

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-13-103
)	
HAWAII GOVERNMENT EMPLOYEES)	ORDER NO. 585
ASSOCIATION, AFSCME LOCAL 152,)	
AFL-CIO,)	ORDER GRANTING, IN PART,
)	AND DENYING, IN PART,
Complainant,)	RESPONDENT'S MOTION FOR
)	PARTICULARIZATION OF
and)	COMPLAINT
)	
FRANK F. FASI, Mayor, City and)	
County of Honolulu,)	
)	
Respondent.)	
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ORDER GRANTING, IN PART, AND DENYING, IN PART,
RESPONDENT'S MOTION FOR PARTICULARIZATION OF COMPLAINT

On February 18, 1986, Respondent FRANK F. FASI, Mayor, City and County of Honolulu [hereinafter referred to as Respondent], by and through his attorneys, filed with this Board a Motion for Particularization of Complaint, together with a supporting affidavit.

Respondent states that the complaint filed in this case is not in compliance with the forms and procedures set forth in Rule 10(b), Hawaii Rules of Civil Procedure. Respondent further states that he is unable to ascertain from the broad statement contained therein the exact nature of the claim being asserted against the City and County of Honolulu, with sufficient precision to prepare a definitive response.

Upon the examination of the complaint in this case, the Board believes it is in conformance with Administrative Rules

§ 12-42-42. The Board further believes that the complaint is reasonably clear in stating that the event giving rise to the prohibited practice charge was Respondent's alleged refusal of Complainant's request for information. Setting forth this claim in separate numbered paragraphs as suggested would be a meaningless exercise.

However, the Board believes that the complaint should state specifically what information was requested and refused. Therefore, Respondent's Motion for Particularization is granted, in part and denied, in part.

The Board hereby directs the above-named Complainant to file with this Board the original and five (5) copies of the requested particularization, with proof of service upon the Respondent, no later than 4:30 p.m. of the fifth working day after service of this order. The Particularization shall specify the information which was requested by Complainant and which was refused.

If Complainant fails to file and serve the Particularization in a timely manner, the Board shall dismiss the subject Prohibited Practice Complaint.

Respondent is directed to file with this Board the original and five (5) copies of the Answer, with proof of service upon Complainant, no later than 4:30 p.m. of the fifth working day after service of Complainant's Particularization. Failure by Respondent to file his answer in a timely manner shall constitute an admission of the material facts alleged in the Complaint and Particularization and a waiver of a hearing.

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME LOCAL 152,
AFL-CIO and FRANK F. FASI, Mayor, City and County of Honolulu
CASE NO. CE-13-103
ORDER NO. 585
ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT'S
MOTION FOR PARTICULARIZATION OF COMPLAINT

DATED: Honolulu, Hawaii, February 21, 1986.

HAWAII LABOR RELATIONS BOARD


MACK H. HAMADA, Chairperson


JAMES K. CLARK, Board Member


JAMES R. CARRAS, Board Member

Copies sent to:

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Burt T. Lau, Deputy Corporation Counsel
Joyce Najita, IRC