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Case No. OSH 2011-21

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

DONALDSON ENTERPRISES, INC.,

Respondent.

CASE NO. OSH NO. 2011-21

ORDER NO. 888

ORDER GRANTING
RESPONDENT'S ORAL MOTION
TO CONTINUE DE NOVO
HEARING AND DEADLINES;
NOTICE OF STATUS
CONFERENCE

**ORDER GRANTING RESPONDENT'S ORAL
MOTION TO CONTINUE DE NOVO HEARING
AND DEADLINES; NOTICE OF STATUS CONFERENCE**

On January 18, 2017, Complainant filed two motions:

- 1) Director's Motion to Compel Director's First and Second Requests for Answers to Interrogatories (Motion); and
- 2) Director's Motion to Compel Director's First Request for Production of Documents.

On February 3, 2017, the Hawaii Labor Relations Board (Board) held a motion hearing on the above motions. All parties were represented by counsel. Respondent informed the Board that the federal criminal trial was rescheduled to May 2017 and based on the Fifth Amendment of the United States Constitution, Respondent's employees would not answer any questions or testify on any matters related to this case until the completion of the federal criminal trial. Respondent orally moved to continue the *de novo* hearing set to begin on March 6, 2017 with the exchange of Final Exhibit Lists and Witness Lists due on February 20, 2017. The Board granted Respondent's Oral Motion over the Complainant's objection and scheduled a status conference on July 5, 2017 at 9:30 a.m. in the Board's hearing room. The parties agreed to cooperate with discovery requests after the federal criminal trial ends.

ORDER

IT IS HEREBY ORDERED that the Board hereby grants Respondent's oral motion to continue this case and all deadlines are continued. The *de novo* hearing scheduled for March 6, 7, 8, 9, 10 and 13, 2017 is canceled and all dates are taken off the calendar. All deadlines and the *de novo* hearing are continued and will be set at the July 5, 2017 status conference. DISCOVERY CUT-OFF is extended to July 21, 2017. The Complainant's motions are held in abeyance until moved on.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that the Board will conduct a Status Conference in this proceeding on Tuesday, **July 5, 2017** at 9:30 a.m. (HST) in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii 96813. The purpose of the Status Conference is to schedule new deadlines and hearing dates and to address any other outstanding pretrial issues in these proceedings.

Any party or representative not residing on the island of Oahu, may appear telephonically at the initial conference by calling Ms. Nora Ebata, Board Secretary at **(808) 586-8616**, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). Further, auxiliary aids and services are available upon request by calling Nora Ebata at the above phone numbers. Any request to appear telephonically and/or for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, March 1, 2017.

HAWAII LABOR RELATIONS BOARD



Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

Case No. 2011-21 DIR, DLIR v Donaldson Enterprises, Inc.
ORDER GRANTING RESPONDENT'S ORAL MOTION TO CONTINUE DE NOVO HEARING AND
DEADLINES; NOTICE OF STATUS CONFERENCE
ORDER NO. 888

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Thomas M. Otake, Esq.

NOTICE TO EMPLOYER

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

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