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Case No. 2015-23

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, Complainant, and AKAMAI ROOFING, INC., Respondent.	CASE NO. OSH 2015-23 ORDER NO. 688 PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial/settlement conference (conference) held in this matter by the Hawaii Labor Relations Board (Board) on **September 10, 2015** and attended by:

Complainant's Representative	Herbert Lau, Deputy Attorney General
Respondent's Representative	Newton Young, President

The issues in this case are contained in the Notice of Contest and, if any, any other issues included in the Complainant's Initial/Settlement Conference Statement filed herein. Any defenses raised by Respondent are contained in the Respondent's Initial/Settlement Statement or in the Conference recording.

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 12, 2015**

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 10, 2015**

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: **December 3, 2015**

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 to file & exchange Copies of Proposed Exhibits. **December 8, 2015**

a. If a party is utilizing the File & ServeXpress (FSX) e-filing system to file their proposed exhibits; then the party shall electronically serve any opposing party registered with FSX; provide to the Board one (1) hard copy of their exhibits for use by the witness during the hearing; and deliver a copy to each opposing party not registered with FSX; or

b. If a party is not utilizing the File & ServeXpress eFiling system, then said party shall deliver one (1) hard copy of its proposed exhibits to each opposing party; the Board for the the witness during the hearing; and provide the Board with one (1) pdf copy of the exhibits in one file and bookmarked, or in individual files.

Hearing Date, Time and Place. **December 10, 2015 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, **September 10, 2015**.

HAWAII LABOR RELATIONS BOARD

KERRY M. KOMATSUBARA, 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.

cc:
Copy sent by priority mail to Respondent's Representative.
Copy sent by departmental mail to the Complainant's Representative.