

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
 SALEEM AHMED,)
)
 Complainant,)
 and)
 EAST-WEST CENTER and AMERICAN)
 FEDERATION OF STATE, COUNTY AND)
 MUNICIPAL EMPLOYEES, LOCAL 928,)
 AFL-CIO,)
 Respondents.)

CASE NOS.: 96-5 (CE)
 96-6 (CU)
 ORDER NO. 1530
 ORDER GRANTING, IN PART,
 AFSCME'S MOTION FOR
 PROTECTIVE ORDER LIMITING
 DEPOSITIONS AND CONTINUING
 DEPOSITIONS AND DENYING
 MOTION IN LIMINE; ORDER
 SUSPENDING DISCOVERY;
 NOTICE OF BOARD CONFERENCE

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 AMERICAN FEDERATION OF STATE,)
 COUNTY AND MUNICIPAL EMPLOYEES,)
 LOCAL 928, AFL-CIO,)
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On September 22, 1997, Respondent/Complainant AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 928, AFL-CIO (AFSCME), by and through its attorney, filed a motion for a protective order directing that the depositions of Ms. Elizabeth Clancey (Clancey) and Mr. Marshall Kingsbury (Kingsbury) currently noticed for September 29, 1997 not be had, on the grounds that the

subpoenas duces tecum which were provided to the attorney for AFSCME indicate that said depositions shall be inquiring solely into the issue of the finances of Complainant/Respondent SALEEM AHMED (AHMED). AFSCME contends that the Board previously granted AHMED's motion to quash AFSCME's subpoena duces tecum requesting documents relating to AHMED's financial circumstances. AFSCME also moved that the depositions scheduled on September 29, 1997, be continued to October 9, 1997 or thereafter to accommodate counsel's schedule. AFSCME further moves for a motion in limine to be granted limiting AHMED from making reference to his financial status.

On September 25, 1997, AHMED filed a motion to dismiss Respondent AFSCME's motion for protective order limiting depositions and continuing depositions and motion in limine with the Board. AHMED contends, inter alia, that the subpoenas issued to Clancey and Kingsbury are not solely for a particular purpose and the request for documents does not violate Order No. 1523. AHMED also stated that he does not object to the continuance of the depositions providing the deposition cut-off date is also extended by a corresponding margin.

Also on September 25, 1997, the EAST-WEST CENTER (EWC) filed objections to subpoenas and a motion to quash AHMED's subpoenas and for protective order with the Board. The EWC contends that AHMED recently served 11 subpoenas duces tecum on various EWC personnel after the deadline set by the Board to request documents upon interrogatories. Moreover, the EWC contends that Complainant's discovery requests are overbroad and overly burdensome. Thus, the EWC contends that AHMED's discovery requests

should be quashed and a protective order issued. Alternatively, the EWC submits that if the Board declines its request, the EWC proposes that the Board hold a hearing or conference to limit the scope and content of AHMED's discovery requests.

Based upon a thorough review of the record in this case, the Board grants AFSCME's motion for a protective order as the subpoenas duces tecum at issue addressed to Clancey and Kingsbury relate to procedures and criteria to ascertain the financial worth of its members. Thus, the Board finds that the subpoenas are overly broad and will quash the subpoenas as they relate to the production of documents. However, since the Board is unable to conclude that the oral depositions solely relate to AHMED's financial condition, there are no grounds to completely preclude the taking of Clancey and Kingsbury's depositions.

With respect to AFSCME's motion to continue the depositions due to conflicts in counsel's schedule, the Board hereby grants the continuance of the depositions until October 9, 1997 or thereafter at a mutually agreeable time.

As to AFSCME's motion in limine to limit AHMED from making reference to the financial status of the EWC, AFSCME, or himself, the Board hereby denies AFSCME's motion. In view of the issues framed in this case, the financial condition of the EWC may be relevant to the proceedings and the Board is not prepared to preclude evidence on the financial conditions of the parties at this stage.

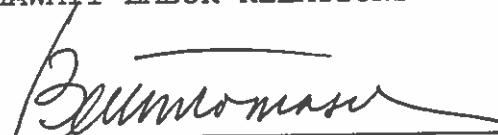
The Board will reserve its ruling with respect to the EWC's motion to quash subpoenas and for protective order. However, given the number of motions for protective order being filed by all

parties, it appears that it would be in their best interests to suspend any discovery in this case at this time until the Board meets with the parties to discuss the scope of discovery and whether discovery should be allowed to resume.

YOU ARE HEREBY NOTIFIED that the Board will hold a conference in this matter on October 9, 1997 at 9:00 a.m., in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, September 26, 1997.

HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



RUSSELL T. HIGA, Board Member

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