

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

KE KULA O`SAMUEL M. KAMAKAU
LABORATORY PUBLIC CHARTER
SCHOOL, STATE OF HAWAII by way
of its Local School Board ("LSB"),

Complainant,

and

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

Respondents.

CASE NO. CU-01-311

ORDER NO. 3002

ORDER GRANTING COMPLAINANT'S
MOTION TO DISMISS COMPLAINT
FILED DECEMBER 22, 2011

ORDER GRANTING COMPLAINANT'S MOTION TO
DISMISS COMPLAINT FILED DECEMBER 22, 2011

On May 29, 2014, Complainant KE KULA O`SAMUEL M. KAMAKAU LABORATORY PUBLIC CHARTER SCHOOL, State of Hawai`i by way of its Local School Board (Complainant or LSB), by and through its attorney, filed Complainant's Motion to Dismiss Prohibited Practice Complaint filed December 22, 2011 (Motion) with the Hawaii Labor Relations Board (Board) in accordance with Hawai`i Labor Relations Board Rules of Practice and Procedure, § 12-42-8 and made pursuant to Rules 7, 12 and 81 of the Hawai`i Rules of Civil Procedure, and the Memorandum in Support. Complainant stated that "The underlying grievances leading up to the filing of the instant complaint have been withdrawn, making it appropriate to dismiss this matter."

On June 3, 2014, Respondents UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO and DAYTON NAKANELUA, State Director, United Public Workers, AFSCME, Local 646, AFL-CIO (Respondents), by and through their attorney,

filed Respondents' Statement of No Opposition to Motion to Dismiss Prohibited Practice Complaint filed on May 29, 2014.

Based upon Complainant's Motion and Respondents' response 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, June 30, 2014.

HAWAII LABOR RELATIONS BOARD



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

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