STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
 	
UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,
 	
        Complainant,
 	
    and
 	
JOHN F. PEYTON, JR., Director, Department
of Public Safety, State of Hawaii, and LINDA
LINGLE, Governor, State of Hawaii,
 	
        Respondents.
	CASE NO. CE-10-582
	
	ORDER NO. 2289
	
	ORDER GRANTING UPW'S MOTION
	FOR PRE-HEARING DISCOVERY,
	FILED ON NOVEMBER 18, 2004

ORDER GRANTING UPW'S MOTION FOR PRE-HEARING DISCOVERY

On November 18, 2004, Complainant filed a Motion for Pre-Hearing Discovery with the Hawaii Labor Relations Board (Board) requesting leave to conduct discovery by live testimony before the Board and by production of documents from Respondent JOHN F. PEYTON, JR (PEYTON). Complainant's counsel stated in an affidavit filed in support of the motion that he was informed by Deputy Attorney General Jeffrey Keating that PEYTON's last day on the job was November 30, 2004 and the only day PEYTON would be available for testimony prior to his departure was November 24, 2004. Complainant contends that it would be seriously prejudiced if it did not have an opportunity to question PEYTON regarding the circumstances underlying the instant complaint and therefore requested an order permitting pre-hearing discovery on November 24, 2004.

Based on the motion and the record, the Board hereby grants Complainant's motion for pre-hearing discovery by oral deposition for good cause shown pursuant to Hawaii Administrative Rules § 12-42-8(g)(6) on November 24, 2004 at 9:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, _____November 19, 2004_____.

HAWAII LABOR RELATIONS BOARD

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BRIAN K. NAKAMURA, Chair

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. JOHN F. PEYTON, JR.,
  et al.
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CHESTER C. KUNITAKE, Member

Copies sent to:

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