. for Respondent Tesoro Hawaii, LLC and Paul Sato, Esq. and Brandon Wheeler (by telephone) for Respondent Bering Sea Environmental, LLC, the Board sets the following deadlines and hearing dates. IT IS HEREBY ORDERED THAT:

1. The deadline to file the identification of live witnesses is **February 3, 2014**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the address of each witness and the general subject to which the witness will testify, to the other party and to the Board by this date.
2. The discovery cutoff date when all discovery will be completed is **March 3, 2014**. **The parties are not required to file motions to permit discovery. Discovery will be controlled by the Hawaii Rules of Civil Procedure.**
3. The deadline for the parties to exchange exhibit lists is **March 25, 2014**. In identifying exhibits, Complainant shall use numerical designations 1, 2, 3, 4, etc. and Respondents shall use the alphabetical designations A, B, C, D, etc. preceded by each Respondent's abbreviated name, such as Tesoro A or Bering Sea A, etc. The HIOSH investigative report, not the entire file, shall be numbered and marked as Complainant Exhibit 1. Copies of proposed exhibits shall be provided to the Board by noon on **March 31, 2014**, the last business day before the hearing, as follows: two (2) sets for the Board, one (1) set each for the witness, opposing counsel and yourself, and one (1) PDF copy.
4. Trial in this matter is scheduled for **April 1 and 2, 2014 at 9:00 a.m.** in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. The trial may be continued by the Board until completed.

A request to change any of these dates must be done by mutual agreement of the parties with Board approval. If there is no mutual agreement, the requesting party must file a motion with the Board.

DLIR v. TESORO HAWAII, LLC and BERING SEA ENVIRONMENTAL, LLC
CASE NOS.: 2013-14, 2013-15
ORDER NO. 543
PRETRIAL ORDER

DATED: Honolulu, Hawaii, January 13, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:
Herbert B.K. Lau, Deputy Attorney General
Patrick Jones, Esq.
Paul Sato, Esq.