

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

<p>In the Matter of</p> <p>MARYANNE KUSAKA, Mayor, County of Kauai,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">and</p> <p>UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and COUNTY OF HAWAII,</p> <p style="text-align: center;">Intervenors.</p>	<p>CASE NO. DR-01-86</p> <p>ORDER NO. 2046</p> <p>ORDER DENYING PETITIONER'S MOTION TO CONTINUE DATE OF RESPONSE AND GRANTING MOTION TO CONTINUE HEARING ON UPW'S MOTION TO DISMISS FILED ON NOVEMBER 5, 2001; NOTICE OF RESCHEDULED HEAR- ING</p>
--	--

ORDER DENYING PETITIONER'S MOTION TO
CONTINUE DATE OF RESPONSE AND GRANTING
MOTION TO CONTINUE HEARING ON UPW'S MOTION TO DISMISS
FILED ON NOVEMBER 5, 2001; NOTICE OF RESCHEDULED HEARING

On November 9, 2001, Petitioner MARYANNE KUSAKA, Mayor, County of Kauai (KUSAKA), by and through her counsel, filed a Motion to Continue Date of Response and Hearing on UPW's Motion to Dismiss Filed on November 5, 2001 with the Hawaii Labor Relations Board (Board). KUSAKA requested that the Board continue the response date of November 19, 2001 and the hearing date of the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO's (UPW) Motion to Dismiss presently scheduled on November 21, 2001. KUSAKA's counsel states in a declaration that he is grand jury counsel for the Third Circuit and is unable to attend the hearing presently scheduled on November 21, 2001 at 9:30 a.m. because of a grand jury proceeding.

On November 13, 2001, the UPW filed an Objection to Petitioner's Motion to Extend Deadline for Written Responses to UPW's Motion to Dismiss with the Board. The UPW opposes a change from the November 19, 2001 deadline for written responses to the UPW's motion to dismiss because Petitioner failed to provide any reason to extend the deadline for the filing of written responses. The UPW contends that it is prejudiced by Petitioner's request because Petitioner allegedly seeks to delay the selection of an arbitrator because of the pending proceeding before the Board. Thus, any delay in the disposition of its pending motion prejudices the UPW and the employees it represents. The UPW does not oppose a change in the hearing date from November 21, 2001 to the first convenient date for the Board.

Upon consideration of the motion and the arguments presented by counsel, the Board agrees with the UPW that Petitioner failed to provide a reason why the deadline for responses should be continued. Accordingly, Petitioner's motion to continue the deadline to file written responses to the UPW's Motion to Dismiss is denied. Having no opposition to Petitioner's motion to continue the hearing date in this matter, the Board hereby grants Petitioner's motion.

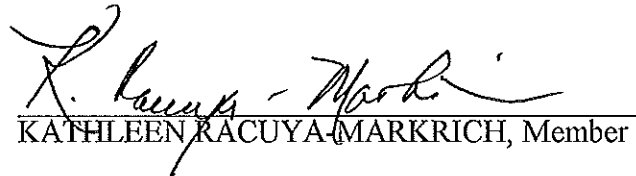
NOTICE IS HEREBY GIVEN that the Board, pursuant to Hawaii Revised Statutes § 89-5(b)(5) and Hawaii Administrative Rules § 12-42-8(g)(3), will conduct a hearing on the UPW's Motion to Dismiss filed on November 5, 2001 on November 26, 2001 at 11:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, November 14, 2001.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Ted H.S. Hong, Esq.
Herbert R. Takahashi, Esq.
Dudley Akama, Deputy Corporation Counsel
Joyce Najita, IRC