

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

J. N. MUSTO, Ph.D., Executive Director,  
University of Hawaii Professional Assembly,

Complainant,

and

DAVID McCLAIN, President, University of  
Hawaii, State of Hawaii,

Respondent.

CASE NO. CE-07-678

ORDER NO. 2544

ORDER GRANTING COMPLAINANT'S  
MOTION FOR LEAVE TO FILE FIRST  
AMENDED PROHIBITED PRACTICE  
COMPLAINT, FILED ON AUGUST 7,  
2008

ORDER GRANTING COMPLAINANT'S  
MOTION FOR LEAVE TO FILE FIRST AMENDED  
PROHIBITED PRACTICE COMPLAINT, FILED ON AUGUST 7, 2008

At the prehearing/settlement conference held in this matter on August 6, 2008, Respondent stipulated to the amendment of the complaint to replace Complainant J. N. MUSTO, Ph.D., Executive Director, University of Hawaii Professional Assembly (MUSTO) with the University of Hawaii Professional Assembly and Respondent DAVID McCLAIN, President, University of Hawaii, State of Hawaii with the Board of Regents, University of Hawaii. Complainant was instructed to file a First Amended Prohibited Practice Complaint with the Board.

On August 7, 2008, MUSTO, by and through his counsel, filed a Motion for Leave to File First Amended Complaint with the Hawaii Labor Relations Board (Board.). MUSTO seeks to amend the instant complaint in the manner previously stipulated to and in addition, to replace allegations regarding Michael Nauyokas' recusal as arbitrator and its request for relief.

On August 11, 2008, Respondent filed an Answer to (1) Complainant's Motion for Leave to File First Amended Prohibited Practice Complaint and (2) Complainant's Motion to Enlarge Time to File Memorandum in Opposition to Respondent's Motion for Summary Judgment and Motion to Dismiss with the Board.

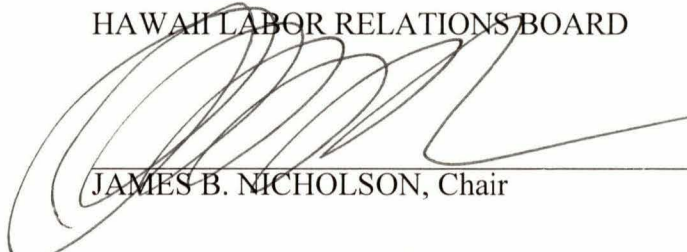
On August 19, 2008, the Board conducted a hearing on MUSTO's motion to amend complaint. Respondent's counsel, inter alia, stipulated to the amendment of the complaint.

Based on the foregoing stipulation, the Board hereby grants Complainant's motion for leave to file a First Amended Prohibited Practice Complaint pursuant to Hawaii Administrative Rules § 12-42-43.<sup>1</sup>

Complainant shall forthwith file its First Amended Prohibited Practice Complaint with the Board. The Board will thereupon issue a Notice to Respondent of the First Amended Prohibited Practice Complaint.


DATED: Honolulu, Hawaii \_\_\_\_\_ August 19, 2008 \_\_\_\_\_.

HAWAII LABOR RELATIONS BOARD



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JAMES B. NICHOLSON, Chair



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EMORY J. SPRINGER, Member



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SARAH R. HIRAKAMI, Member

Copies sent to:

Wade C. Zukeran, Esq.  
Gregory M. Sato, Esq.

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<sup>1</sup>Hawaii Administrative Rules § 12-42-43 provides as follows:

Any complaint may be amended in the discretion of the board at any time prior to the issuance of a final order thereon.