



EFiled: Dec 28 2017 07:36AM HAST
Transaction ID 61507552
Case No. CE-10-753

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant,

and

DR. CHIYOME FUKINO, Director,
Department of Health, State of Hawaii; and
MARIE LADERTA, Director, Department of
Human Resources Development, State of
Hawaii,

Respondents.

CASE NO. CE-10-753

ORDER NO. 3313

SUPPLEMENTAL ORDER GRANTING
ATTORNEY'S FEES

SUPPLEMENTAL ORDER GRANTING ATTORNEY'S FEES

On December 22, 2017, the Hawaii Labor Relations Board (Board) issued Order No. 3312, granting the Complainant UPW MOTION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF HERBERT TAKAHASHI; DECLARATION OF REBECCA L. COVERT; EXHIBITS 28 THROUGH 36; CERTIFICATE OF SERVICE (Motion for Fees and Costs).

Order No. 3312, stated in part:

Respondents shall remit to the Complainant the following amounts:

- a. The total amount of attorney's fees being requested is 27 hours x \$300.00 equals \$8,100.00 multiplied by 4.712% percent (tax) (\$381.67) for a total of **\$8,481.67**.*

Order No. 3312 did not include the attorney fees listed in the DECLARATION OF REBECCA L. COVERT (Covert Declaration), which was included in support of the Complainant's Motion for Fees and Costs. The Covert Declaration states:

*The amount of attorney's fees being requested is 14 hours x \$280.00 equals \$3,920.00 multiplied by 4.712 percent (tax) (\$184.71) for a total of **\$4,104.71**.*

The Board finds that the \$280.00/hour rate used to calculate the attorney's fees in the Covert Declaration is reasonable. The hours spent in preparing and presenting the case are accompanied by detailed descriptions of time, dates, hours, and verifying documents. The equation used in the calculation of the total cost for attorney's fees, including State Excise taxes, are accurate. Therefore, the **Board Orders** that additional attorney's fees in the amount of **\$4,104.71** be granted to the Complainant.

On September 6, 2017, Respondents filed RESPONDENTS' STATUS REPORT OF THE STEPS TAKEN TO COMPLY WITH BOARD ORDER **NO. 3282**, DATED AUGUST 8, 2017 (emphasis added). The Status Report states in part:

The Respondents have submitted the request for payment to pay the UPW's attorney's fees and costs in a total amount of \$14,024.74, the request has been approved by the Attorney General, and the Respondents will provide the Board with written confirmation when the payment is completed.

The steps Respondents took to reimburse Complainant for attorney's fees and costs **preceded the issuance** of Board Order No. 3312 and this Supplemental Order. However, the total payment amount of \$14,024.74 is equal to the total for attorney's fees and costs contained in Board Order No. 3312 and this Supplemental order.

This case is now closed.

DATED: Honolulu, Hawaii, Dec. 28, 2017.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, CHAIR



SESNITA A.D. MOEPONO, MEMBER



J.N. MUSTO, MEMBER

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