

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)
)
HAWAII GOVERNMENT EMPLOYEES)
ASSOCIATION, AFSCME, LOCAL 152,)
AFL-CIO,)
)
Complainant)
)
and)
)
BENJAMIN J. CAYETANO, Governor,)
State of Hawaii; GILBERT S. COLOMA-)
AGARAN, Chairman, Department of Land)
and Natural Resources, State of Hawaii; MEL)
YOUNG, Departmental Personnel Officer,)
Department of Land and Natural Resources,)
State of Hawaii; and CARL WATANABE,)
Acting Registrar of Conveyances, Department)
of Land and Natural Resources, State of Hawaii,)
)
Respondents.)

CASE NOS.: CE-03-517a
CE-04-517b

ORDER NO. 2138

ORDER GRANTING COMPLAINANT'S
MOTION TO EXTEND THE TIME
TO FILE ITS MEMORANDUM IN
OPPOSITION TO THE RESPONDENTS'
MOTION TO DISMISS COMPLAINT
AND TO CONTINUE HEARING

ORDER GRANTING COMPLAINANT'S MOTION
TO EXTEND THE TIME TO FILE ITS MEMORANDUM IN OPPOSITION TO
RESPONDENTS' MOTION TO DISMISS COMPLAINT AND TO CONTINUE HEARING

On December 9, 2002, Complainant filed a Motion to Extend Time to File Memorandum in Opposition to Respondents' Motion to Dismiss Complaint with the Hawaii Labor Relations Board (Board). Complainant requested an extension for the filing of an opposition to Respondents' motion to dismiss complaint and a continuance of the hearing scheduled on December 10, 2002 at 9:30 a.m. on the merits of the complaint. Complainant's counsel states in a declaration attached to the motion that because of possible conflicts of interest caused by his recent appointment as administrator of another union, a continuance is necessary for Complainant to obtain alternate legal counsel.

At the hearing scheduled on Respondents' motion to dismiss complaint on December 9, 2002, Respondents' counsel did not object to a continuance of the hearing but reserved to the Board's discretion whether an extension should be granted for Complainant to file an opposition to Respondents' motion to dismiss complaint as well as a continuance of the hearing on the motion given the clarity of the Board's instruction at the prehearing conference held in this matter on November 13, 2002.

In view of the fact that Complainant needs to obtain alternate counsel, in the interests of justice the Board hereby grants the instant motion. Complainant shall file any opposition to Respondents' motion to dismiss complaint by January 3, 2003.

NOTICE IS HEREBY GIVEN that the Board will conduct a hearing on Respondents' motion to dismiss complaint filed on December 2, 2002 on January 8, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

NOTICE IS ALSO GIVEN that the Board will conduct a hearing on the instant complaint on January 13, 2003 at 9:30 a.m. in the Board's hearing room.

Oustanding subpoenas which have been served by December 9, 2002 continue in effect for the hearing scheduled on January 13, 2003.

DATED: Honolulu, Hawaii, December 11, 2002.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member

Copies sent to:

Peter Liholiho Trask, Esq.
Jonathan A. Swanson, Deputy Attorney General
Joyce Najita, IRC