



**EFiled: Dec 29 2014 01:47PM HAST**  
**Transaction ID 56527585**  
**Case No. CE-05-773**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS  
ASSOCIATION,

Complainant,

and

DR. LIELA NITTA, Principal, Ele‘ele  
Elementary School, Department of  
Education, State of Hawaii; KATHRYN  
MATAYOSHI, Superintendent, Department  
of Education, State of Hawaii; BOARD OF  
EDUCATION, Department of Education,  
State of Hawaii; LINDA LINGLE,  
Governor, State of Hawaii, and STATE OF  
HAWAII,

Respondents.

CASE NO. CE-05-773

ORDER NO. 3038

ORDER GRANTING IN PART  
AND DENYING IN PART  
HSTA’S MOTION TO  
WITHDRAW COMPLAINT  
WITHOUT PREJUDICE

ORDER GRANTING IN PART AND DENYING IN PART HSTA’S  
MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

On December 8, 2014, the HAWAII STATE TEACHERS ASSOCIATION, (Complainant or HSTA) by and through its attorney Rebecca L. Covert, Esq., filed HSTA’S MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE, (Motion) with the Hawaii Labor Relations Board (Board), pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3).

On December 15, 2014, Respondents DR. LIELA NITTA, Principal, Ele‘ele Elementary School, Department of Education, State of Hawaii; KATHRYN MATAYOSHI, Superintendent, Department of Education, State of Hawaii; BOARD

OF EDUCATION, Department of Education, State of Hawaii; LINDA LINGLE, Governor, State of Hawaii, and STATE OF HAWAII (collectively Respondents), by and through their attorneys, Russell A. Suzuki, Attorney General, State of Hawaii, and Deputy Attorneys General James E. Halvorson and Julian T. White, filed RESPONDENTS' RESPONSE TO UPW'S [sic] MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE (Response). Respondents stated that they did not have any objection to the withdrawal of the complaint; however, Respondents requested that the complaint be withdrawn with prejudice as opposed to without prejudice.

Respondents argue that, as part of its motion, UPW's [sic] counsel submitted a Declaration of Wilbert Holck, stating, in relevant part, that the instant matter is now moot or no longer necessary and the complaint in this matter should be withdrawn. Since the claims in the complaint have been rendered moot, the complaint should be withdrawn with prejudice, i.e., the case closed with finality.

HAR § 12-42-44 provides that, "Any complaint may be withdrawn at any time prior to the issuance of a final decision and order thereon, upon motion and consent of the Board. Whenever the board approves withdrawal of such complaint, the case shall be closed." Based upon a review of the record and consideration of the instant motion, the Board hereby GRANTS IN PART and DENIES IN PART the HSTA's Motion.

ORDER

The Board HEREBY ORDERS that the instant case is withdrawn with prejudice and the case is closed.


DATED: Honolulu, Hawaii, December 29, 2014.

HAWAII LABOR RELATIONS BOARD



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JAMES B. NICHOLSON, Chair

  
ROCK B. LEY, Member

Copies sent to:

Rebecca L. Covert, Esq.

James E. Halvorson, Supervising Deputy Attorney General

Julian T. White, Deputy Attorney General

CE-05-773 – HSTA and LIELA NITTA, et al – Order Granting in Part and Denying in Part HSTA’s Motion to Withdraw Complaint without Prejudice.

Order No.