

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CE-10-146
)	
UNITED PUBLIC WORKERS, AFSCME,)	ORDER NO. 819
LOCAL 646, AFL-CIO,)	
)	
Complainant,)	ORDER DENYING RESPONDENTS'
)	APPLICATION FOR TAKING
and)	DEPOSITIONS UPON ORAL
)	EXAMINATION AND FOR
FRANK F. FASI, Mayor of the)	ISSUANCE OF SUBPOENAS AND
City and County of Honolulu,)	SUBPOENA DUCES TECUM
and DEPARTMENT OF HEALTH,)	
City and County of Honolulu,)	
)	
Respondents.)	
_____)	

ORDER DENYING RESPONDENTS' APPLICATION FOR
TAKING DEPOSITIONS UPON ORAL EXAMINATION AND
FOR ISSUANCE OF SUBPOENAS AND SUBPOENA DUCES TECUM

On December 11, 1990, Respondents FRANK F. FASI, Mayor of the City and County of Honolulu and the DEPARTMENT OF HEALTH, City and County of Honolulu, filed an Application for Taking Depositions Upon Oral Examination and for Issuance of Subpoenas and Subpoena Duces Tecum. By the Application, Respondents requested leave of this Board to take the depositions of Tommy Palmeira, Patricia Kelford and Belinda Lee, and to require Belinda Lee to bring with her any and all documents described in Respondents' subpoena. The affidavit of counsel for Respondents states that he believes that the above-named individuals have information which is relevant, or, if not

relevant, information which will establish certain facts concerning the allegations made in this case.

On December 18, 1990, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, by its representative, filed a Memorandum in Opposition to Respondents' Application for Taking Depositions Upon Oral Examination and for Issuance of Subpoenas and Subpoena Duces Tecum. Complainant argues that Respondents have failed to show good cause why the subject application should be granted. Complainant also argues that the granting of such application would unduly prolong the proceedings scheduled for January 10, 1991. Further, Complainant argues that Respondents have not shown good cause why the documents described in Respondents' subpoena are needed.

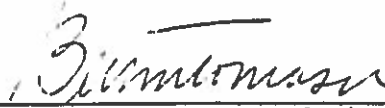
On December 31, 1990, Respondents filed a Response to Complainant's memorandum.

After reviewing the written submissions by the parties and upon consideration of the written arguments presented, the Board hereby denies Respondents' Application to Take Depositions Upon Oral Examination and for Issuance of Subpoenas and Subpoena Duces Tecum because Respondents have failed to establish good cause to grant its Application. Further, the Board believes that such discovery, if granted, would unduly delay and prolong the proceedings.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. FRANK F.
FASI AND DEPARTMENT OF HEALTH; CASE NO. CE-10-146
ORDER NO. 819
ORDER DENYING RESPONDENTS' APPLICATION FOR TAKING DEPOSITIONS
UPON ORAL EXAMINATION AND FOR ISSUANCE OF SUBPOENAS AND
SUBPOENA DUCES TECUM

DATED: Honolulu, Hawaii, January 10, 1991.

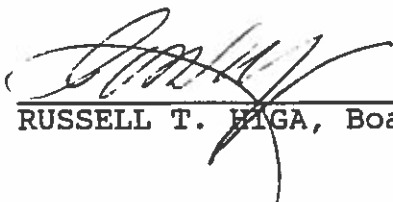
HAWAII LABOR RELATIONS BOARD



BERT M. TOMASU, Chairperson



GERALD K. MACHIDA, Board Member



RUSSELL T. HIGA, Board Member

Copies sent to

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