

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: CU-01-189
	)	CE-01-493
HELEN L. GABRIEL,	)	
	)	ORDER NO. 2081
Complainant,	)	
	)	ORDER DENYING COMPLAINANT'S
and	)	MOTION FOR AN ADDITIONAL
	)	EXTENSION TO RESPOND TO
UNITED PUBLIC WORKERS, AFSCME,	)	UPW'S MOTION TO DISMISS AND/
LOCAL 646, AFL-CIO and DEPARTMENT	)	OR FOR SUMMARY JUDGMENT;
OF PARKS AND RECREATION, County of	)	NOTICE OF HEARING
Hawaii,	)	
	)	
Respondents.	)	

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ORDER DENYING COMPLAINANT'S MOTION FOR AN  
ADDITIONAL EXTENSION TO RESPOND TO UPW'S MOTION  
TO DISMISS AND/OR FOR SUMMARY JUDGMENT; NOTICE OF HEARING

On March 6, 2002, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed with the Hawaii Labor Relations Board (Board) its Motion to Dismiss for Failure to Comply with Board Order No. 2053. On March 14, 2002, Complainant HELEN L. GABRIEL (Complainant), proceeding *pro se*, filed Complainant Answer to UPW's Motion to Dismiss for Failure to Comply with Board Order No. 2053. On March 22, 2002, Respondent DEPARTMENT OF PARKS AND RECREATION, County of Hawaii (Hawaii County) filed its Motion to Dismiss on the grounds that Complainant failed to particularize the complaint as directed by Board Order No. 2053.

On March 12, 2002, Respondent UPW filed a Motion to Dismiss and/or for Summary Judgment seeking to dismiss the Complainant's prohibited practice complaint filed on January 10, 2002. On April 9, 2002, Respondent Hawaii County filed its Joinder in UPW's Motion to Dismiss and/or for Summary Judgment filed on March 12, 2002.

On March 18, 2002, Complainant moved for an extension of time from five to 30 days to respond to UPW's Motion to Dismiss and/or for Summary Judgment on the grounds that five days was too short a time period and that she was continuing her search for legal counsel.

By Order No. 2076, issued on March 28, 2002, the Board granted Complainant's Motion for Extension of Time to Respond to UPW's Motion to Dismiss

and/or for Summary Judgment and directed Complainant to file her response to the UPW's motion with the Board on or before May 1, 2002.

On April 29, 2002, Complainant moved for an additional three-week extension to respond because she had not received "some pertinent documents pertaining to Mr. Takahashi's brief;" she is "not an attorney;" and she had "employment obligations plus working overtime."

On the same date, UPW filed its opposition based on the fact that the Board has already granted two extensions in order to give Complainant time to obtain legal counsel. UPW contends that Complainant has made misleading statements about her efforts to find counsel as a delaying tactic. Complainant now seeks additional time just five days before her May 1, 2002 deadline without a supporting affidavit explaining what "pertinent documents" she needs and has not been able to obtain over the past few weeks.

UPW asks that all pending motions be scheduled for hearing; that Complainant's motion for an extension be denied; and, that Complainant be granted leave to file additional documents if she is able to explain why she could not obtain them prior to May 1, 2002.

In considering Complainant's motion for an extension of time, the Board notes the instant complaint was filed on January 10, 2002. The Board has given Complainant more than ample time to respond to the pending motions, and therefore denies Complainant's request for an extension of time. The Board will grant Complainant leave to file additional documents after May 1, 2002, but no later than May 10, 2002, provided she can explain the delay in obtaining said documents.

NOTICE IS HEREBY GIVEN that the Board will hold a hearing on UPW's Motion to Dismiss for Failure to Comply with Board Order No. 2053 filed on March 6, 2002, and UPW's Motion to Dismiss and/or for Summary Judgment filed on March 12, 2002 and Respondent Hawaii County's Motion to Dismiss filed on March 22, 2002 and its Joinder in UPW's Motion to Dismiss and/or for Summary Judgment, on Friday, May 10, 2002 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. All parties are required to attend in person, or by and through counsel of record, to present oral argument to the Board.

DATED: Honolulu, Hawaii, May 1, 2002.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

HELEN GABRIEL and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO; et al.  
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RESPOND TO UPW'S MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT;  
NOTICE OF HEARING

  
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CHESTER C. KUNITAKE, Member

  
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KATHLEEN RACUYA-MARKRICH, Member

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