

STATE OF HAWAII
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of)
)
HAROLD BOTELHO and STATE) Case No. CE-12-55
OF HAWAII ORGANIZATION OF)
POLICE OFFICERS (SHOPO),)
) Order No. 417
Complainants,)
)
and)
)
FRANK F. FASI, Mayor of)
the City and County of)
Honolulu,)
)
Respondent.)
_____)

ORDER GRANTING LEAVE TO WITHDRAW
AMENDED PETITION FOR INVESTIGATION,
APPLICATION FOR ATTORNEYS' FEES
AND APPLICATION FOR TAKING DEPOSITION
UPON ORAL EXAMINATION

On June 13, 1980, the Complainants Harold Botelho and State of Hawaii Organization of Police Officers (hereinafter Complainants), filed a complaint in the above-referenced prohibited practice case.

Subsequently, the Complainants filed an Application for Attorneys' Fees on February 3, 1981.

On March 6, 1981, Complainants filed a Request For Leave to File an Amended Petition for Investigation of Respondent's Refusal to Comply with HPERB Decision No. 128.

On April 8, 1981, the Complainants also filed Applications For Taking Deposition Upon Oral Examination And For Issuance of Subpoena Duces Tecum (hereinafter Applications for Depositions) directed to Wallace Kunioka, Director of the Department of Civil Service and to Andrew Murakami, Assistant Chief of Employee Services, Department of Civil Service, City and County of Honolulu.

Objections to Complainants' Applications for Taking Depositions were filed by Frank F. Fasi, Mayor of the City and County of Honolulu (hereinafter City), on April 15, 1981.

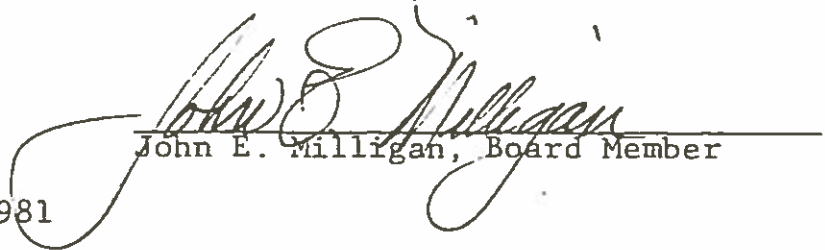
On July 7, 1981, the Complainants moved for an order granting leave to withdraw all of the above-stated pleadings for the reason that the parties entered into an agreement settling the above-captioned prohibited practice case on May 19, 1981. The City signed a written statement that it had no objections to the motion for leave to withdraw.

The Board grants the Complainants' motion in part and denies the motion in part. The Board denies the portion of the Complainants' motion requesting withdrawal of the Respondents' Objection to Complainants' Application for Taking Depositions for the reason that the Objection should be withdrawn by the party filing the Objection. In all other respects, the Complainants' motion is hereby granted. Accordingly, the Amended Petition, the Application for Attorneys' Fees and the Applications For Taking Depositions are withdrawn.

HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD


Mack H. Hamada, Chairman


James K. Clark, Board Member


John E. Milligan, Board Member

Dated: July 15, 1981

Honolulu, Hawaii