STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,

Complainant,

and

FRANK J. DOYLE, Deputy Director, Department of Environmental Services, City and County of Honolulu; TIMOTHY E. STEINBERG, Director, Department of Environmental Services, City and County of Honolulu; CHERYL OKUMA-SEPE, Director, Department of Human Resources, City and County of Honolulu; and JEREMY HARRIS, Mayor, City and County of Honolulu,

Respondents.

CASE NO. CE-01-500

ORDER NO. 2095

ORDER DENYING BARRY
FUKUNAGA AND JOHN LEE'S
MOTIONS TO REVOKE SUBPOENAS;
NOTICE OF DEADLINE TO FILE
RESPONSE TO COMPLAINANT'S
MOTION FOR SUMMARY JUDGMENT;
AND NOTICE OF CONTINUED HEARING DATE

ORDER DENYING BARRY FUKUNAGA AND JOHN LEE'S MOTIONS TO REVOKE SUBPOENAS; NOTICE OF DEADLINE TO FILE RESPONSE TO COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT; AND NOTICE OF CONTINUED HEARING DATE

On June 4, 2002, Barry Fukunaga (Fukunaga) filed a motion to revoke and/or quash subpoena duces tecum with the Hawaii Labor Relations Board (Board). Fukunaga contended that the served subpoena duces tecum requires production of materials unrelated to the complaint and further fails to describe the materials requested with sufficient particularity. On June 5, 2002, John Lee (Lee) filed a similar motion with the Board.

On June 10, 2002, the Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed respective memoranda in opposition to Fukunaga and Lee's motions to revoke. The UPW incorporated its May 28, 2002 memorandum and oral argument in opposition to similar motions to quash subpoenas of Clifford Jamile (Jamile), Ross Sasamura (Sasamura), Lee Donahue (Donahue), and CHERYL OKUMA-SEPE (OKUMA-SEPE).

The Board conducted a hearing on the motions on June 14, 2002. All parties were represented by counsel and had full opportunity to present argument to the Board. Based on the record and the arguments of counsel, the Board makes the following orders.

Consistent with the Board's previous rulings on subpoenas served on Jamile, Sasamura, Donahue, and OKUMA-SEPE where the UPW withdrew item #3 of the respective subpoena duces tecum, the Board denies Fukunaga's motion to revoke and/or quash the subpoena duces tecum. The Board further denies Lee's motion to revoke and/or quash the subpoena duces tecum because it is untimely in view of the deadline to file motions to revoke and/or quash subpoenas established at the prehearing conference held on May 20, 2002.

NOTICE IS HEREBY GIVEN that as the UPW's Motion for Summary Judgment filed on June 10, 2002 is scheduled for hearing on June 18, 2002 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Respondents shall file any response to Complainant's Motion for Summary Judgment by 12:00 noon on June 17, 2002.

NOTICE IS ALSO GIVEN that the hearing on the merits of the instant complaint, if necessary, is continued until July 2, 2002 at 9:30 a.m. in the Board's hearing room. The previously issued subpoenas will be effective on that date.

DATED: Honolulu, Hawaii, June 18, 2002

HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Herbert R. Takahashi, Esq. Esther Ervin, Deputy Corporation Counsel Joyce Najita, IRC



BRIAN K. NAKAMURA, CHAIRPERSON CHESTER C. KUNITAKE, BOARD MEMBER KATHLEEN RACUYA-MARKRICH, BOARD MEMBER

STATE OF HAWAII HAWAII LABOR RELATIONS BOARD

830 PUNCHBOWL STREET, ROOM 434 HONOLULU, HAWAII 96813 TELEPHONE 586-8610

ACKNOWLEDGMENT OF SERVICE

ORDER NO. 2095 - ORDER DENYING BARRY FUKUNAGA AND JOHN LEE'S MOTIONS TO REVOKE SUBPOENAS; NOTICE OF

This will acknowledge receipt of the following document(s):

DEADLINE TO FILE RESPONSE TO COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT; AND NOTICE OF CONTINUED HEARING DATE

HERBERT R. TAKAHASHI

Print Name

ATTORNEY FOR UPW

Title

JUNE 18, 2002

Date



BRIAN K. NAKAMURA, CHAIRPERSON CHESTER C. KUNITAKE, BOARO MEMBER KATHLEEN RACUYA-MARKRICH, BOARO MEMBER

STATE OF HAWAII HAWAII LABOR RELATIONS BOARD

830 PUNCHBOWL STREET, ROOM 434 HONOLULU, HAWAII 96813 TELEPHONE 586-8610

ACKNOWLEDGMENT OF SERVICE

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	FOR SUMMARY JUDGMENT;	AND NOTICE OF CONTINUED HEARING
	DATE	
HLRB Case	No.(§) CE-01-500	
		
		ESTHER ERVIN/PAUL AU
		Print Name
		at 12
		Signature of Person Receiving Document
		ATTORNEYS FOR FRANK DOYLE, ET AL.
	·	Title
		JUNE 18, 2002
		Date