

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

MATTHEW M. TAAMU,

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,  
Local 646, AFL-CIO; DAYTON  
NAKANELUA, State Director, United Public  
Workers, AFSCME, Local 646, AFL-CIO;  
and EDDIE AKAU, Business Agent, United  
Public Workers, AFSCME, Local 646,  
AFL-CIO,

Respondents.

CASE NO. CU-01-282

ORDER NO. 2720

ORDER GRANTING UPW'S MOTION  
TO AUTHORIZE SERVICE OF  
SUBPOENAS TO MATTHEW TAAMU  
AND HAUOLI ABAYA AFTER  
JULY 1, 2010, FILED ON JULY 1, 2010

ORDER GRANTING UPW'S MOTION TO  
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On July 1, 2010, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) filed a Motion to Authorize Service of Subpoenas to Matthew Taamu and Hauoli Abaya After July 1, 2010 with the Hawaii Labor Relations Board (Board). UPW's counsel states in an affidavit filed in support of the motion that his office has made good faith efforts on two separate occasions to serve Matthew Taamu (Taamu) and Hauoli Abaya (Abaya) to testify in the above-entitled case; in spite of best efforts the sheriff has been unable to locate Taamu at his home address; the sheriff informed UPW's counsel's office that although someone is at his home when he knocks on the door no one answers the door; the Union requests the right to serve Taamu with a subpoena on the day of the hearing when he appears as the Complainant; as Taamu will not be asked to produce any documents, there will be no delay in the proceedings resulting from service of the subpoena at that time; that Abaya is no longer an employee of the Board of Water Supply and cannot be found at this time; that counsel understood that Complainant is also seeking to have Abaya appear as a witness; that the Union requests that service on Abaya be permitted on and after July 1, 2010; and that the

motion was filed in compliance with Order No. 2710 which provides the Board may approve service of subpoenas after July 1, 2010.<sup>1</sup>

On July 6, 2010, Complainant filed Complainants (sic) Opposition to UPW's Motion Dated 2010 Jul-1 PM 3:52 to Extend Service of Subpoenas After July 1, 2010; and/or if UPW is Allowed These Privilege, that the Complainant be Afforded the Same Privileges in a Timely Manner with the Board. Complainant argues, *inter alia*, Respondent's request is unacceptable unless the Complainant is afforded the same privilege to extend the deadline to serve the subpoenas; that there is no evidence of any "good faith/best effort to serve the subpoenas" as claimed by Respondent's counsel and that statements that the sheriff has attempted service are untrue; that Respondent's counsel did not establish good faith or best efforts to serve Abaya; and that Respondent's counsel is attempting to portray Complainant as being deceptive.

After reviewing Respondent's motion and Complainant's opposition, the Board finds that Respondent's subpoenas for Taamu and Abaya require the attendance of witnesses to testify at the hearing and do not request the production of records which would require additional time to resolve challenges thereto; that Complainant previously represented to the Board that he would be a witness in this matter and as such, would be subject to cross-examination; and that the UPW has been unable to serve the subpoenas issued in this case after several attempts. The Board therefore finds good cause to permit Taamu and Abaya to be served with the subpoenas after July 1, 2010 and further orders that Taamu may be served at the hearing in this matter.

With respect to Complainant's request for an extension of the deadline to serve subpoenas for the hearing, the Board finds insufficient facts in Complainant's filing to determine whether there is good cause to extend the deadline. As such, Complainant's request is hereby denied at this time.

DATED: Honolulu, Hawaii, July 7, 2010.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair

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<sup>1</sup>On June 16, 2010, the Board issued an Order Denying UPW's Motion for Summary Judgment, Filed on March 8, 2010; Order Denying Complainant's Motion to Amend Complaint Dated October 20, 2009; and Notice of Hearing. The Board stated therein:

Unless otherwise approved by the Board, the subpoenas shall be served upon witnesses by **July 1, 2010** to permit the resolution of any motions challenging the subpoenas prior to the scheduled hearing.

MATTHEW M. TAAMU v. UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO;  
et al.

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MATTHEW TAAMU AND HAUOLI ABAYA AFTER JULY 1, 2010, FILED ON JULY 1,  
2010

  
SARAH R. HIRAKAMI, Member

  
NORMAN K. KATO II, Member

Copies sent to:

William M. Taamu  
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