

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

VOLCANO SCHOOL OF ARTS AND  
SCIENCE: A HAWAII NEW CENTURY  
PUBLIC CHARTER SCHOOL (the  
“School”) by way of its Local School Board  
 (“LSB”), State of Hawaii,

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,  
Local 646, AFL-CIO; and DAYTON M.  
NAKANELUA, State Director, United Public  
Workers, AFSCME, Local 646, AFL-CIO,

Respondents.

CASE NOS. CU-01-310

ORDER NO. 2988

ORDER GRANTING RESPONDENTS’  
MOTION TO DISMISS COMPLAINT

ORDER GRANTING RESPONDENTS’ MOTION TO DISMISS COMPLAINT

On May 12, 2014, Respondents UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO, and DAYTON NAKANELUA (collectively Respondents or UPW) filed their Motion to Dismiss Complaint pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(B) and Hawaii Revised Statutes (HRS) § 89-5(i)(3), on the grounds that the “controversy” in this case has been rendered moot by a settlement agreement entered into by the parties on or about November 6, 2013.

On May 16, 2014, Complainant VOLCANO SCHOOL OF ARTS AND SCIENCE: A NEW CENTURY PUBLIC CHARTER SCHOOL (“the School”) by way of its Local School Board (“LSB”), State of Hawaii (Complainant) filed its Statement of No Opposition to UPW’s Motion to Dismiss Complaint.

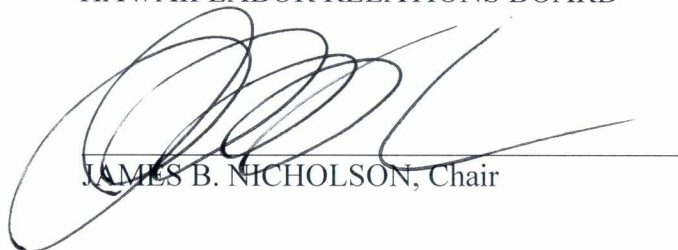
Based upon the Respondents’ Motion to Dismiss Complaint, and Complainant’s statement of no opposition thereto, the Board finds that there is no longer a live

controversy between the parties, and therefore the Board holds that the Complaint should be dismissed. Kona Old Hawaiian Trails Group v. Lyman, 69 Haw. 81, 87, 734 P.2d 161, 165 (1987) (“A case is moot if it has lost its character as a present, live controversy”).

IT IS HEREBY ORDERED that the instant Complaint is dismissed.

DATED: Honolulu, Hawaii, May 20, 2014.

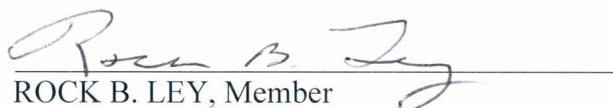
HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Herbert R. Takahashi, Esq.  
Richard H. Thomason, Deputy Attorney General