

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS  
ASSOCIATION,

Complainant,

and

DEPARTMENT OF EDUCATION, State  
of Hawaii; and PATRICIA  
HAMAMOTO, Superintendent,  
Department of Education, State of Hawaii,

Respondents.

CASE NO.: CE-05-637

ORDER NO. 2523

ORDER GRANTING  
RESPONDENTS' MOTION TO  
ENLARGE DEADLINE ON  
RESPONDENTS' REPLY  
MEMORANDUMS

ORDER GRANTING RESPONDENTS' MOTION TO  
ENLARGE DEADLINE ON RESPONDENTS' REPLY MEMORANDUMS

On July 14, 2008, Respondents DEPARTMENT OF EDUCATION, State of Hawaii; and PATRICIA HAMAMOTO, Superintendent, Department of Education, State of Hawaii (collectively, DOE or Respondents) filed a Motion to Enlarge Deadline on Respondents' Reply Memorandums in this case.

The prohibited practice complaint (Complaint) was filed by Complainant HAWAII STATE TEACHERS ASSOCIATION (HSTA) on May 2, 2007, alleging failure and/or refusal to engage in good faith collective bargaining with the exclusive representative as required under Hawaii Revised Statutes (HRS) §89-9, in violation of HRS § 89-13(a)(5). On June 15, 2007, the DOE filed a Motion to Dismiss the Complaint, and on July 23, 2007, the HSTA filed its Memorandum in Opposition to Respondents' Motion to Dismiss. The hearing date on the DOE's Motion to Dismiss was continued several times to allow the parties the opportunity to explore settlement possibilities. Hearing on the DOE's Motion to Dismiss is currently scheduled for July 22, 2008.

On June 27, 2008, the HSTA filed a notice of Withdrawal and Substitution of Counsel. On July 9, 2008, the HSTA filed a Motion to Amend Complaint. A reply to the Motion to Amend Complaint would be due on July 16, 2008. On July 11, 2008, the

HSTA filed a Motion for Summary Judgment. The memorandum in support of the Motion for Summary Judgment and the attached exhibits are over 100 pages. A reply to the Motion for Summary Judgment would be due on July 18, 2008. Counsel for the DOE was off-island for hearings before this Board, from July 14 through July 16, 2008, in another case involving the HSTA and Department of Education.

The HSTA argues that it would be prejudiced by an extension of time for the DOE to respond to the HSTA's Motion to Amend Complaint and Motion for Summary Judgment because it would result in those motions not being able to be heard by the Board on July 22, 2008, the date the Board is to hear the DOE's Motion to Dismiss.

The July 22, 2008, hearing date set by the Board was specifically scheduled to hear the DOE's Motion to Dismiss, and was not intended as a hearing date for any subsequent motions the parties may have filed. Although the Board generally, and in its own discretion, will attempt to utilize hearing dates in a manner that promotes Board efficiency, the Board does not deem the use of such dates to hear additional motions as "automatic," nor does the non-use of such dates to hear additional, unscheduled, motions constitute prejudice to a party.

Accordingly, for good cause shown, the Board hereby grants the DOE's Motion to Enlarge Deadline on Respondents' Reply Memorandums. The DOE's reply memoranda to the HSTA's Motion to Amend Complaint and Motion for Summary Judgment are due by the close of business on July 25, 2008.

DATED: Honolulu, Hawaii, July 17, 2008.

HAWAII LABOR RELATIONS BOARD



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JAMES B. NICHOLSON, Chair



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SARAH R. HIRAKAMI, Member

Copies sent to:

Herbert R. Takahashi, Esq.  
Maura M. Okamoto, Deputy Attorney General