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Case No. 2014-20

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	CASE NO. OSH 2014-20
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS,	ORDER NO. 593
Complainant,	PRETRIAL ORDER
and	
JOHN MURRAY,	
Respondent.	

PRETRIAL ORDER

Pursuant to the Initial conference/Settlement Conference (conference) held in this matter by the Hawaii Labor Relations Board (Board) on August 27, 2014 and attended by:

Complainant's Representative: J. Gerard Lam, Deputy Attorney General

Respondent's Representative: John Murray,

the following deadlines were established.

The issues in this case are contained in the Notice of Contest and Complainant's and Respondent's Initial/Settlement Conference Statement filed herein.

IT IS HEREBY ORDERED THAT:

Pursuant to Hawaii Revised Statutes (HRS) §§396-3, 396-11 and 396-11.5, the Board sets the following deadlines and hearing dates:

Deadline to file the identification of live witnesses. **October 6, 2014.**

By this date, each party shall provide the other party and the Board with 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.

Discovery Cutoff Date. **November 4, 2014**

All discovery will be completed by this date. **The parties are not required to file motions to permit discovery. Discovery will be controlled by the Hawaii Rules of Civil Procedure.**

Deadline for Parties to Exchange Exhibit Lists: **November 26, 2014**

The HIOSH investigative report, not the entire file, shall be marked as Complainant's Exhibit 1. In identifying exhibits, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits, and Respondent shall use alphabetical letters A-B-C-D, etc. to identify its exhibits.

Deadline for Copies of Proposed Exhibits. **Noon, December 2, 2014**

a. If a party is utilizing the File & ServeXpress eFiling system to file their proposed exhibits; then the party shall provide to the Board one (1) hard copy of their exhibits for use by the witness on the day of the hearing and a copy for opposing counsel; or

b. If a party is not utilizing the File & ServeXpress eFiling system, then said party shall provide to the Board its proposed exhibits as follows: one (1) set each for the Board, the witness and opposing counsel, and one (1) pdf copy of the exhibits in one file and bookmarked, or in individual files.

Hearing Date, Time and Place. **December 4, 2014 at 9:00 a. m.**

Trial in this matter will be held in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813 as stated.

The trial may be continued by the Board until completed.

Any party may retain counsel if the party so desires and an individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Auxiliary aids and services are available upon request; call Nora Ebata at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

Hereafter, this Pretrial Order shall control the course of proceedings including any scheduled trial date, and may not be amended except by a request by a party with written consent of the parties and the Board, or by an order granting a motion filed with the Board.

DATED: Honolulu, Hawaii, August 29, 2014.

HAWAII LABOR RELATIONS BOARD

JAMES B. NICHOLSON, Chair

Sesnita A.D. Moepono

SESNITA A.D. MOEPONO, Member

Rock B. Ley
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:

J. Gerard Lam, Deputy Attorney General
John Murray
Diantha Goo, Administrator, HIOSH