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Case No. 15-01-CU, 15-02-CE

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

JEFFREY FERNANDEZ,

Complainant,

and

INTERNATIONAL LONGSHORE AND
WAREHOUSE, UNION LOCAL 142, Maui
Division; and HAWAIIAN COMMERCIAL
AND SUGAR COMPANY,

Respondents.

CASE NOS. 15-01(CU)
15-02(CE)

ORDER NO. 3138

ORDER GRANTING (1) RESPONDENT
HAWAIIAN COMMERCIAL AND SUGAR
COMPANY'S MOTION TO DISMISS OR
IN THE ALTERNATIVE FOR SUMMARY
JUDGMENT DATED OCTOBER 5, 2015,
AND (2) INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION, LOCAL 142,
MAUI DIVISION'S MOTION TO DISMISS
COMPLAINT DATED OCTOBER 5, 2015.

ORDER GRANTING ORDER GRANTING (1) RESPONDENT
HAWAIIAN COMMERCIAL AND SUGAR COMPANY'S MOTION TO
DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT DATED OCTOBER
5, 2015, AND (2) INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL
142, MAUI DIVISION'S MOTION TO DISMISS COMPLAINT DATED OCTOBER 5, 2015

On October 5, 2015, Respondent HAWAIIAN COMMERCIAL AND SUGAR
COMPANY (HC&S) filed its Motion to Dismiss or in the Alternative for Summary Judgment,
together with its Memorandum in Support of Motion, Declaration of Patrick H. Jones, Exhibits 1
– 2, Declaration of Keith Goto and Exhibits A – I (collectively called HC&S's Motion to Dismiss).

On October 5, 2015, Respondent INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 142, MAUI DIVISION (ILWU) filed its Motion to Dismiss
Complaint, together with its Memorandum in Support of Motion, a copy of the Declaration of
Michael Murata, Exhibits 1 through 7, Declaration of Daniel Martinez, Exhibit 8, Declaration of
David Bradley Russell, and Exhibits 9 through 12 (collectively called ILWU's Motion to Dismiss).
The HC&S Motion to Dismiss and the ILWU Motion to Dismiss are sometimes jointly referred to
herein as the "HC&S and ILWU Motions to Dismiss."

The Hawaii Labor Relations Board (Board) scheduled oral arguments for the HC&S and
ILWU Motions to Dismiss for November 2, 2015. On October 20, 2015, Complainant JEFFREY

FERNANDEZ (Complainant), *pro se*, filed with the Board a letter dated October 19, 2015, requesting extensions of the deadlines and hearing date. Complainant's letter asked for the extension so that he would have more time to obtain a lawyer to represent him in this matter. In Order No. 3110, the Board granted in part and denied in part Complainant's request, and the hearing on the HC&S Motion to Dismiss and the ILWU Motion to Dismiss were continued to January 11, 2016 at 9:00 a.m. in the Board's hearing room. Order No. 3110 also set a deadline of December 21, 2015 for Complainant to file his response or opposition to the HC&S and ILWU Motions to Dismiss.

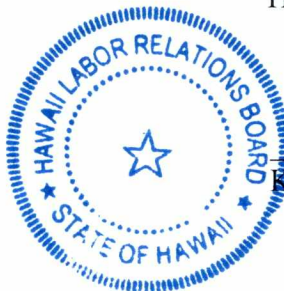
Complainant failed to file any response or opposition to the HC&S and ILWU Motions to Dismiss.

On January 11, 2016, Herbert R. Takahashi and Patrick H. Jones appeared before the Board for the arguments on both motions on behalf of their respective clients, ILWU and HC&S, respectively. Complainant failed to appear before the Board and Complainant did not call into the Board to participate telephonically in the arguments on both motions. The Board's staff called Complainant by telephone and contact was made with him. Complainant asked the Board's staff to relay to the Board a message that (i) Complainant did not want to participate in the oral arguments on the HC&S and ILWU Motions to Dismiss, and (ii) Complainant does not want to pursue his claims in his unfair labor practice complaint filed with the Board on September 9, 2015. Although the Board's staff requested that Complainant's telephone link be transferred to the Board's hearing room so that he could explain for himself his position and message to the Board, Complainant refused to do so.

Based on a review of the record, Complainant's failure to oppose and defend against the HC&S and ILWU Motions to Dismiss and Complainant's desire not to prosecute his claims against both HC&S and the Union in this action, the Board grants the HC&S Motion to Dismiss and the ILWU Motion to Dismiss, and orders that this case be closed.

DATED: Honolulu, Hawaii, January 15, 2016.

HAWAII LABOR RELATIONS BOARD




KERRY M. KOMATSUBARA, Chair

JEFFREY FERNANDEZ v. ILWU, et al.

CASE NOS. 15-01(CU), 15-02(CE)

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COMPLAINT DATED OCTOBER 5, 2015.

ORDER NO. 3138

EXCUSED

SESNITA A.D. MOEPONO, Member


ROCK B. LEY, Member

Copies sent to:

Herbert R. Takahashi, Esq.

Patrick H. Jones, Esq.

Jeffrey Fernandez, Pro Se Complainant