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Transaction ID 57706860
Case No. 2015-16

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

NOREEN MEDEIROS,

Complainant-Appellant,

and

GWR WAILEA PROPERTY LLC dba
GRAND WAILEA RESORT AND SPA,

Respondent-Appellee,

and

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Appellee.

CASE NO. OSH 2015-16

ORDER NO. 677

ORDER DENYING RESPONDENT'S
MOTION TO RESET INITIAL
CONFERENCE; NOTICE OF
STATUS CONFERENCE

ORDER DENYING RESPONDENT'S MOTION TO RESET
INITIAL CONFERENCE; NOTICE OF STATUS CONFERENCE

On July 27, 2015, the Hawaii Labor Relations Board (Board) held the Initial Conference/Settlement Conference (Conference) in the above-captioned matter. After the Conference, on July 28, 2015, the Board issued Order No. 671, Pretrial Order setting the necessary deadlines and hearing date to follow. On July 28, 2015 also, Complainant NOREEN MEDEIROS (Complainant) filed Initial Conference Statement of (Complainant or Respondent) (sic) in which Complainant stated, as to both the "Statement of Issues" and the "List of Witnesses": "Issues Resolved".

On July 30, 2015, Respondent GWR WAILEA PROPERTY, LLC dba GRAND WAILEA RESORT AND SPA (Respondent) filed Respondent's Motion to Reset Initial Conference (Motion) in this matter, as Complainant's July 28, 2015 Initial Conference Statement appears to contradict Complainant's oral identification of issues at the July 27, 2015 Conference regarding HIOSH's finding against Complainant on the retaliation issue. In light of Complainant's July 28, 2015 Initial Conference Statement submission, Respondent requests that

the Board “reset” the Initial Conference or set this matter for a “supplemental conference” to clarify, in a brief proceeding, whether Complainant intends to proceed with her appeal of the HIOSH Determination and Order in this case. No response to Respondent’s Motion has been received by the Board.

The Board finds that because the discovery deadlines and hearing date in this matter were established at the July 27, 2015 Conference, a second initial conference in this matter is unnecessary if this case is to proceed. However, because of the uncertainty, raised by Complainant’s Initial Conference Statement, whether in fact Complainant intends to pursue her appeal, the Board also finds that a status conference is presently necessary.

ORDER

In accordance with the foregoing, the Board DENIES Respondent’s Motion to Reset Initial Conference filed July 28, 2015 and sets this matter for a status conference at the Board as stated below.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that a status conference in this matter has been scheduled has been scheduled for **Monday, August 24, 2015 at 9:00 a.m.** in the Board’s hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of this status conference is to establish whether Complainant’s appeal shall proceed, and if so, the issues on appeal.

All parties have the right to appear in person and to be represented by counsel or other representative. Auxiliary aids and services are available upon request by calling Ms. Nora Ebata, Board Secretary, 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.

Any party may appear telephonically by calling the Board at the above telephone numbers to make the necessary arrangements prior to the date of the Status Conference.

NOREEN MEDEIROS v. GWR GRAND PROPERTY dba GRAND WAILEA RESORT AND
SPA, et al.

CASE NO. OSH 2015-16

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NOTICE OF STATUS CONFERENCE

ORDER NO. 677

DATED: Honolulu, Hawaii, August 12, 2015.



KERRY M. KOMATSUBARA, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Noreen Medeiros

Mark Bennett/Maile Miller, Esq.

Doris Dvonch, Deputy Attorney General