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Transaction ID 62714102
Case No. 2018-19

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

and

KIMO CUMMINGS,

Respondents.

CASE NO.: OSH 2018-19

ORDER NO. 1044

ORDER GRANTING
COMPLAINANT'S MOTION TO
CONTINUE *DE NOVO* HEARING
DATE, STATUS CONFERENCE,
AND PRE-HEARING DEADLINES

**ORDER GRANTING COMPLAINANT'S MOTION TO CONTINUE *DE NOVO*
HEARING DATE; STATUS CONFERENCE, AND PRE-HEARING DEADLINES**

On November 5, 2018, Complainant DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS (Complainant) filed with the Hawai'i Labor Relations Board (Board) COMPLAINANT'S MOTION TO CONTINUE *DE NOVO* HEARING DATE, STATUS CONFERENCE, AND PRE-HEARING DEADLINES (Motion) requesting to continue the de novo hearing date, status conference, and pre-hearing deadlines by three-months. The Board received no opposition from Respondent.

The Board HEREBY GRANTS Complainant's Motion and amends Section II Schedule of Deadlines and Hearing Dates of Order No. 1037, Pretrial Order and Notices filed on October 4, 2018 (Pretrial Order).

II. SCHEDULE OF DEADLINES AND HEARING DATES

DEADLINES & HEARING DATES FOR:

DATE Time

A Party's Position Statement

01/17/2019

(See Section III for more information)

Discovery Cutoff Date

02/28/2019

All discovery shall be *completed* by this date.
A discovery request shall be served sufficiently
in advance to allow for response by the deadline.

DEADLINES & HEARING DATES FOR (cont'd)	DATE	Time
<u>Filing of a Dispositive Motion except a motion based on untimeliness</u> (See Section IV for more information)	03/4/2019	
<u>Response to Dispositive Motion except a motion based on untimeliness</u> (See Section IV for more information)	03/12/2019	
<u>Status Conference and Oral Arguments on a Dispositive Motion except a motion based on untimeliness</u> (See Section V for more information)	03/19/2019	9:00 a.m.
<u>Exchange of Witness Lists</u> The witness lists shall include, in the interest of judicial economy, a brief but meaningful summary or general statement of the nature of the testimony expected, and the order in which the witnesses are expected to be called. The summary or general statement for each witness shall include sufficient information for the Board to determine whether the testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see, Hawai'i Revised Statutes § 91-10(1).	04/02/2019	
<u>Exchange of Exhibit Lists for an Appeal or a Discrimination Complaint</u> Unless specified by the Board, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits. Respondent or Respondent-Appellee shall use alphabetical letters A-B-C-D. Appellee, if any, shall use alphabetical letters with numbers A1, A2, A3, etc. The HIOSH report shall be filed by HIOSH as its first exhibit.	04/02/2019	
<u>Exchange of Joint Exhibit Lists</u> If the parties have agreed to submit proposed Joint Exhibits, then the Exhibits shall be marked with a J and then a number, i.e. J-1, etc.	04/02/2019	

DEADLINES & HEARING DATES FOR (cont'd)

DATE Time

Exchange and Filing of Proposed Exhibits

04/02/2019

The parties are encouraged to use the File & ServeXpress eFiling system to file their proposed exhibits before or by 4:30 p.m. on the deadline day. The exhibits shall be filed in a searchable portable document format (PD) with each exhibit treated as a separate PDF file not exceeding 15 megabytes and identified by exhibit number. Alternatively, a party may file exhibits in person or by mail to the Board; the date of receipt by the Board shall be deemed the date of filing.

If there are Joint Exhibits, the parties shall designate one party to file these exhibits, who shall comply with the above requirements.

De Novo Hearing

04/16/2019 9:00 a.m.

(See Section VI for more information)

All other sections of the Pretrial Order remain in effect.

DATED: Honolulu, Hawai'i, November 30, 2018.

HAWAI'I LABOR RELATIONS BOARD




MARCUS R. OSHIRO, CHAIR


SESNITA A.D. MOEPONO, MEMBER


J.N. MUSTO, MEMBER

Copies sent to:

Kimo Cummings
Doris Dvorch, Deputy Attorney General